

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held October 27, 1988

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Linda C. Taliaferro
Joseph Rhodes, Jr.
Frank Fischl

Application of Perfetti Trucking, Inc.,
a corporation of the Commonwealth of
Pennsylvania, (formerly John D. Perfetti)
for amendment to its common carrier
certificate, which grants the right,
inter alia, to transport, by motor vehicle,
property for Standard Steel Company
between points in Pennsylvania; subject
to the following condition: That no
right, power or privilege is granted to
transport in bulk in dump vehicles: SO AS
TO PERMIT the transportation of iron and
steel and iron and steel articles and
products (excluding commodities in bulk),
between points in that part of Pennsyl-
vania on and west of U.S. Highway Route 15,
and from points in said territory to
points in that part of Pennsylvania on and
east of U.S. Highway Route 15, and vice
versa.

A-00108024
F. 2
(formerly
A-00100255
F. 2, Am-A)

William A. Gray for the applicant.
Kenneth A. Olsen for SMP, Inc.
Rex W. McQuaide for W. C. McQuaide, Inc.
David M. O'Boyle for W. H. Fitzgerald, Inc.
Sally A. Davoren for Dunlo Transfer Co.
John A. Pillar for Moore-Flesher Trucking Company, Inc., W. D. Kerr &
Sons, Inc., Gateway Trucking, Inc., Klapec Trucking Company,
Eaborn Truck Service, Inc., Reinsfelder, Inc., and Haser
Trucking, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 26, 1987. Public notice of the application was given in the Pennsylvania Bulletin of February 21, 1987. Protests were filed by SMP, Inc., W. C. McQuaide, Inc., W. H. Fitzgerald, Inc., Moore-Flesher Trucking Company, Inc., W. D. Kerr & Sons, Inc., Gateway Trucking, Inc., Klapec Trucking Company, Eaborn Truck Service, Inc., Reinsfelder, Inc., and Haser Trucking, Inc. All protests were withdrawn when the application was amended to limit service "for" 13 specific shippers. The application was further amended to exclude service between points in Warren County and from points in Warren County to points in Pennsylvania, and vice versa; exclude service to or from the facilities of J & L Specialty Steel, Inc. and Jones & Laughlin Steel Corp.; and finally to exclude the transportation of commodities which because of size or weight require special handling or the use of special equipment or which require a permit from the Department of Transportation of the Commonwealth of Pennsylvania.

The now unopposed application, as amended, is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and each of the 13 named shippers.

DISCUSSION AND FINDINGS

The applicant is not affiliated with any other carriers. It operates from facilities at R.D. #4, Blairsville, Indiana County. This facility is adequate for maintaining and repairing all equipment used by the applicant. It currently has 15 tractors and 92 flatbed trailers in its fleet. In addition to equipment owned by the corporation, it presently leases 40 tractors and 32 flatbed trailers from owner-operators. The applicant conducts a safety program in accordance with federal and state regulations and all equipment is maintained on a routine basis. Should the application be approved, as amended, the applicant proposes to provide scheduled pick-up and delivery service as well as short notice pick-up and delivery service. Service will be available on Saturdays, Sundays and holidays upon request.

Forbes Steel & Wire Corporation, Canonsburg, is a manufacturer of wire and fence which will utilize the applicant's service from Canonsburg to points in eastern Pennsylvania.

Valley Vulcan Mold Co., Latrobe, manufactures iron castings. It will require the transportation of cast iron, ingot molds, stools, sprue plates and related articles. Shipment will originate at Latrobe destined to points within western Pennsylvania.

Washington Tool & Machine Co., Inc., Washington, machines and repairs castings and forgings. It expects to use the applicant for six intrastate shipments per month within the application territory. Shipments will originate at Washington destined to points such as Fairless Hills, Burnham, Reading, Erie and New Castle.

Triple S Steel, Inc., Wilkes-Barre, is a steel service center which requires the transportation of carbon steel sheets. Shipments originate at the facilities in Wilkes-Barre destined to points such as Pittsburgh, Erie, Lewistown, Washington and Butler. In addition to outbound shipments, it will use the applicant for inbound service.

Borco Manufacturing Co., Inc., Johnstown, manufactures and sells trailers. Should the application be granted, it will require Perfetti Trucking to transport trailers utilizing its tractors to tow the trailer. It expects to use the applicant for five intrastate movements each month. Shipments will originate at Johnstown destined to various points within the application territory.

A. C. Miller Concrete Products, Inc., Blairsville, is in the precast concrete and rebar iron and steel business. It will request the applicant to transport underground manholes and valve pits. Flatbed trailers are required for the transportation of this material which the applicant has in its fleet. Approximately five intrastate shipments will be tendered per month within this application territory.

Curry Supply Co., Inc., Curryville, buys and sells used trucks and equipment. It will request the applicant to transport used equipment, iron skidders, small bulldozers which are transported on flatbed trailers. Shipments originate at the facilities in Curryville destined to such points as Wilkes-Barre, Harrisburg, Pittsburgh, York, Philadelphia, Lewistown, Ridgeway and Bradford. It also has inbound shipments from these same points.

FMC Corporation, Homer City, manufactures and sells machinery. It will use the applicant to transport miscellaneous commodities used in the manufacturing of machinery and finished machinery. Five interstate shipments will be tendered each month within the application territory. It has facilities at Homer City and Blairsville and ships to various points within the application territory.

Diamond Manufacturing Corp., West Wyoming, remanufactures iron and steel items. It will tender steel coils, sheets and other steel materials for transportation. Shipments originate at facilities in West Wyoming destined to such points as Pittsburgh, New Castle, Washington, Punxsutawney and Meadville.

C. C. Korns Company manufactures malleable iron conduit supports for electrical wiring. Shipments originate at facilities located at Johnstown destined to points such as Pittsburgh, Philadelphia, Mehoopany and Verona.

Lynx, Inc., Latrobe, is a machine shop requiring the transportation of used machinery on flatbed trailers. Shipments originate at the Latrobe facility destined to points such as York, Harrisburg, Meadville, Pittsburgh, Erie, Johnstown and Burnham.

Borco Equipment Co., Johnstown, sells trailers. It will require the applicant to transport dump trailers on flatbed trucks. It anticipates

using the applicant for approximately five shipments per month within the application territory.

Balco, Inc., Blairsville, manufactures underground mine locomotives. Perfetti Trucking, Inc., will be requested to transport mine locomotives on flatbed vehicles. One shipment per month will be tendered to the applicant within the proposed territory. Shipments originate at Blairsville destined to such points as Elderton, Shelocta, Seward and Homer City. It also has inbound shipments from these same points.

The successor to the applicant corporation, John D. Perfetti, is an established carrier within Pennsylvania experienced in transporting iron and steel, iron and steel articles and products. The sole proprietorship of John D. Perfetti has incorporated and now operates under the corporate entity Perfetti Trucking, Inc. During the course of this proceeding, a petition was granted by the Administrative Law Judge Robert Meehan to have this application considered under the corporate entity Perfetti Trucking, Inc. This application was originally docketed to John D. Perfetti at A-00100255, F. 2, Am-A. So there is no confusion in this regard, the proceeding is now redocketed at A-00108024, F. 2, and all files will reflect this new docket number.

Upon review of the record, we determine that the applicant has the necessary flatbed equipment, the experience and personnel necessary to properly render the amended service for the 13 shippers named in the application. The application was amended to limit service for the shippers to secure the withdrawal of 11 protestants. Each of the 13 named shippers have entered a supporting verified statement and we find this representative of desire of the shippers to use the applicant's service and that there is a need for the service proposed.

We find:

1. The applicant, through the support of its 13 named shippers, has established a need for the proposed service, as amended.
2. Approval of the application, as amended, is necessary for the accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved granting the following additional right:

To transport, as a Class D carrier, iron and steel, iron and steel articles and products, for Forbes Steel & Wire Corporation; Valley Vulcan Mold Co.; Washington Tool & Machine Co., Inc.; Triple S Steel, Inc.; Borco Manufacturing Co., Inc.; A. C. Miller Concrete Products, Inc.; Curry Supply Co., Inc.; FMC Corporation; Diamond Manufacturing Corp.; C. C. Korns Company; Lynx, Inc.; Borco Equipment Co. and Balco, Inc., between points in that part of Pennsylvania on and west of

U.S. Highway Route 15 and from points in the said territory to points in that part of Pennsylvania on and east of U.S. Highway Route 15, and vice versa.

subject to the following conditions:

1. That no right, power or privilege is granted to transport commodities in bulk.
2. That no right, power or privilege is granted to provide service between points in the county of Warren and from points in the county of Warren to points in Pennsylvania, and vice versa.
3. That no right, power or privilege is granted to provide service to or from the facilities of J & L Specialty Steel, Inc. and Jones & Laughlin Steel Corp.
4. That no right, power or privilege is granted to transport commodities which because of size or weight, requires special handling and the use of special equipment such as winch trucks or tractors, pole or extendible trailers or carry-alls, or which require a permit from the Department of Transportation of the Commonwealth of Pennsylvania.

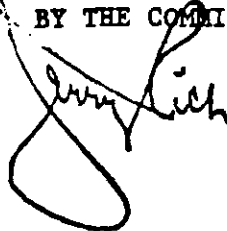
IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

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

IT IS FURTHER ORDERED: That all Commission records in this matter which was originally docketed at A-00100255, F. 2, Am-A, will now reflect the new docket number A-00108024, F. 2.

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

BY THE COMMISSION,

A handwritten signature in dark ink, appearing to read "Jerry Rich", is written over the printed name. The signature is stylized with a large, looping initial "J" and a trailing flourish.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: October 27, 1988

ORDER ENTERED: November 2, 1988

Application of ALLEGHENY PLANT SERVICES, INC., a
corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of ALLEGHENY PLANT SERVICES, INC., a corporation of the Commonwealth of Pennsylvania, dated December 24, 1969, to operate motor vehicles as a common carrier, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by STEEL VALLEY INDUSTRIAL SERVICES, INC., a corporation of the State of Delaware, under report and order issued at A. 90157, Folder 2 on July 22, 1963, and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by ALLEGHENY PLANT SERVICES, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application, limited to the following right:

To transport, as a Class D carrier, property
between points in the county of Allegheny;

and subject to the following conditions is necessary or proper
for the service, accommodation or convenience of the public:

FIRST: That the certificate holder is limited
and restricted to the operation of the
motor vehicles as named and described in the
Equipment Certificate to be subsequently issued.

SECOND: That the approval hereby given is not
to be understood as committing the
Commission, in any proceedings that may be
brought before it for any purpose, to fix a
valuation on the right to be acquired by
applicant from the present certificate holder
equal to the consideration to be paid therefor,
or equal to any value that may be placed thereon
by applicant, or to approve or prescribe rates
sufficient to yield a return thereon.

RECORD
FOLDER

DOCKETED
APPLICATION DOCKET
MAY 5 - 1970
ENTRY No. <u>2</u>

A. 95745

THIRD: That applicant shall not record in its utility accounts any amount representing the right herein granted, in excess of the actual cost of such right to the original holder thereof.

FOURTH: That the applicant charge to Account 1550, Other Intangible Property, \$17,500, being the amount of the consideration payable by it for the rights and going concern value attributable thereto, less any amount recorded under condition 2 above.

FIFTH: That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate;

NOW, to wit, April 27, 1970, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

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

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

George L. Bloom

Chairman

John L. ...

Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Application of Allegheny Plant Services, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, to transport, by motor vehicle, property between points in the county of Allegheny: SO AS TO PERMIT the transportation of iron and steel, iron and steel articles and products, and such materials, supplies and equipment, used or useful in the production, assembly and distribution of iron and steel, and iron and steel articles and products (1) from the facilities of United States Steel Corporation located in the county of Allegheny, the borough of Vandergrift, Westmoreland County, and the township of Falls, Bucks County, to points in Pennsylvania, and vice versa; and (2) from the facilities of United States Steel Supply Company located in the city of Pittsburgh, Allegheny County, to points in Pennsylvania, and vice versa.

A-00095745,
F. 1, Am-A

O R D E R

In accordance with the provisions of Act 294 of 1978 (66 Pa.C.S. §332(h)), the decision of Administrative Law Judge John K. Clements dated July 11, 1985 has become final without further Commission action; THEREFORE,

IT IS ORDERED:

1. That the application of Allegheny Plant Services, Inc. at A. 95745, F. 1, Am-A, be and is hereby approved and that the certificate issued at A. 95745, be amended to include the following rights:

To transport, as a Class D carrier, iron and steel, iron and steel articles and products, and such materials, supplies and equipment used or useful in the production, assembly and distribution of iron and steel, and iron and steel articles and products;

(1) From the facilities of United States Steel Corporation located in the county of Allegheny, the borough of Vandergrift, Westmoreland County, and the township of Falls, Bucks County, to points in Pennsylvania, and vice versa; and

(2) From the facilities of United States Steel Supply Company located in the city of Pittsburgh, Allegheny County, to points in Pennsylvania, and vice versa.

Subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport limestone and limestone products from points in York County.

SECOND: That no right, power or privilege is granted to transport sand from the facilities of Pennsylvania Glass Sand Corporation in the Boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County.

THIRD: That no right, power or privilege is granted to transport property, in bulk, in dump, tank or hopper type vehicles.

FOURTH: That no right, power or privilege is granted to transport refractories, refractory products, and materials, equipment and supplies used in the production and installation of refractory and refractory products.

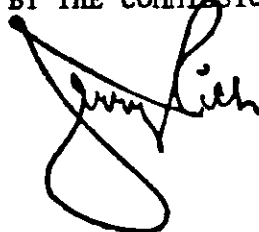
2. That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

3. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

4. That in the event said applicant has not, on or before 60 days from the date of service of this order, complied with the requirements set forth above, application shall be dismissed without further proceedings.

5. That the oral motion to withdraw the protest of DeBolt Transfer is approved.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a horizontal line.

Jerry Rich
Secretary

(SEAL)

ORDER ENTERED: August 16, 1985

JOHN F. SCOTT COMPANY

Docket No. A-00040021, F. 1

Issued: 1-22-40

To transport property, for the Mesta Machine Company, as a Class "D" carrier, from their plant in West Homestead, Allegheny County, to points within fifty (50) miles, by the usually traveled highways, of the limits thereof, and vice versa.

To transport property, in truckload lots for the Carnegie-Illinois Steel Co., as a Class "B" carrier, between its plants in the borough of Homestead and the cities of Duquesne and Clairton, Allegheny County.

To transport property, in truckload lots for the Carnegie-Illinois Steel Co., as a Class "D" carrier, from its plants in the borough of Homestead and the cities of Duquesne and Clairton, Allegheny County, to points within an air line radius of one hundred (100) miles of the borough of Homestead, Allegheny County.

To transport cement, gravel and plant supplies for the Universal Atlas Cement Company, as a Class "B" carrier, between points in the village of Universal, Allegheny County.

To transport cement, gravel and plant supplies for the Universal Atlas Cement Company, as a Class "D" carrier, from points in the village of Universal, Allegheny County, to the city of Pittsburgh and vice versa, excluding intermediate points.

To transport slag, for Duquesne Slag Products Company, as a Class "B" carrier, between points in the village of Universal, Allegheny County..

To transport slag, for the Duquesne Slag Products Company, as a Class "D" carrier, from points in the village of Universal, Allegheny County, to points within twenty-five (25) miles, by the usually traveled highways, of the limits of the said village, and vice versa.

To transport property, for the Union Railroad Company, as a Class "B" carrier, between points in the village of Universal, Allegheny County, and within five (5) miles by the usually traveled highways, of the limits of said village.

To transport property, for the Union Railroad Company, as a Class "B" carrier, between points in the village of Universal, Allegheny County and within five (5) miles by the usually traveled highways, of the limits of said village to plants of the Carnegie-Illinois Steel Company in the County of Allegheny.

To transport coal for domestic consumption, as a Class "D" carrier, from the Union Collieries Company in the villages of North Bessemer and Renton, Allegheny County, to points within twenty (20) miles, by the usually traveled highways, of the limits of the said villages.

Docket No. A-00040021, F. 1, Am-B

Issued: 6-30-52

To transport, as a Class "D" carrier, property from the following plants of the United States Steel Company (formerly known as the Carnegie-Illinois Steel Corporation): Homestead Steel Works in the boroughs of Homestead, Munhall and West Homestead, Allegheny County; Duquesne Steel Works in the city of Duquesne, Allegheny County; Clairton Steel Works in the city of Clairton, Allegheny County; and the Irvin Works in the borough of West Mifflin, Allegheny County, to points located within an air-line distance of one hundred (100) miles of 225 East Seventh Avenue in the borough of Homestead, Allegheny County, and vice versa, excluding service to and from the cities of Franklin and Oil City and the borough of Rouseville, Venango County.

Docket No. A-00040021, F. 1, Am-C

Issued: 12-7-59

To transport as a Class "D" carrier, lime, cement, brick, slag, stone and gravel-cinders, concrete block, and building materials such as are usually transported in dump trucks, between points in the borough of Wilmerding, Allegheny County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

Docket No. A-00040021, F. 1, Am-D

Issued: 9-19-72

To transport, as a Class "D" carrier, (1) iron and steel and iron and steel articles, and (2) materials necessary for the production of iron and steel, between the plants and facilities of the United States Steel Corporation located in the cities of Clairton, Duquesne, McKeesport and Pittsburgh, the boroughs of Braddock, Homestead, McKees Rocks, Munhall, Rankin, West Homestead and West Mifflin, Allegheny County; the borough of Ambridge, Beaver County; the borough of Ellwood City, Lawrence County; the city of Johnstown, Cambria County; and the borough of Vandergrift, Westmoreland County; and from said plants and facilities to points in Pennsylvania, and vice versa.

RESTRICTION: Except as presently authorized, no right, power or privilege is granted to transport commodities in bulk in tank or hopper-type vehicles or in dump vehicle.

Except as presently authorized, no right, power or privilege is granted to transport articles which, because of size or weight, require special handling or the use of special equipment such as winch trucks, lowboys, pole or extendible trailers.

Docket No. A-00040021, F. 1, Am-E

Issued: 9-21-78

To transport, as a Class "D" carrier, scrap steel for remelting purposes, except in bulk, in dump vehicles and which is unloaded by dumping, from points in the city of Philadelphia, Philadelphia County and points within an air-line distance of fifty (50) statute miles of the limits thereto to the city of Pittsburgh, Allegheny County and points within an air-line distance of fifty (50) statute miles of the limits thereof; subject to the following condition:

That no right, power or privilege is granted to render service from the facilities of Muller Lane Corporation t/d/b/a Simon Eastern Corporation in the township of Ontelaunee, Berks County.

Docket No. A-00040021, F. 2

Issued: 3-13-42

To transport, as a Class "C" carrier, steel in truckload lots from points in the borough of Homestead and within fifteen (15) miles by the usually traveled highways, of the limits of said borough to points within an air-line radius of forty (40) miles of the said borough, provided that the shipments originate at plants of the Carnegie-Illinois Steel Company in the borough of Homestead and cities of Duquesne and Clairton, Allegheny County, and that said shipments shall not be unloaded enroute from said plants to ultimate points of destination as herein authorized.

Docket No. A-00040021, F. 4

Issued: 3-16-53

To transport, as a Class "D" carrier, 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 and iron and steel articles and products from the property of United States Steel Company located in Falls Township, Bucks County, to points in Pennsylvania and vice versa; subject to the following condition:

That no right, power or privilege is granted to transport liquids in bulk, in tank vehicles.

Docket No. A-00040021, F. 5, Am-A

Issued: 8-19-63

To transport, as a Class D carrier, property from the plant of American Bridge Division of United States Steel Corporation located in the township of Hampden, Cumberland County, to points in Pennsylvania, and vice versa.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 25, 1979

Commissioners Present:

W. Wilson Goode, Chairman
Louis J. Carter
Michael Johnson

Application of Bulk Transportation Services,
Inc., for approval of the transfer to it of
all of the operating right held by Ray W. Kalp
at A. 64883.

A-00101351

O R D E R

BY THE COMMISSION:

By application docketed February 8, 1979, Bulk Transportation Services, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the right granted to Ray W. Kalp under the certificate issued at A. 64883.

We find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of right held by Ray W. Kalp at A. 64883 be approved and that a certificate be issued to the applicant granting the following right:

To transport, as a Class D carrier, coal, cinders, reddog, sludge, coke, coke ashes, boiler ashes, flyash, sand and gravel, in dump trucks, between points in the counties of Fayette, Westmoreland, Somerset, Washington, Cambria and Allegheny; excluding the transportation of commodities in hopper-type vehicles;

subject to the following conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the

right to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

2. That applicant shall not record in its utility accounts any amount representing the right herein granted, in excess of the actual cost of such right to the original holder thereof.
3. That the \$45,000 consideration paid by applicant for the right and going concern value of the business be capitalized by applicant in Account 1550 - Other Intangible Property or in the alternative be charged off against applicant's ownership equity less any amount recorded under condition 2 above; provided the latter is sufficient in amount to absorb said charge off.
4. That the operating authority granted herein to the extent that it duplicates any operating authority subsequently granted to applicant shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 202(e) of the Public Utility Law of May 28, 1937, P.L. 1053, as amended by Act No. 215 of October 7, 1976.

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

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

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1978 Annual Report of the transferor.

IT IS FURTHER ORDERED: That upon compliance with this order the right granted the transferor Ray W. Kalp at A. 64883 be cancelled and the record be marked closed.

BY THE COMMISSION,



William P. Thierfelder
Acting Secretary

(SEAL)

ORDER ADOPTED: April 25, 1979

ORDER ENTERED: MAY 7 1979

DART TRUCKING COMPANY, INC.
OPERATING AUTHORITY
DOCKET NO. A. 101191

FOLDER 2

(1) To transport, as a Class B carrier, electrical household appliances, crated or uncrated, between points in the City of Pittsburgh, Allegheny County, and within an airline distance of three (3) statute miles of the limits of the said city.

(2) To transport, as a Class D carrier, electrical household appliances, crated or uncrated, from points in the City of Pittsburgh, Allegheny County, and within an airline distance of three (3) statute miles of the said city to points in Allegheny County, and vice versa.

(3) To transport, as a Class D carrier, pianos, crated or uncrated, between points in the City of Pittsburgh, Allegheny County, and within seventy-five (75) miles, by the usually traveled highways, of the limits of the said city.

(4) To transport, as a Class D carrier, office equipment, crated or uncrated, for Remington Rand, Incorporated, from points in the City of Pittsburgh, Allegheny County, to points within fifty (50) miles by the usually traveled highways of the limits of the said city, and vice versa, excluding pick-up and delivery of goods on Highway Routes 22 and 80 east of the Allegheny County line.

(5) To transport, as a Class D carrier, coal, coke, and other solid fuels, contractors' supplies, and building materials and other commodities, such as are usually transported in dump trucks, between points in the City of Pittsburgh, Allegheny County, and within fifteen (15) miles, by the usually traveled highways, of the City-County Building in said city.

(6) To transport, as a Class D carrier, household goods in use, between points in the City of Pittsburgh, Allegheny County, and within fifteen (15) miles, by the usually traveled highways, of the City-County Building in said city.

FOLDER 2, AM-A

(1) To transport, as a Class D carrier, property in bulk, such as is usually transported in dump trucks or dump trailers, and property in bulk, such as may be transported in other specialized self-unloading vehicles, said property to be transported in such vehicles, between points in the counties of Lawrence, Beaver, Butler and Mercer and from points in the said counties to points within an airline distance of one hundred (100) statute miles of the limits of the said counties, and vice versa, provided that no right, power or privilege is herein granted to transport cement, liquid commodities in bulk, fly ash, brick, tile, refractory products and iron and steel articles other than scrap metals, iron grinding balls and pig iron.

FOLDER 2, AM-A
(Continued)

(2) To transport, as a Class D carrier, coal and coke for domestic consumption between points in the counties of Cambria, Allegheny, Westmoreland, Indiana, and Armstrong, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.

(3) To transport, as a Class D carrier, coal from mines or stripping operations in the counties of Cambria, Allegheny, Westmoreland, Indiana and Armstrong to railroad sidings, coke ovens, docks or stock piles in the said counties, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

FOLDER 2, AM-B

To transport, as a Class D carrier, coal and coke, for Derby & Company, Carpentertown Coal & Coke Company, Jones & Laughlin Steel Corp., and Wheeling-Pittsburgh Steel Corp., between points in the counties of Allegheny, Armstrong and Westmoreland.

FOLDER 2, AM-C

To transport, as a Class D carrier, lime, lime products and dolomite, from the facilities of Neville Pulverized Lime Co. in the Borough of Leetsdale, Allegheny County, to points in Pennsylvania, and vice versa.

subject to the following condition:

That no right, power or privilege is granted to transport property to or from points in the Counties of Beaver, Lawrence and Mercer.

FOLDER 2, AM-D

To transport, as a Class D carrier, property, for the account of and from the facilities of Wheeling-Pittsburgh Steel Corporation, in the Borough of Allenport, Washington County, and the City of Monessen, Westmoreland County, and points within an airline distance of five (5) statute miles of the limits of said borough and city, to points in Pennsylvania, and vice versa.

subject to the following condition:

That no right, power or privilege is granted to transport (1) lime from points in Centre County, and (2) sand, in bulk, from the Pennsylvania Glass Sand Corporation in the Boroughs of Mapleton, Huntingdon County and McVeytown, Mifflin County.

FOLDER 2, AM-G

To transport, as a Class D carrier, property, from the plant site of Pittsburgh Pacific Processing Co., on Neville Island, in the township of Neville, Allegheny County, to points in Pennsylvania, and vice versa.

subject to the following condition:

That no right, power or privilege is granted to transport household goods and office furniture in use.

FOLDER 2, AM-H

To transport, as a Class D carrier, property, in bulk, between points in that part of Pennsylvania on and west of U. S. Highway 219, and from points in said territory, to points in Pennsylvania and vice versa.

subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport petroleum products to or from points in the Counties of Warren, McKean and Venango.

SECOND: That no right, power or privilege is granted to transport property, in bulk, in tank or hopper-type vehicles, between points in Pennsylvania (except (1) lime, lime products, limestone and limestone products; (2) fly ash, originating at points in that part of Pennsylvania east of U. S. Highway 15; (3) fertilizer from points in York County; and (4) flue dust to or from the facilities of Inmetco in Ellwood City.

THIRD: That no right, power or privilege is granted to transport limestone and limestone products from points in York County.

FOURTH: That no right, power or privilege is granted to transport limestone from points in the County of Centre to the facilities of Brockway Glass Company in the County of Jefferson.

FIFTH: That no right, power or privilege is granted to provide service for Lycoming Silica Sand Co. from its facilities in the Counties of Clinton, Lycoming and Montour.

SIXTH: That no right, power or privilege is granted to transport coal or sand except between points in the Counties of Allegheny, Armstrong, Clarion, Crawford, Erie, Fayette, Greene, Somerset, Venango, Warren, Washington and Westmoreland, provided that no right, power or privilege is granted to transport coal for Delta Mining, Inc., Delta Industries, Inc. and Appalachian Fuels, Inc. between the facilities of said shippers in Somerset County and from said facilities to points in Pennsylvania, and vice versa.

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

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 29, 1988

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Linda C. Taliaferro
Joseph Rhodes, Jr.
Frank Fischl

Application of Bruce Trent Trucking,
Inc., a corporation of the Commonwealth
of Pennsylvania, for the transfer to it
of all of the rights authorized under
the certificate issued at A-00094646
to Bruce W. Trent, subject to the same
limitations and conditions.

A-00108190

Vuono, Lavelle & Gray, by William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on June 9, 1988, and published in the Pennsylvania Bulletin of July 23, 1988. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

The applicant also filed an application for temporary authority. Because of our action on the immediate application, the temporary authority application will be dismissed.

Bruce Trent Trucking, Inc. (or applicant) is a recently formed Pennsylvania corporation headquartered at R.D. #1, Friedens, Somerset County. It has authority to issue 50,000 shares of common stock with a par value of \$1.00 per share. Robert D. Trent is president and the son of Bruce W. Trent the transferor, and holds 1,000 shares which is all of the shares issued to date. Blaine E. Trent, a resident of R.D. #3, Somerset, is secretary-treasurer.

The applicant owns 26 tri-axle dump trucks, 24 tractors, 26 dump trailers, two tank trailers, four van trailers and one flatbed trailer with

which the service will be provided. A statement of financial condition shows that the applicant has total assets of \$875,000 (including motor vehicles valued at \$730,665) and total liabilities of \$850,000, leaving a net worth of \$25,000.

Bruce W. Trent (or transferor), has held a certificate from this Commission since 1968. He is retiring as soon as all of his business interests are transferred to other members of his family. He is current in all obligations due this Commission, and he will leave no unpaid business debts from the operation.

Under the terms of an agreement of sale dated June 2, 1988, the applicant will purchase all of the P.U.C. and I.C.C. rights of the transferor for the sum of \$19,000. The P.U.C. rights are allocated at \$18,000 and the I.C.C. rights at \$1,000. No other tangible assets of the transferor are involved. Settlement will be made within 30 days of the effective date of the final order approving the application.

We find:

1. That a continuing public need for the service does exist.
2. That the applicant is fit, ready, willing and able to provide the service.
3. That approval of the application is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for transfer of the rights held by Bruce W. Trent at A-00094646, be and is hereby approved and that a certificate be issued granting the applicant the right to operate as follows:

1. To transport, as a Class D carrier, coal, wood, ashes, ground, lumber, stone, sand, road and bridge building materials between points not to exceed a distance of twenty-five (25) miles from point of origin to point of disposal in the counties of Cambria and Somerset.
2. To transport, as a Class D carrier, coal from mines or stripping operations in the counties of Somerset and Cambria to points in the counties of Somerset, Cambria, Bedford and Blair, no haul to exceed a distance of one hundred (100) miles from point of origin to point of destination.
3. To transport, as a Class D carrier, lime from point in the county of Bedford to points in the county of Somerset.

4. To transport, as a Class D carrier, coal from mines and stripping operations in the counties of Somerset and Bedford to points within fifty (50) miles of the point of origin.
5. To transport coal as a Class D carrier, from the mining facilities of Solar Fuel, Inc. and P.B.S. Coals, Inc. in the county of Somerset, to the Shennango Steel Co. facilities, Neville Island, Neville Township, Allegheny County, Pennsylvania.
6. To transport coal as a Class D carrier, from the P.B.S. Coals, Inc. cleaning plant in Shade Township, Somerset County, Pennsylvania, to the city of Monessen, Westmoreland County.
7. To transport, as a Class D carrier, potato chips, farm materials, farm products, farm supplies, livestock, coal, lime, fertilizer, timber, wood products, milk and empty milk containers, mining supplies and equipment and construction machinery, from points in the county of Somerset, to points in Pennsylvania and vice versa;

with Right No. 7 subject to the following condition:

That no right, power or privilege is granted to transport mining supplies and equipment or construction machinery which, because of its size or weight requires special handling and the use of special equipment, such as trucks having winches, or special equipment attached, or trucks of special body construction, or pole trailers or drop frame trailers.

8. To transport, as a Class D carrier, fertilizer and fertilizer ingredients from the facilities of Bethlehem Steel Corporation in the city of Johnstown, Cambria County, to the facilities of the Agway Fertilizer Chemical Plant, in the city of York, York County.
9. To transport, as a Class D carrier, rock salt, in bags, no shipment to exceed six thousand (6,000) pounds, from the facilities of Rochez Bros., Inc., in the borough of Braddock, Allegheny County, to the Agway Supply Center in the borough of Somerset, Somerset County.

10. To transport, as a Class D carrier, building materials, in bulk in dump trucks, between points in the counties of Somerset, Bedford and Fayette, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
11. To transport, as a Class D carrier, rough lumber from portable sawmills and yards in the counties of Allegheny, Cambria, Westmoreland, Bedford, Somerset and York, to points in the said counties.
12. To transport, as a Class D carrier, coal for domestic consumption between points in the borough of Somerset, Somerset County and within eighty (80) miles by the usually traveled highways of the limits of the said borough in the counties of Somerset, Bedford and Fayette, provided no haul shall exceed a distance of eighty (80) miles from point of origin to point of destination.
13. To transport, as a Class D carrier, coal from mines or stripping operations in the counties of Somerset, Bedford and Fayette to railroad sidings in the said counties, provided no haul shall exceed a distance of eighty (80) miles from point of origin to point of destination.
14. To transport, as a Class D carrier, farm products, farm supplies, sand, fertilizer and lime from points in the county of Somerset to points in the counties of Allegheny, Cambria, Westmoreland and Bedford and Somerset, and vice versa; and said commodities from farms in the county of Somerset to points in the county of York, and vice versa;

with all of the above subject to the following conditions:

- (a) That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by

applicant, or to approve or prescribe rates sufficient to yield a return thereon.

- (b) That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
- (c) That the applicant charge to Account 1550, Other Intangible Property, \$18,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
- (d) That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 Pa. C.S.A. §1102(a)(3).

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

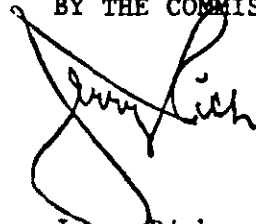
IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

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

IT IS FURTHER ORDERED: That the application for temporary authority be and is hereby dismissed.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Bruce W. Trent, at A-00094646 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 29, 1988

ORDER ENTERED: OCT - 5 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 84-656 Folder 2

Application of C. D. AMEROSIA TRUCKING CO., a
corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of C. D. AMEROSIA TRUCKING CO., a corporation of the Commonwealth of Pennsylvania, dated May 7, 1957, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by CARMEN D. AMEROSIA, under certificate of public convenience issued at A. 46182, Folder 1, on October 31, 1938, which certificate will be subsequently cancelled as of the date of this order, upon compliance with the tariff and insurance requirements of the Commission by C. D. AMEROSIA TRUCKING CO., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

✓ To transport, as a Class D carrier, coal, building materials, excavated materials and road and building construction materials such as are usually transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of construction or disposal in the Counties of Lawrence, Beaver, Butler, Mercer and Allegheny.

To transport, as a Class D carrier, amiesite, farm machinery, farm products and supplies, by means of dump trucks, between points not to exceed a distance of fifty (50) miles from point of origin to point of construction or disposal in the Counties of Lawrence, Beaver, Butler, Mercer and Allegheny.

and subject to the following conditions, is necessary or proper for the service, accommodation or convenience of the Public;

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the Equipment Certificate, to be subsequently issued.

(con't)

SECOND: That the approval hereby given is not to be understood as committing the Commission, in any proceeding that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

THIRD: That the accounts of the transferee will reflect the same book values as the records of the transferor at the effective date of the transfer, with respect to the assets acquired and liabilities assumed, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

FOURTH: That the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Revised General Order No. 29, effective July 1, 1939, or as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, September 30, 1957, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

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

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Leon K. Howard
Chairman

ATTEST:

William P. Ryan

Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 84656
Folder No. 2

Application of C. D. AMBROSIA TRUCKING CO., a
corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

It appearing that the certificate holder, C. D. AMBROSIA TRUCKING CO., a corporation of the Commonwealth of Pennsylvania, has been authorized to transport cement for the Medusa Portland Cement Company from its plant in Wampum, Lawrence County, and has by order issued under date of August 31, 1959, transferred this service to RUSSELL L. MEYERS, CLIFFORD P. MEYERS and ELWOOD A. MEYERS, copartners, trading and doing business as RUSSELL TRUCKING, at A. 86490, and it further appearing that by letter dated May 25, 1959, C. D. AMBROSIA TRUCKING CO. has agreed to accept any restriction as worded by the Commission that would prohibit, under its rights to be retained, the transportation of cement from the Medusa Portland Cement Company at Wampum, and the matters and things involved having been duly considered by the Commission; THEREFORE,

NOW, to wit, August 31, 1959, IT IS ORDERED: That the report and order issued under date of September 30, 1957, and the certificate of public convenience issued pursuant thereto, as modified and amended by supplemental report and order issued under date of June 22, 1959, be and is hereby further modified and amended so as to include the following condition:

That no right, power or privilege is granted to transport cement from the plant of Medusa Portland Cement Company located in the Borough of Wampum, Lawrence County, and within three (3) miles of the limits of the said borough.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

William P. Ryan
Secretary

Charles Schumaker
Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 84656
Folder No. 2, Am-A

Application of C. D. AMBROSIA TRUCKING CO., a
corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of C. D. AMBROSIA TRUCKING CO., a corporation of the Commonwealth of Pennsylvania, dated July 25, 1958, for modification of the report and order issued under date of September 30, 1957, and the certificate of public convenience issued thereunder, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the applicant amended the application whereby some of the protests were withdrawn, the Commission finds and determines that approval of the proposed modification, as amended, is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, June 22, 1959, IT IS ORDERED: That the report and order issued under date of September 30, 1957, and the certificate of public convenience issued thereunder, be and is hereby modified and amended so as to include the following rights:

To transport, as a Class D carrier, asphalt paving material, in bulk in dump trucks, from points in the County of Lawrence to points within fifty (50) miles by the usually traveled highways from the point of origin.

To transport, as a Class D carrier, limestone, in bulk in dump trucks, from points in the County of Lawrence to points in the Counties of Crawford, Allegheny, Washington, Butler and Westmoreland.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the application, insofar as it refers to all other transportation, be and is hereby refused for lack of necessity.

ATTEST:

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

William P. Ryan
Secretary

Chas. H. Howard
Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 84656
Folder 2, Am-B

Application of C. D. AMBROSIA TRUCKING CO., a
corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of C. D. AMBROSIA TRUCKING CO., a corporation of the Commonwealth of Pennsylvania, dated July 30, 1960, for modification of the report and order issued under date of September 30, 1957, and the certificate of public convenience issued pursuant thereto, as modified and amended by various supplemental reports and orders, and upon protests, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and it appearing that applicant amended his application whereby protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, July 24, 1961, IT IS ORDERED: That the report and order issued under date of September 30, 1957, and the certificate of public convenience issued pursuant thereto, as modified and amended by various supplemental reports and orders be and is hereby further modified and amended so as to include the following rights:

To transport, as a Class D carrier, sand, limestone, slag and clay, in bulk in dump trucks or dump trailers, between points in the County of Lawrence and from points in said county to points within one hundred (100) miles of the limits thereof, and vice versa; excluding the transportation of limestone, slag and clay, to, from or between steel mills and foundries, except as presently authorized, and excluding the transportation of fire clay from and to points in the Counties of Centre, Clearfield, Indiana and Westmoreland.

To transport, as a Class D carrier, coal in bulk in dump trucks or dump trailers, between points in the Counties of Beaver, Lawrence and Mercer and from points in said counties to points within one hundred (100) miles of the point of origin.

To transport, as a Class D carrier, pulverized limestone, in bulk in self-unloading tank trailers, from the plants of New Castle Lime and Stone Company and The Carbon Limestone Company in the Township of Mahoning, Lawrence County, to points within one hundred fifty (150) miles of the point of origin.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

J. A. Sharpen
Chairman

ATTEST:

William N. Roan

Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 84656
Folder 2, Am-C

Application of C. D. AMBROSIA TRUCKING CO., a
corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of C. D. AMBROSIA TRUCKING CO., a corporation of the Commonwealth of Pennsylvania, dated May 31, 1972, for modification of the report and order issued under date of September 30, 1957 and the certificate of public convenience issued thereunder, as modified and amended, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of part of the rights which have been held by C. H. MARTIN AND SON TRUCKING, INC., a corporation of the Commonwealth of Pennsylvania, under report and order issued at A. 86334, Folder 2 on May 25, 1959 and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently modified and amended, so as to eliminate the right being transferred, upon compliance with the tariff requirements of the Commission by C. D. AMBROSIA TRUCKING CO., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, November 13, 1972, IT IS ORDERED: That the report and order issued under date of September 30, 1957 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, lime for the Mercer Lime and Stone Company, from the borough of Bellefonte, Centre County, and points within an airline distance of ten (10) statute miles of the limits of said borough, to points in the township of Slippery Rock, Butler County, and within an airline distance of one hundred (100) statute miles of the limits of the said township, and the return of pallets or empty containers to the point of origin.

and subject to the following conditions:

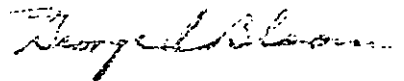
FIRST: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the right to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

SECOND: That applicant shall not record in its utility accounts any amount representing the right herein granted, in excess of the actual cost of such right to the original holder thereof.

THIRD: That the applicant charge to Account 1550, Other Intangible Property, \$1,250, being the amount of the consideration payable by it for the right and going concern value attributable thereto, less any amount recorded under condition 2 above.

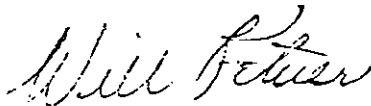
IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION



Chairman

ATTEST:



Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held October 26, 1976
Harrisburg, PA 17120

Commissioners Present:

James McGirr Kelly
Robert K. Bloom
Helen B. O'Bannon
Michael Johnson

Application Docket No. 84656, Folder 2, Am-D - Application of C. D. AMBROSIA TRUCKING CO., a corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of C. D. AMBROSIA TRUCKING CO., a corporation of the Commonwealth of Pennsylvania, dated September 16, 1975, for modification of the report and order issued under date of September 30, 1957 and the certificate of public convenience issued thereunder, as modified and amended, and upon protest, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the right granted herein is in effect a transfer of part of the rights which have been held by C. H. MARTIN AND SON TRUCKING, INC., a corporation of the Commonwealth of Pennsylvania, under report and order issued at A. 86334, Folder 2, on May 25, 1959 and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently modified and amended, so as to eliminate the right being transferred, upon compliance with the tariff requirements of the Commission by C. D. AMBROSIA TRUCKING CO., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, October 26, 1976, IT IS ORDERED: That the report and order issued under date of September 30, 1957 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended, so as to include the following right:

To transport, as a Class D carrier, lime for Mercer Lime and Stone Company from the township of Slippery Rock, Butler County, to points in Pennsylvania, and the return of pallets or empty containers to the point of origin.

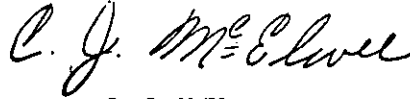
subject to the following conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the right to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

2. That applicant shall not record in its utility accounts any amount representing the right herein granted, in excess of the actual cost of such right to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$5,500, being the amount of the consideration payable by it for the right and going concern value attributable thereto; less any amount recorded under condition 2 above.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law relative to the filing and acceptance of a tariff establishing just and reasonable rates.

BY THE COMMISSION,



C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: October 26, 1976

ORDER ENTERED: October 28, 1976

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 16, 1989

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl

Application of C. D. Ambrosia Trucking Co., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport by motor vehicle, coal in bulk in dump trucks or dump trailers, between points in the counties of Beaver, Lawrence and Mercer, and from points in said counties, to points within one hundred (100) miles of the point of origin: SO AS TO PERMIT the transportation of coke, in bulk, in dump vehicles, from the facilities of Monessen, Inc. located in the borough of Monessen, Westmoreland County, to the facilities of Sharon Steel Corp., located in the county of Mercer.

A-00084656
F. 2
Am-F

Vuono, Lavelle & Gray, by William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on August 24, 1988, and published in the Pennsylvania Bulletin of September 24, 1988. There are no protests and the record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and the shipper.

Guy F. Fragle, traffic manager for C. D. Ambrosia Trucking Co. (or applicant), sets forth in a verified statement that the applicant is a Pennsylvania corporation domiciled at R.D. 1, Edinburg, Lawrence County, and that it currently holds Pennsylvania P.U.C. authority, primarily as a hauler of bulk commodities in dump or tank vehicles in the western part of Pennsylvania. It holds similar authority from the I.C.C.

All administrative and operational functions of the company are performed from the Edinburg terminal. It operates with 178 pieces of equipment, of which, 29 tractors, 27 dump trailers, one flatbed trailer, two lowboy trailers, six pneumatic tank trailers, seven tri-axle dump trucks and one tandem dump truck, are company-owned. In addition, 45 tractors, 45 dump trailers, and 15 tri-axle dump trucks are operated under long-term lease arrangements. It anticipates using 25 tractors and 25 dump trailers in the service proposed herein.

An unaudited balance sheet shows that as of July 31, 1988, the applicant had current assets of \$2,104,689, total assets of \$2,772,555, with total liabilities of \$399,123, leaving stockholders' equity of \$2,373,432. An unaudited statement of income for the seven-month period ended July 31, 1988, shows that from revenues of \$2,804,721, the applicant realized a net operating loss of \$36,972.

Philip A. Smalley is senior vice president of administration for both Monessen, Inc. (or shipper) and Sharon Steel Corp., and has submitted a supporting verified statement. In early 1988, Sharon Steel purchased the coke making facilities of Wheeling-Pittsburgh Steel Corp. That purchase was made through Monessen, Inc., a wholly-owned subsidiary of Sharon Steel. Monessen, Inc., is therefore a coke production operation which will supply coke to the Sharon Steel Corp. which has facilities in Mercer County.

The coke production plant of Monessen, Inc., is located in Monessen, Westmoreland County. Shipping and receiving will take place seven days a week, 24 hours a day. The coke will be loaded from production onto the applicant's trucks by means of a conveyor belt, for delivery to the mills in Mercer County. Approximately 800 to 1,000 tons will be moved each day, or the equivalent of 18,000 truckloads annually.

Numerous discussions have been held with the applicant concerning the type of service expected. A great deal of coordination with the applicant, the shipper and consignee is required. Monessen, Inc., has dealt with the applicant for approximately 25 years and the relationship and service have been good. It is for that reason that the decision to use the applicant exclusively for this service has been reached. The proposed service is vitally important to both Monessen, Inc. and Sharon Steel Corp.

DISCUSSION AND FINDINGS

C. D. Ambrosia Trucking Co. seeks to amend its common carrier certificate so that it will have the right to transport coke, in bulk in dump vehicles, from the facilities of Monessen, Inc. located in Monessen, Westmoreland County, to the facilities of Sharon Steel Corp. in the county of Mercer. No one has opposed the application.

The applicant has been providing intrastate service in Pennsylvania for more than 30 years, transporting bulk commodities in dump vehicles, not unlike the service proposed herein. The record supports a favorable finding of applicant fitness, and the shipper has voiced its desire to have the

proposed service available. We see no reason to deny the applicant the right to provide the service.

We find:

1. That a public need for the proposed service does exist.
2. That the applicant is fit, ready, willing and able to render the proposed service.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued to the applicant on January 29, 1958, as amended, be further amended to include the following right:

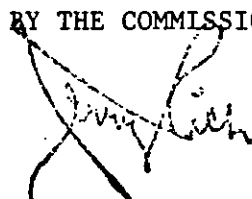
To transport, as a Class D carrier, coke, in bulk in dump vehicles, from the facilities of Monessen, Inc. located in the borough of Monessen, Westmoreland County, to the facilities of Sharon Steel Corp., located in the county of Mercer.

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

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

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

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: February 16, 1989

ORDER ENTERED: FEB 21 1989

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 84656 Folder 3

Application of C. D. AMEROSIA TRUCKING, CO., a
corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of C. D. AMEROSIA TRUCKING, CO., a corporation of the Commonwealth of Pennsylvania, dated May 7, 1957, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by CARMEN D. AMEROSIA, under certificates of public convenience issued at A. 46182, Folders 3 & 4, on September 17, 1945 and June 2, 1950, respectively, which certificates will be subsequently cancelled as of the date of this order, upon compliance with the tariff requirements of the Commission, by C. D. AMEROSIA TRUCKING, CO., a corporation of the Commonwealth of Pennsylvania; the Commission finds and determines that approval of the application, limited to the following rights:

To transport, as a Class D carrier, pulverized limestone and crushed limestone for the Carbon Limestone Company, from the properties of said company, situated in the Village of Hillsville, Lawrence County, and within five (5) miles by the usually traveled highways of the limits of said village, to points in the Counties of Lawrence, Butler, Beaver, Mercer, Crawford and Allegheny.

subject to the following condition:

That no right, power or privilege is granted to render service to those industries having sidings served directly by the Pittsburgh and Lake Erie Railroad Company.

Revised
To transport, as a Class D carrier, cement, in packages or in bulk, from the plant of Medusa Portland Cement Company in the Borough of Wampum, Lawrence County, to points in the Counties of Lawrence, Beaver, Butler, Mercer, Allegheny, Crawford, Erie, Warren, Venango, Clarion and Armstrong and the return of rejected shipments and/or empty containers.

A. 84656 Folder 3

(con't)

and subject to the following conditions, is necessary or proper for the service, accommodation or convenience of the public;

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the Equipment Certificate.

SECOND: That the approval hereby given is not to be understood as committing the Commission, in any proceeding that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

THIRD: That the accounts of the transferee will reflect the same book values as the records of the transferor at the effective date of the transfer, with respect to the assets acquired and liabilities assumed, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

FOURTH: That the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, September 30, 1957, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

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

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Paul Schwardt
Chairman

ATTEST:

William H. Bay
Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 84656
Folder No. 3, Am-A

Application of C. D. AMBROSIA TRUCKING CO., a
corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of C. D. AMBROSIA TRUCKING CO., a corporation of the Commonwealth of Pennsylvania, dated November 28, 1958, for modification of the report and order issued under date of September 30, 1957, and the certificate of public convenience issued thereunder, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, March 9, 1959, IT IS ORDERED: That the report and order issued under date of September 30, 1957, and the certificate of public convenience issued thereunder, be and is hereby modified and amended so as to include the following right:

To transport, as a Class D carrier, cement, in bulk in containers, for the Medusa Portland Cement Company from its plant in the Borough of Wampum, Lawrence County, and points within three (3) miles of the limits of the said borough to points within an airline distance of one hundred fifty (150) miles of the said plant.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

William P. Ryan

Secretary

Leon Schwartz

Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 84656
Folder 3, Am-B

Application of C. D. AMBROSIA TRUCKING CO.
a corporation of the Commonwealth of
Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

T This matter being before the Pennsylvania Public Utility Commission upon application of C. D. AMBROSIA TRUCKING CO. a corporation of the Commonwealth of Pennsylvania, dated February 28, 1966, for modification of certificate of public convenience issued under date January 29, 1958, as modified and amended, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that applicant amended his application whereby protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, June 6, 1966, IT IS ORDERED: That the report and order issued under date of September 30, 1957, and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, property for The Carbon Limestone Company between points in the Township of Mahoning, Lawrence County, and from points in the said township to points in that part of Pennsylvania on and west of Highway Route 219, and vice versa;

and subject to the following conditions:

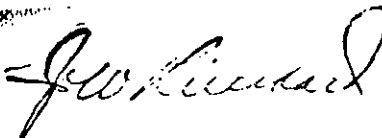
FIRST: That no right, power or privilege is granted to transport property in bulk in tank vehicles or in hopper-type vehicles.

SECOND: That no right, power or privilege is granted to transport property which because of size or weight requires special handling or the use of special equipment, such as winch trucks or tractors, pole trailers, carryalls and extendible trailers.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:



Secretary



Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held October 18, 1979

Commissioners Present:

W. Wilson Goode, Chairman

Michael Johnson

Application of C. D. Ambrosia Trucking Co., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, property for The Carbon Limestone Company between points in the township of Mahoning, Lawrence County, and from points in the said township to points in that part of Pennsylvania on and west of Highway Route 219, and vice versa; subject to the following conditions: That no right, power or privilege is granted to transport property in bulk in tank vehicles or in hopper-type vehicles; and That no right, power or privilege is granted to transport property which because of size or weight requires special handling or the use of special equipment, such as winch trucks or tractors, pole trailers, carryalls and extendible trailers: SO AS TO PERMIT the transportation of iron and steel articles, and equipment, materials and supplies used in the manufacture, sale or distribution thereof, from the facilities of Conn Welding and Machine Company, located in the city of New Castle, Lawrence County, to points in Pennsylvania, and vice versa.

A-00084656

F. 3

Am-C

Wick, Vuono & Lavelle by William J. Lavelle for applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 1, 1979. Public notice of the application was given in the Pennsylvania Bulletin of March 24, 1979. Protests were filed by Paul L. Zamberlan & Sons, Inc., Tajon, Inc., DeBolt Transfer, Inc., John Benkart & Sons Co. and Moore-Flesher Hauling Co. After reconsideration of their interest in the application, all protests were withdrawn without amendment.

The application is now unopposed and the record is certified to the Commission without hearing. Verified statements were submitted by applicant and Conn Welding and Machine Company, the supporting shipper.

Guy F. Fragle, traffic manager of C. D. Ambrosia Trucking Co., (hereinafter Ambrosia or applicant) states that Ambrosia's main office and terminal are located in Edinboro, Lawrence County and that he is fully familiar with all operations of the applicant.

Ambrosia currently holds operating authority from the Commission to transport a wide variety of bulk commodities throughout western Pennsylvania. Some duplication of authority to a limited extent could result, however applicant knows of no feasible way of eliminating from the instant application such duplication.

Applicant owns seven dump trucks, 14 tractor-dump trailer units, five tank trailers and four flatbed trailers and has two dump trucks, 76 dump trucks, 64 tractor-dump trailer units and one tank trailer on long term lease. It employs 20 drivers, three mechanics and four administrative personnel. Additional owner-operators work for applicant who drive their own trucks leased to Ambrosia. It anticipates adding two flatbed trailers to its operation when needed. Ambrosia has established an effective maintenance and safety program.

The purpose of the applicant in filing this application is to take over all the private carriage operations of Conn Welding and Machine Company. It will provide 24 hour, seven day a week service, multiple stopoff deliveries, spotting of equipment at shipper's plant, scheduled pickup and delivery service, job site delivery and emergency service as required.

Applicant offered as an appendix an unaudited balance sheet and income statement as of June 30, 1979. The balance sheet lists current assets of \$1,593,006, current liabilities of \$544,249 and retained earnings of \$1,649,268. The income statement for the first six months of 1979 indicates that on revenues of \$2,989,787 a net operating income of \$207,516 was generated after operating expenses.

Applicant will attempt to arrange for coordinated inbound and outbound shipments involving shipper's traffic so a balanced two way operation can be conducted. When impossible to effect equipment making deliveries in Pennsylvania for the supporting shipper will be used to backhaul freight of other companies to western Pennsylvania.

Henry A. Mastren, sets forth in his statement that he is traffic manager of Conn Welding and Machine Company (hereinafter Conn or shipper) New Castle, Lawrence County, and that he is responsible for arranging motor transportation within the scope of this application. Conn operates facilities with 40,000 square feet of manufacturing space in the city of New Castle and produces thereat approximately 500,000 pounds of fabricated steel monthly. The plant operates six days a week from 7:00 a.m. to 5:00 p.m. A crane is utilized at the company's premises for loading and unloading of heavy freight.

Conn's outbound traffic consists of items such as structural steel plates, beams, pipe, fabricated steel bridges, guard rails and sign structures. Approximately 2,500,000 pounds of iron and steel articles and an additional 500,000 pounds of materials, equipment and supplies are shipped to Pennsylvania points annually. The commodities are normally transported on either flatbed or low-boy trailers to construction sites, industrial plants and other fabricating plants located throughout Pennsylvania, including but not limited to points such as Pittsburgh, Philadelphia, Harrisburg, Lancaster, Erie, Scranton and Wilkes-Barre.

Conn's inbound traffic consists of structural steel pipe, sheet steel, beams, pipe, nuts, bolts and a full range of incidental items necessary to the conduct of its business such as machinery, machinery lubricants, replacement parts, office supplies, etc.

Major items which are transported on flatbed trailers are received at its plant from steel manufacturers, steel warehouses and other fabricators located throughout Pennsylvania. Representative points it receives inbound shipments from are Pittsburgh, Philadelphia, Harrisburg, Lancaster, Erie, Scranton and Wilkes-Barre. Approximately 2,500,000 pounds of iron and steel articles and 250,000 pounds of materials, equipment and supplies are received inbound annually.

During 1978 all of the inbound traffic and approximately 90 percent of the outbound traffic was transported by private carriage. The volume of traffic inbound and outbound is expected to increase by 20 percent in 1979 and this anticipated increase in traffic has led Conn to decide to phase out providing its own transportation. Conn needs a carrier, such as applicant, who can spot trailers and make scheduled deliveries, who is located close by its plant and able to provide power units to pull loaded trailers on an almost immediate basis and who can normally provide same-day service or next day service at worst. Service

on both inbound and outbound traffic will be primarily truckload, but some shipments will be less-than-truckload in nature. Conn does not maintain a large inventory of raw materials and split truckloads and expedited service inbound is often required so that its production line is not interrupted.

DISCUSSION AND FINDINGS

Applicant is requesting authority from the facility of Conn Welding and Machine Company in the city of New Castle, Lawrence County, to points in Pennsylvania and vice versa. The commodities involved are iron and steel articles and equipment, materials and supplies used in the manufacture, sale or distribution thereof.

Present transportation is provided mainly by private carriage with an occasional use of existing common carriers. Due to the expected increase in both inbound and outbound traffic, Conn has decided to eliminate its private carriage and use applicant instead. Conn needs a dedicated carrier such as applicant who is able to coordinate operations closely with its production and fabrication process and who can meet its customers' requirements for direct single-line service to job sites on a scheduled delivery basis with same-day delivery. Ambrosia has the type of equipment needed and appears to be ready to render the type of service desired by Conn.

We find that:

1. Applicant has the necessary equipment, experience and financial ability to render the proposed service.
2. Private carriage and existing common carriers do not satisfy the transportation needs of the shipper.
3. A need exists for the proposed service as demonstrated by the support of Conn Welding and Machinery Company, the shipper.
4. Approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued to applicant on January 29, 1958, as amended, be further amended to include the following right:

To transport, as a Class D carrier, iron and steel articles, and equipment, materials and supplies used in the manufacture, sale or distribution thereof, from the facilities of Conn Welding and Machine Company, located in the city of New Castle, Lawrence County, to points in Pennsylvania, and vice versa.

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

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

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

BY THE COMMISSION,


William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: October 18, 1979

ORDER ENTERED: NOV 8 1979

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 84656
Folder 4

Application of C. D. AMEROSIA TRUCKING CO., a
corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of C. D. AMEROSIA TRUCKING CO., a corporation of the Commonwealth of Pennsylvania, dated May 31, 1958,

to operate motor vehicles as a common carrier, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the application, limited to the following rights:

To transport, as a Class D carrier, fly ash, in bulk, in tank trucks or tank trailers, for Rocher Brothers from the Phillips Power Station of the Duquesne Light Company located in the County of Beaver and from the Elrama Power Station of the Duquesne Light Company located in the County of Allegheny to points within an airline distance of one hundred fifty (150) miles of the point of origin, and the return of refused or rejected shipments.

(continued)

-2-

A. 84656
Folder 4

and subject to the following conditions, is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the Equipment Certificate.

SECOND: That the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, **October 6, 1958** IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate, as above determined.

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

IT IS FURTHER ORDERED: That the application in so far as it refers to all other transportation be and is hereby refused for lack of proof of necessity.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Leon Schwartz

Chairman

ATTEST:

William T. Ben.

Secretary

WAYNE W. FRIEDLINE
DOCKET NO. 92702

LEAD CERTIFICATE

To transport, as a Class D carrier, coal from mines and tipples in the County of Somerset to tipples, railroad sidings and customers in the said county.

To transport, as a Class D carrier, sand, gravel and rock, from the Villages of Bakersville, Somerset County, and Ashcom, Bedford County, to the Borough of Somerset, Somerset County, and points within fifteen (15) miles of the limits of said borough.

To transport, as a Class D carrier, soil between points within fifteen (15) miles of the limits of the Borough of Somerset, Somerset County.

FOLDER 1, Am-A

To transport, as a Class D carrier, coal from mines and stripping operations in the county of Somerset to points within an airline distance of eighty (80) statute miles of the point of origin.

Subject to the following condition:

That no right, power or privilege is granted to render service to points in the counties of Allegheny, Armstrong, Fayette and Westmoreland.

FOLDER 1, Am-B

To transport, as a Class D carrier, coal for Intercarbon Coal Company; Panther Coal Sales; and Hardhat Mining, Inc.; between points in Pennsylvania.

FOLDER 1, Am-C

To transport, as a Class D carrier, property, in bulk, in dump vehicles, for Commonwealth Stone, Inc., and Commonwealth Coal, Inc., between points in the county of Somerset and within an airline distance of one hundred (100) statute miles of the limits of said county.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 96429

Application of WILLIAM J. BROWN TRUCKING, INC.,
a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of WILLIAM J. BROWN TRUCKING, INC., a corporation of the Commonwealth of Pennsylvania, dated November 16, 1970, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by WILLIAM J. BROWN, trading and doing business as WILLIAM J. BROWN TRUCKING, under report and order issued at A. 94919 on January 13, 1969 and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by WILLIAM J. BROWN TRUCKING, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

1. To transport, as a Class D carrier, coal and coke for domestic consumption between points in the counties of Allegheny, Armstrong, Butler, Indiana and Westmoreland, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, coal from mines or stripping operations in the counties of Allegheny, Armstrong, Butler, Indiana and Westmoreland to railroad sidings, coke ovens, docks or stockpiles in the said counties, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
3. To transport, as a Class D carrier, building materials, in bulk in dump truck, between points in the counties of Allegheny, Armstrong, Butler, Indiana and Westmoreland, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination, excluding the transportation of brick to, from or between points in the county of Allegheny.

4. To transport, as a Class D carrier, building materials, asphalt and anesite, in bulk in dump vehicles, for Northern Industries, Inc., between points in the township of West Deer, Allegheny County, and within an airline distance of fifty (50) statute miles of the limits of said township;

with right number 4, above, to be subject to the following condition:

That no right, power or privilege is granted to transport building materials made of iron or steel or refractory products.

5. To transport, as a Class B carrier, property, including household goods in use, between points in the township of Middlesex, Butler County.
6. To transport, as a Class D carrier, property, including household goods in use, from points in the township of Middlesex, Butler County, to points within forty (40) miles by the usually traveled highways of the limits of said township, and vice versa.
7. To transport, as a Class D carrier, property from the plant sites of the Pittsburgh Metals Purifying Company in the townships of Clinton and Adams, Butler County, to the Allegheny Ludlum Steel Corporation in the borough of Brackenridge, Allegheny County, and vice versa.
8. To transport, as a Class D carrier, property from the plant sites of the Union Chill Mat Company in the township of Clinton, Butler County, to points within an airline distance of forty (40) statute miles of said plant sites, and the return of refused, rejected or damaged shipments;

with rights number 7 and 8, above, to be subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk in tank vehicles or in hopper-type vehicles.

and subject to the following conditions, is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the equipment certificate, to be subsequently issued.

WJH

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 96429
Folder 1, Am-A

Application of WILLIAM J. BROWN TRUCKING, INC.,
a corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of WILLIAM J. BROWN TRUCKING, INC., a corporation of the Commonwealth of Pennsylvania, dated May 12, 1973, for modification of the report and order issued under date of March 29, 1971 and the certificate of public convenience issued thereunder, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, February 20, 1974, IT IS ORDERED: That the report and order issued under date of March 29, 1971 and the certificate of public convenience issued thereunder, be and is hereby modified and amended so as to include the following right:

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, from the facilities of North Butler Coal Company, in the township of Butler, Butler County, to points in the counties of Erie and Venango.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

Will Fetter

Secretary

George L. Bloom
Chairman

Order Adopted: February 20, 1974
Order Entered: February 27, 1974

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held February 26, 1976
Harrisburg, PA 17120

COMMISSIONERS PRESENT:

Chairman Carter
Commissioner Bloom
Commissioner O'Bannon
Commissioner Johnson

Application Docket No. 96429, Folder 1, Am-B - Application of
WILLIAM J. BROWN TRUCKING, INC., a corporation of the Common-
wealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of WILLIAM J. BROWN TRUCKING, INC., a corporation of the Commonwealth of Pennsylvania, dated August 1, 1975, for modification of the report and order issued under date of March 29, 1971 and the certificate of public convenience issued thereunder, as modified and amended, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by WILLIAM K. HOLMES, under report and order issued at A. 73976 on October 3, 1949 and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently cancelled, as of the date of this order, upon compliance with the tariff requirements of the Commission by WILLIAM J. BROWN TRUCKING, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, February 26, 1976, IT IS ORDERED: That the report and order issued under date of March 29, 1971 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following rights:

To transport, as a Class D carrier, coal from mines or stripping operations in the counties of Allegheny, Westmoreland, Washington and Fayette to stock piles, steel mills and factories in the said counties, provided no haul shall exceed a distance of twenty-five (25) statute miles from point of origin to point of destination.

To transport, as a Class D carrier, coal, coke and other fuel for domestic consumption between points in the county of Allegheny, provided no haul shall exceed a distance of twenty-five (25) statute miles from point of origin to point of destination.

To transport, as a Class D carrier, gravel, slag and coal from mines or stripping operations in the counties of Allegheny and Beaver to stockpiles, steel mills and factories in the counties of Allegheny, Westmoreland, Washington, Fayette, Beaver, Lawrence and Butler, provided no haul shall exceed a distance of forty-five (45) statute miles from point of origin to point of

destination, excluding the transportation of slag between steel mills.

and subject to the following conditions:

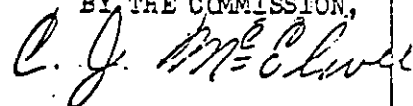
FIRST: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

SECOND: That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

THIRD: That the applicant charge to Account 1550, Other Intangible Property, \$6,500, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

BY THE COMMISSION,



C. J. McElwee
Secretary

(SEAL)

Order Adopted: February 26, 1976
Order Entered: March 3, 1976

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 28, 1978

Commissioners Present:

Robert K. Bloom, Acting Chairman
Helen B. O'Bannon
Michael Johnson
W. Wilson Goode

Application of William J. Brown Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: To transport coal, in bulk, in dump vehicles, for Carpentertown Coal and Coke Company from its mines, stripping operations and tipples located in the county of Armstrong, to points in the counties of Allegheny, Butler, Lawrence, Washington and Westmoreland; coal, sand and gravel, in bulk, in dump vehicles, for W. D. Owens Coal and Supply Company, from points in the counties of Allegheny, Armstrong and Beaver to points in the county of Erie; and sand and gravel, in bulk, in dump vehicles, for W. D. Owens Coal and Supply Company, from points in the counties of Lawrence and Mercer to points in the counties of Allegheny and Beaver.

A. 96429
F. 1,
Am-C

O R D E R

BY THE COMMISSION:

We adopt as our action the Initial Decision of Administrative Law Judge Conly dated July 3, 1978; THEREFORE,

IT IS ORDERED:

1. That the application of William J. Brown Trucking, Inc. at A. 96429, F. 1, Am-C, as amended, be and is hereby approved and

that the Certificate of Public Convenience issued at A. 96429, F. 1 be amended and modified to include the following rights:

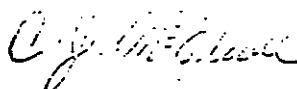
- A. To transport, as a Class D carrier, coal, in bulk, in dump vehicles, for Carpentertown Coal and Coke Company from its mines, stripping operations and tipples located in the County of Armstrong, to the United States Steel Company in the City of Clairton, Allegheny County and Shenango Corporation in Neville Township, Allegheny County;
- B. To transport, as a Class D carrier, coal, in bulk, in dump trucks, for W. D. Owens Coal and Supply Company from points in the Counties of Allegheny and Beaver to Lord Manufacturing Company in the City of Erie, Erie County;
- C. To transport, as a Class D carrier, sand and gravel, in bulk, in dump vehicles, for W. D. Owens Coal and Supply Company from points in the Counties of Lawrence and Mercer to points in Allegheny County.

2. That the applicant shall comply with all of the provisions of the Public Utility Law as now existing or as hereafter may be amended, and all of the existing rules and regulations of the Commission and any other rules and regulations as may hereafter be prescribed by the Commission, and failure on the part of the applicant to so comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

3. That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Public Utility Law relating to the filing of and acceptance of a tariff establishing just and reasonable rates.

4. That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,


C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: September 28, 1978

ORDER ENTERED: OCT 4 1978

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 17, 1980

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of William J. Brown Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of coal, in bulk, in dump vehicles, for Carpentertown Coal & Coke Company, from its mines, stripping operations and tipples in the county of Armstrong, to points in Pennsylvania on and west of U.S. Highway Route 219.

A-00096429
F. 1
Am-D

William J. Lavelle for William J. Brown Trucking, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed December 31, 1979. Public notice of the application was given in the Pennsylvania Bulletin of January 26, 1980. Protests were filed by Tajon, Inc., Wayne W. Sell Corporation, Ward Maust, Donald Maust and Dwight Maust, copartners, t/d/b/a Maust Brothers, Ritchey Trucking, Inc., and Edward R. Simpson. A motion to dismiss the protest of Maust Brothers was filed by the applicant February 21, 1980. An answer to that motion was filed by Maust February 27, 1980. Administrative Law Judge Joseph P. Matuschak, by his order of April 2, 1980, granted the motion to dismiss, but allowed the protestant ten days to file an amended protest which complies with the provisions of 52 Pa. Code §3.381(c). The amended protest was filed April 11, 1980.

The applicant entered a restrictive amendment which resulted in the withdrawal of all protests to the application. The amendment limited the destination for traffic to points in the county of Lawrence.

The application is now unopposed as amended and the record is certified to the Commission for its decision without hearing. The record consists of verified statements entered by the applicant and the supporting shipper.

- William J. Brown, president of William J. Brown Trucking, Inc. (applicant or Brown), set forth in his verified statement that he is fully familiar with the applicant's operation and is authorized to submit a statement. Brown is primarily a bulk commodities carrier with 90 percent of its business in bulk transportation. The applicant operates a garage and office in Valencia, Butler County, which consists of a 40 by 80 foot maintenance building. This facility is approximately 35 miles from the supporting shipper's mine at Templeton, Armstrong County. Currently, Brown has 26 dump vehicles in its fleet which are suitable for use in the proposed transportation. All vehicles are rigidly maintained and safety inspected. Drivers attend monthly safety meetings.

Brown provides some service to the supporting shipper under authority now held. The applicant serves its supporting shipper from its mines in Armstrong County to United States Steel Corp. in Clairton and to Shenango Corporation in Neville Township, Allegheny County. Robert Sechan, a currently certificated carrier, has provided service for the shipper from Armstrong County to points in Lawrence County using equipment leased from Brown. The shipper now desires that Brown be available to provide this service directly. Should the application be approved, the applicant will offer service six days a week beginning each day at 6 a.m. It is expected that one dump unit can make two roundtrips per day in the proposed service. The applicant now holds authority which will permit return movements from Lawrence or Butler counties to minimize empty backhauls.

In support of its financial capacity to maintain the additional authority requested, Brown entered its balance sheet and income statement for the year ending December 31, 1979. The applicant reports current assets of \$90,935.07, total assets of \$193,313.16 and total liabilities of \$40,603.12. Gross income of \$1,444,920.72 produced an operating profit of \$3,140.39 after total expenses of \$1,441,780.33.

N. M. Purdy, Jr., director of traffic for Sharon Steel Corporation, set forth in his verified statement that the supporting shipper Carpentertown Coal & Coke Company (shipper or Carpentertown) is a subsidiary of Sharon Steel Corporation and that he is the individual authorized to enter a statement on behalf of the shipper. Carpentertown is a coal mining company with mines and stripping operations near Templeton, Armstrong County, which is approximately 14 miles northwest of Kittanning. The mine facility has recently installed new cleaning and sizing machinery which has increased sales from this location. There is a continuing movement of coal from the mine to customers in Lawrence County, one of which at New Castle receives 34 truckloads or 780 tons per day, five to six days a week. This transportation appears constant and continuing

for this one particular shipper, however, other customers in Lawrence County are expected in the very near future.

Upon approval of the application as much traffic as Brown can handle will be tendered for transportation. During the period November 1979 through April 1980, Brown's equipment under lease to Robert Sechan has moved about 98,000 tons of coal from Armstrong County to Lawrence County. Other carriers have been contacted to provide this ongoing transportation, but few have both the authority and the equipment necessary to provide daily service. Brown is supported for the authority requested based on its past performance in providing suitable equipment when requested and providing consistently dependable service. Approval of the application is urged as an accommodation and convenience to the public.

DISCUSSION AND FINDINGS

Brown seeks to provide service for the account of one shipper transporting coal in dump vehicles from Armstrong County to Lawrence County. The applicant is an experienced bulk carrier with suitable equipment and a stable financial position to provide the amended service proposed.

The supporting shipper has an ongoing requirement for the transportation of a substantial volume of coal from its mines near Templeton, Armstrong County to a primary customer in New Castle, Lawrence County. Other carriers contacted have not been able to supply the equipment necessary on a consistent basis to render satisfactory service. The availability of Brown dedicated to meeting the shipper's requirements appears to be an aid in meeting Carpentertown's overall needs.

We find:

1. The applicant has the experience, equipment and financial capacity necessary to render the proposed service, as amended.
2. The applicant has proven, through statements submitted by its supporting shipper, that a need exists for the transportation proposed as an aid in meeting the shipper's overall transportation requirements.
3. Approval of the application, as amended, appears to be an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved and that the certificate issued May 10, 1971, as amended, be further amended to include the following right:

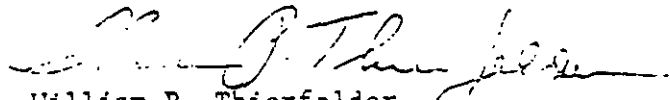
To transport, as a Class D carrier, coal, in bulk in dump vehicles, for Carpentertown Coal & Coke Company, from its mines, stripping operations and tipples in the county of Armstrong, to points in the county of Lawrence.

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

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

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

BY THE COMMISSION,


William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: July 17, 1980

ORDER ENTERED: JUL 31 1980

WILLIAM J. BROWN TRUCKING, INC.
DOCKET NO. A. 96429, F. 1, AM-E

- (1) To transport, as a Class D carrier, coal, in bulk in dump vehicles, from the facilities of Carpenter-town Coal and Coke Company located in the County of Armstrong, to points in the Counties of Allegheny, Armstrong, Beaver, Butler, Indiana and Westmoreland.
- (2) To transport, as a Class D carrier, coal, in bulk in dump vehicles, from the facilities of Canterbury Coal Company located in the County of Armstrong, to the facilities of Shenango Corporation in Neville Township, Allegheny County.
- (3) To transport, as a Class D carrier, coal, in bulk in dump vehicles, for Rochez Bros. between points in the Counties of Allegheny, Armstrong, Beaver, Butler, Indiana and Westmoreland.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 14, 1984

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley
Frank Fischl
Bill Shane

Application of William J. Brown Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport coal and coke for domestic consumption between points in the counties of Allegheny, Armstrong, Butler, Indiana and Westmoreland, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination: SO AS TO PERMIT the transportation of property, in bulk, in dump vehicles, between points in Pennsylvania on and west of U.S. Highway Route 219.

A-00096429

F. 1

Am-F

William J. Lavelle for the applicant.
Herbert R. Nurick for protestant, Samuel J. Lansberry, Inc.
Thomas G. Saylor, Jr., for protestant Bruce W. Trent.
Dwight L. Koerber, Jr., for protestant Kephart Trucking Co.
Ed's Transport, Co., Inc., pro se
Don Martin Trucking Co., pro se
Thomas R. Mulroy for protestants, Wayne W. Sell Corporation, et al.
John E. Fullerton for protestant, Hiram Wible & Son.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed on February 10, 1983. Public notice appeared in the Pennsylvania Bulletin of March 5, 1983. Protests were lodged by 13 protestants, seven of which were represented by counsel at a hearing held in Pittsburgh on January 31, 1984 with ALJ William R. Shane presiding. A record of 137 pages of testimony was compiled from direct and cross examination of

the applicant witness and five supporting shippers. An initial restrictive amendment was produced and identified as applicant's exhibit 1, excluding service from, to or between points in Clearfield County. Based on this restriction, the protest of Samuel J. Lansberry, Inc., was withdrawn. Following the hearing, a second restrictive amendment was submitted whereby the applicant limited its proposed service to five named shippers for specific commodities in the territory on and west of U.S. Highway Route 219 and excluding service in Clearfield and Somerset Counties. This resulted in the withdrawal of the remaining protests.

The application now stands unopposed in its amended form and the record has been certified to the Commission for disposition under modified procedure. Review is based on the testimony of the applicant witness and five supporting shippers taken under oath at the hearing.

William J. Brown, president of William J. Brown Trucking, Inc., (Brown or applicant) since its incorporation in June of 1970, testified on its behalf. Brown is a family owned business domiciled at R.D. 2, Box 79, Valencia, Butler County. It presently operates under intrastate authority, primarily in the transportation of bulk commodities in dump vehicles, generally in western Pennsylvania with Butler County as the hub of its operations. Brown also has interstate authority for bulk commodities in New York, Ohio, Pennsylvania and West Virginia.

The applicant's terminal is located on 23 acres at Route 228 east of Valencia. These facilities consist of an office, a garage for major and minor maintenance and a storage building which accommodates 30 vehicles. Brown lives on the premises and maintains round the clock radio contact with vehicles seven days a week. Personnel consists of 16 employees which consists of two office employees, a mechanic and the remainder drivers. Trucks presently handle an average of four loads per day frequently making same day delivery.

Brown's fleet of equipment consists of ten tri-axle dump vehicles having a 23 ton capacity; eight tractors and eight trailers and semi-dump trailers capable of handling all types of bulk commodities. The applicant has on permanent long-term lease from owner operators, ten tri-axles and eight tractors and eight dump trailers. All major and minor maintenance is performed at Brown's terminal. The applicant also has a safety program in force. Safe drivers are given recognition awards and Brown has been able to maintain an excellent safety record.

As evidence of its financial fitness, the applicant entered into the record a balance sheet dated September 30, 1983 and marked applicant's exhibit 2 and an income statement for the first nine months of 1983 marked applicant's exhibit 3. The balance sheet reflects total current assets of \$327,794.08 and total assets of \$463,719.95; total current liabilities of \$160,455.91 and a net worth of \$303,263.84. The income statement showed a gross profit of \$141,186.88 and net income of \$65,774.72.

Ronald Chutz of R.D. 2, Box 45, Industry, is president of Arrow Terminal Company,¹ a warehouse and distribution facility on the Ohio River in Beaver County. Arrow handles inbound and outbound commodities moving via rail, truck or water. Its primary function is the unloading from barges, segregating, warehousing and redistributing of such products as ferro alloys, chrome, manganese, silicone, ferro silicon, clay, uranium products, steel, stone, scrap, coal, coke, cotton seed and food products. Transactions are usually handled through a broker. The decision on routing this property is left to Arrow on approximately 30 percent of its traffic. The remaining 70 percent maybe pre-routed or designated by Arrow's customers. Arrow intends to offer the applicant approximately 15 to 20 percent of the transportation under its control. Transportation outbound involves 40 to 45 daily shipments to points on and west of U.S. Highway Route 219 to such representative places as Erie, Meadville, Johnstown, Franklin, Butler, Aliquippa, Sharon, Natrona, Pittsburgh, Monessen, Washington and Houston. Approximately 20 inbound truckloads per week are required from the same points. Arrow has experienced a shortage of carriers since Tajon, Inc., went out of business. Tajon's demise has had a major impact on Arrow's business. Arrow's volume has also recently increased about 20 to 30 percent and it experiences emergency situations about three times per week. Certificated carriers in the area have been unable or unwilling to handle the needed transportation.

Alan Carlson, a partner of Carlson Mining (Carlson) together with Jack and Steven Carlson, testified that their company is located in New Castle, Lawrence County. Carlson has been in business for 20 years and is engaged primarily in coal stripping and surface mining. The shipper desires transportation of coal, clay and stone from its Lawrence County sites to points on and west of U.S. Highway Route 19. The company presently strip mines on 50 acres north of Ellwood City in Slippery Rock Township, Lawrence County. Coal is shipped in 23 ton truckload quantities to power plants, chemical and manufacturing plants. Representative points are Bessemer, Monaca and Shippingport, with potential markets in Pittsburgh and Erie. Approximately eight to ten loads per day would be tendered by Carlson to the applicant should the instant application be approved. Carlson is familiar with the applicant's service since Brown has transported for this shipper in the past under a lease arrangement. Said service was characterized as dependable and timely. Carlson also is actively pursuing the marketing of clay and limestone. The witness cited a shortage of carriers particularly in the summer months when carriers shift to road construction materials.

Norman B. Hutchenson² testified that he has been a partner of H & H Materials of R.D. 1, Stoneboro, Mercer County, for four years. H & H Materials produces aggregates, concrete sand, mason sand, 1B and 2B stone from a 60 acre mining and processing operation near Stoneboro.

- 1/ Tajon Warehousing Corp., t/d/b/a Arrow Terminal Company
2/ David Philip Hoobler and Norman B. Hutchenson, copartners,
t/d/b/a H & H Materials

Service is desired for aggregate sand and stone from the shipper's facilities in Mercer County to points on and west of U.S. Highway 19. These products are used by concrete plants, ready mix plants and townships and municipalities. Outbound shipments go to points in Mercer, Butler, Crawford, Washington, Fayette, Westmoreland, Jefferson, Allegheny, Venango and Clarion Counties. Materials are generally preloaded for next day delivery. The witness stated his company has lost business in the past due to the unavailability of trucks. Service has frequently been undependable. The shipper has become familiar with the applicant's good reputation and excellent service and is convinced that Brown can provide the service required by H & H Materials.

The operations manager of Rochez Bros., Inc. (Rochez), Leon Rochez, asserted the following under oath. Rochez has several locations but its main office is located in Pittsburgh at 7th and Bragg Streets. Its operations are diversified, but pertinent to the instant proceeding it ships bulk commodities such as salt, cinders, coal and alloys between points on and west of U.S. Highway 219. Rochez controls the freight movement, pays freight charges and actually takes title to these products. Salt is shipped in by barge to Rochez's river terminals at Braddock and then to various customers for road use including over 100 municipalities in Indiana, Cambria, Somerset, Westmoreland and Allegheny Counties and the Commonwealth of Pennsylvania. Volume depends on weather conditions but Rochez shipped approximately 150,000 tons in the period of October, November and December of 1983 and January of 1984. Alloys, cinders and coal are picked up from producers and delivered to customers. Cinders are also used as an anti-skid materials and shipped out of Braddock and Cheswick under similar conditions as the salt. Approximately 120,000 tons per year of coal is shipped to Arco Chemical in Monaca and 50,000 tons to Penelec in Erie. Alloys have generally been shipped between points in western Pennsylvania, but activity in this area has been sluggish recently due to the recession. Rochez has experienced much difficulty in the past in getting transportation due to the frequently seasonal and erratic nature of the demand for its products. It has been forced to use vehicles from its private fleet which were not suitable for the required transportation. Rochez has used the applicant's service in the past and has been well satisfied with it. If the instant application is approved, Rochez believes it will have more trucks at its disposal.

William J. Brown, president of the applicant herein, was called upon to testify in his capacity as president of one of the shippers in this proceeding, W.D. Owens Coal and Supply Company (Owens). Owens has offices located on Route 228, East Middlesex Township, Butler County, and is a supplier of coal, aggregates, sand, gravel, salt and anti-skid materials. Owens desires the carrier to transport such property between points on and west of U.S. Highway Route 219. All of the products handled by Owens are purchased from suppliers and resold to its customers.

Both its suppliers and customers are located generally in Erie, Crawford, Mercer, Beaver, Lawrence, Allegheny, Armstrong, Butler, Washington and Westmoreland Counties. Owen's need for service is generally immediate since it is subject to sudden exigencies of weather conditions. The applicant presently serves Owens in a limited capacity in intrastate transportation. Brown is reluctant to use other certificated carriers since they have been soliciting business from Owens' customers and in effect competing with the shipper.

DISCUSSION AND FINDINGS

William J. Brown Trucking, Inc., the applicant herein, originally sought in the instant proceeding to transport property in bulk in dump vehicles between points in Pennsylvania on and east of U.S. Highway Route 219. An initial restrictive amendment excluding service from, to or between points in Clearfield County prompted the withdrawal of protestant, Samuel J. Lansberry. A second restrictive amendment following the hearing on this application resulted in the withdrawal of the remaining protests. The second restrictive amendment limited the proposed service for specific commodities for five named shippers in the territory on and west of U.S. Highway Route 219 and excluded service to from or between points in Clearfield or Somerset County.

In the first right proposed herein, the applicant requests the transportation of property from the facilities of Tajon Warehousing Corp., t/d/b/a Arrow Terminal Company. Support for this authority has been expressed by this shipper only. Service has therefore been limited to the named shipper.

Generally, all shippers have amply demonstrated a need for their specific commodities in the geographic area on and west of U.S. Highway Route 219. The applicant is a certificated carrier with long experience in the transportation of bulk commodities. It is also familiar with the requirements of the shippers in this proceeding, having served them under Brown's existing authority. The transportation involved in the instant application will require no additional capital outlay or expenditure for equipment. Based on the record before us, Brown has established its fitness to handle the additional service requested herein and shown that a need exists for said service.

The names of the shippers involved as indicated in the testimony and in the final restrictive amendment were not entirely accurate. The authority as hereinafter granted will specify the correct names of all shippers.

We find:

1. That the applicant is fit, willing and able to provide the proposed service, as amended.

2. That the applicant has demonstrated a need exists for the proposed service as amended.

3. That approval of the application, as amended, is an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved and that the certificate issued on May 10, 1971, as amended, be further amended to include the following right:

To transport, as a Class D carrier, in bulk, in dump vehicles property for Tajon Warehousing Corp., t/d/b/a Arrow Terminal Company, located in the county of Beaver, to points in Pennsylvania on and west of U.S. Highway Route 219, and vice versa.

To transport, as a Class D carrier, in bulk, in dump vehicles, coal, clay and stone for Jack E. Carlson, Alan Carlson and Steven Carlson, copartners, t/d/b/a Carlson Mining, from its facilities in the county of Lawrence, to points in Pennsylvania on and west of U.S. Highway Route 219.

To transport, as a Class D carrier, in bulk, in dump vehicles, aggregates, sand and stone for David Philip Hoobler and Norman B. Hutcheson, copartners, t/d/b/a H & H Materials, from its facilities in the county of Mercer, to points in Pennsylvania on and west of U.S. Highway Route 219.

To transport, as a Class D carrier, in bulk, in dump vehicles, salt, coal, cinders and alloys for Rochez Bros., Inc., between points in Pennsylvania on and west of U.S. Highway Route 219.

To transport, as a Class D carrier, in bulk, in dump vehicles, property for W. D. Owens Coal and Supply Company, between points in Pennsylvania on and west of U.S. Highway Route 219.

subject to the following condition:

That no right, power or privilege is granted to provide service from, to or between points in the counties of Clearfield or Somerset.

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

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

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

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 14, 1984

ORDER ENTERED: SEP 20 1984

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 12, 1987

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of William J. Brown
Trucking, Inc., a corporation of
the Commonwealth of Pennsylvania,
for amendment to its common carrier
certificate, which grants the right,
inter alia, to transport, by motor
vehicle, coal, in bulk, in dump
vehicles, for Rochez Bros., between
points in the counties of Allegheny,
Armstrong, Beaver, Butler, Indiana
and Westmoreland: SO AS TO PERMIT
the transportation of coal, in bulk,
in dump vehicles, for Ajmani &
Associates, and for Rawlee Fuels,
Inc., between points in Pennsylvania.

A-00096429
F. 1
Am-G

Vuono, Lavelle & Gray by William J. Lavelle for the applicant.
Pillar and Mulroy by John A. Pillar for protestant, Wayne W. Sell
Corporation.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application
filed August 22, 1986. Public notice of the application was published
in the Pennsylvania Bulletin of September 20, 1986. One protest was
filed by Wayne W. Sell Corporation which withdrew upon restrictive
amendment. The restriction excludes service to or from the Bethlehem
Mines Corporation, Fawn Mine No. 91, located in Clinton Township, Butler
County.

The now unopposed application is certified to the Commission
without oral hearing. The record consists of verified statements entered
by the applicant and two supporting parties.

William J. Brown Trucking, Inc. currently operates pursuant to a grant of common carrier authority issued by this Commission on May 10, 1971 with amendments thereto, transporting generally, bulk commodities between points in western Pennsylvania. By the instant application, it seeks authority to transport coal for two coal brokers between points in Pennsylvania.

Applicant will conduct operations from its headquarters located in Valencia, Butler County. All major and minor repairs to equipment are performed at the garage facility in Valencia. Three mechanics are employed to conduct maintenance of the equipment. The vehicles are equipped with two-way radios and drivers periodically throughout the day call in for information pertaining to pickup and delivery points. Applicant operates a total of 18 tractors, 19 dump trailers and 21 tri-axle dump trucks.

In support of its financial fitness, applicant submitted a balance sheet dated September 30, 1986 which shows total current assets of \$695,411.50, total assets of \$999,704.08, total current liabilities of \$277,885.64 and total stockholders' equity of \$639,818.44. On a gross income of \$2,057,602.19, a net profit before income taxes of \$170,534.54 was realized.

Rawlee Fuels, Inc. has a business office located at Indiana, Indiana County. It is a coal broker acting as a middleman between the coal producers and the coal users. It locates customers for coal, often by bid process, and then finds a supplier to fill the order. Rawlee selects the carrier and pays the transportation charges on all coal transported in Pennsylvania. More than half shipper's business involves shipments in western Pennsylvania moving primarily in a north-south direction. There is, however, a requirement for shipments moving from western Pennsylvania to eastern Pennsylvania and many of these movements are in connection with long-term contracts. Shipments of coal can originate from any deep mine, strip mine or coal yard in Pennsylvania. The major coal producers in western Pennsylvania with which shipper does business are located in the counties of Butler, Mercer, Venango, Armstrong, Westmoreland, Indiana, Bedford, Somerset, Fayette, Washington, Allegheny, and Greene. Customers include coal yards, power plants and industrial companies. The customers receiving the largest number of coal shipments are located in the same counties plus the counties of Erie, Crawford, Mercer, Lawrence, Clearfield, Jefferson, Beaver, McKean, and Warren. As a result of utilizing applicant's service on an interstate basis, Rawlee has concluded that its transportation requirements in Pennsylvania would best be met by utilizing applicant. Applicant would be tendered a vast majority of all Rawlee's coal shipments in Pennsylvania.

Ajmani & Associates has its business office at Bethel Park, Allegheny County. Ajmani is a coal broker having no coal production facilities of its own. It purchases coal at various points in Pennsylvania and ships to various points throughout the Commonwealth. The

motor carrier is selected by Admani and it does pay the freight charges on all shipments. While a majority of the coal movements are in the area west of U.S. Highway Route 219; business is solicited throughout the state. Origins and destinations can change from month to month. The volume of coal to be transported yearly is approximately 60,000 tons. The volume to be tendered applicant will fluctuate based on shipper's ability in receiving contracts and finding markets. Representative points of origin include points in the counties of Clarion, Clearfield and Butler; destinations include points in the counties of Northampton, Lehigh, Centre, Montour, Erie, and McKean. Ajmani has used applicant's service within its operating authority and has found the service to be very dependable. Upon approval of the application, applicant will be tendered all of Ajmani's intrastate shipments.

Both the supporting parties are engaged in the coal brokerage business. The brokers state that they select the carrier and are responsible for paying the freight charges. While these supporting parties have shown a minimal amount of support for state-wide service, we are inclined to grant the application as proposed, as amended, as the service is for two named shippers desiring transportation for a single commodity on which origins and destinations may change from month to month.

The supporting shippers have utilized applicant's service for interstate and/or Pennsylvania intrastate moves and have found the service to be dependable. Applicant can render the type of service required by these shippers. We find the evidence of record demonstrates a necessity for service between points in Pennsylvania and approval of the application as amended is in the public interest.

We find that:

1. Applicant currently operates pursuant to a common carrier certificate issued by this Commission on May 10, 1971.
2. The application is restrictively amended to exclude service to or from the Bethlehem Mines Corporation, Fawn Mine No. 91, located in Clinton Township, Butler County.
3. The evidence of record is sufficient to establish necessity for state-wide service.
4. Applicant has the equipment, experience and fitness necessary to render the proposed service, as amended.
5. The applicant has established that approval of the application as amended is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, as amended, and that the certificate issued on May 10, 1971, as amended, be further amended to include the following right:

To transport, as a Class D carrier, coal, in bulk,
in dump vehicles, for Ajmani & Associates, and for
Rawlee Fuels, Inc., between points in Pennsylvania;

subject to the following condition:

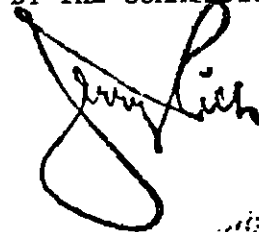
That no right, power or privilege is granted
to provide service to or from the Bethlehem
Mines Corporation, Fawn Mine No. 91, located
in Clinton Township, Butler County.

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

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

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

BY THE COMMISSION,

A handwritten signature in dark ink, appearing to read "Jerry Rich", is written over a horizontal line.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 12, 1987

ORDER ENTERED: MAR 18 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 16, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of William J. Brown Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, coal, in bulk, in dump vehicles, for Carpentertown Coal and Coke Company from its mines, stripping operations and tipples located in the county of Armstrong, to the United States Steel Company in the city of Clairton, Allegheny County and Shenango Corporation in Neville Township, Allegheny County: SO AS TO PERMIT the transportation of (1) property, except household goods in use, for William J. Brown Trucking, Inc., between points in Pennsylvania; (2) property, except household goods in use, for W. D. Owens Coal and Supply Company, between points in Pennsylvania; (3) coal, in bulk, in dump vehicles, from the facilities of Malinski Mining Co., located in the county of Butler, to points in Pennsylvania; (4) coal, in bulk, in dump vehicles, from the facilities of Sunbeam Coal Co., located in the borough of Boyers, county of Butler, to points in Pennsylvania; (5) coal, in bulk, in dump vehicles, from the facilities of Carpentertown Coal and Coke Company located in the county of Armstrong, to points in Pennsylvania; (6) limestone, in bulk, in dump vehicles, from the facilities of C & C Limestone Company, located in the borough of Boyers, county of Butler, to points in Pennsylvania; and (7) sand, gravel and limestone, in bulk, in dump vehicles, from the facilities of Dravo Basic Materials Co., located in the borough of Neville Island, county of Allegheny, the borough of Monaca, county of Beaver, and the borough of Georgetown, county of Beaver, to points in Pennsylvania.

A-00096429
F. 1
Am-H

William J. Lavelle for the applicant.
Peter G. Loftus for Seaboard Tank Lines, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 22, 1986. Public notice of the application was given in the Pennsylvania Bulletin of October 18, 1986. A protest filed by Seaboard Tank Lines, Inc., was latter withdrawn predicated upon our acceptance of a restrictive amendment which excludes the transportation of petroleum and petroleum products in bulk in tank-type vehicles.

The now unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by William J. Brown, president of the applicant as the common carrier and a private enterprise and as president of W. D. Owens Coal & Supply Co.; Domenic DeMatteis, president of Sunbeam Coal Co.; Leonard Chutz, president of C & C Limestone Company; and William D. Owens, Dravo Basic Materials Co., Inc.

DISCUSSION AND FINDINGS

The applicant now specializes in the transportation of bulk commodities such as coal, coke, building materials, asphalt, amesite, gravel, slag, sand, clay, stone, slat, cinders, alloys and general property. Brown's intrastate authority is now based in the western part of Pennsylvania. Brown also holds interstate authority to transport commodities in bulk. The applicant operates from facilities in Valencia, Butler County. It operates 18 tractors, 19 dump trailers, and 21 tri-axle dump trucks. All equipment is safety inspected on a regular basis and maintained by three full time mechanics. A safety meeting is held monthly.

The applicant submitted a balance sheet and income statement dated September 30, 1986, reporting total current assets of \$695,411.00, total assets of \$999,704.08, total current liabilities of \$277,885.64 and total liabilities of \$359,885.64. Total stockholder equity is reported at \$639,818.44. Gross income of \$2,057,602.19 provided a gross profit of \$253,341.09 after cost of operations. An operating profit of \$168,898.64 is reported after deduction of other general and administrative expenses.

Brown can now provide limited service to its three supporting shippers under authority held, but it seeks to expand that service so that it may transport on a statewide basis. Sunbeam Coal Co. and C & C Limestone Company

have used the applicant's limited service and have been satisfied with that service. Sunbeam Coal Co. will use the proposed service from its facilities at Boyers to points in Pennsylvania west of U. S. Highway 219. Truckload service is required. C & C Limestone Company requires service from its facilities at Boyers to points in the counties of Erie, Crawford, Warren, McKean, Mercer, Venango, Forest, Elk, Clarion, Jefferson, Clearfield, Lawrence, Butler, Armstrong, Indiana, Beaver, Washington, Allegheny, Westmoreland, Cambria, Greene, Fayette, and Somerset.

Dravo Basic Materials Co., has three locations at Neville Island, Allegheny County, Potter Township and Georgetown, both in Beaver County. Dravo produces sand, gravel and limestone. It desires transportation from its three facilities to points in its general market area which is south of Interstate Highway Route 80 and west of U. S. Highway Route 219. As originally filed and published, the applicant requested authority to provide service from the facilities of Dravo in the borough of Monaca, Beaver County. This location provided was incorrect. The correct location of this particular facility is in the adjoining township of Potter, Beaver County. Because the incorrect and the actual locations are so close and the shipper was identified by name, we do not find any party was placed at a disadvantage by incorrect publication of the location of the shipper's facility. Any authority to issue will reflect the correct location of the shippers plant.

It is our determination that the statements entered by the three supporting shippers are representative for a need for the service from the shipping facilities to points in Pennsylvania.

Malinski Mining Co. and Carpentertown Coal and Coke Company have not entered supporting verified statements. We cannot consider a grant of the requested authority absent support from these two named shippers.

Relative to the authority sought to provide service for William J. Brown Trucking, Inc., as a shipper and W. D. Owens Coal and Supply Company, Brown seeks authority to serve itself in order to comply with current Commission policy which prohibits a common carrier from using its equipment in private carriage on an interchangeable basis. William J. Brown Trucking, Inc., as a shipper, buys and sells various commodities such as coal, sand, gravel, salt, slag, cinders, lime, limestone, scrap metals, grindings, gypsum, feed, grain, fertilizer, roof granules, lumber, wood chips, and bark. William J. Brown, president of William J. Brown Trucking, Inc., avers in his verified statement that Brown engages in this activity in its own best economic interest. It finds on occasion that it is more efficient or economical for the company to actually be transporting

materials which it owns. The ability of the company to operate as a supplier of various commodities adds another dimension to the service it provides.

Relative to the request to provide service for W. D. Owens Coal and Supply Company between points in Pennsylvania, William J. Brown, its president, sets forth that Owens is a broker of various commodities such as coal, sand, gravel, salt, slag, cinders, lime, limestone, scrap metals, grindings, gypsum, feed, grain, fertilizer, roof granules, lumber, wood chips, and bark. Owens purchases these materials from various suppliers and manufacturers and matches those purchases with customers. Owens then desires transportation from the supplier's place of business to the place of business of the customer.

We are troubled by the applicant's request to provide service "for itself" regardless of the applicant's desire to obtain such authority to make legitimate the use of its common carrier equipment to provide private carriage. Makovsky Bros. v. Pa. P.U.C., 423 A.2d 1089 (1980) which holds that a common carrier cannot use the same vehicles to transport property for compensation for others and also use this same equipment to transport property for itself in private carriage as exempted from Commission jurisdiction at Section 102 (5) of the Public Utility Code, has prompted carriers to file for authority to serve themselves between points in Pennsylvania. In recent cases, the carriers seeking authority to serve themselves had for sometime been also engaged in other business enterprises and the interchangeable use of equipment between common and private carriage was performed as a matter of course. Upon the advent of the Makovsky decision, the carriers sought authority to serve themselves so that they could continue to use their common carrier equipment in the furtherance of their other business pursuits. In this particular instance, however, we do not appear to have the same set of circumstances surrounding the request for the authority. William J. Brown states that the carrier finds it in its interest at times to buy and sell commodities. It now has the opportunity to engage in buy and sell type of operations. The request for the authority to serve itself is prompted by this opportunity not the need to continue or further an established secondary business. The statement entered by William J. Brown as the president of the motor carrier and as a shipper is entirely self serving. A grant of the authority coupled with the stated intention of the applicant to engage in buy and sell operations would in effect permit the applicant to transport property between all points in Pennsylvania simply by having a shipper issue a bill of sale to the applicant for a shipment destined to a customer. We considered a similar fact situation in the Application of Wayne W. Sell Corporation, A-00093415, P. 1, Am-N, wherein we decided that a grant of authority for the

carrier to serve itself was not in the public interest. As in the Sell case, we see the potential for abuse in this case to be too great and the public benefit to be too small to warrant a grant of authority to the applicant to serve itself. We are inclined to deny this part of the application without prejudice, however, so that the applicant may address this issue at such time that it can provide probative evidence that a grant of the authority is in the public interest and will provide some substantial public benefit.

As we are troubled with a grant of authority to the applicant to serve itself, so are we somewhat concerned about a grant of authority to transport property between points in Pennsylvania for the affiliated commodities broker W. D. Owens Coal and Supply Company. Our concern is mitigated, however, as it appears the broker, unlike Brown Trucking as a shipper, is being operated as a separate entity and it is an established business enterprise desiring motor carrier service. It buys various bulk commodities and then resells those commodities to its customers. It indicates that in 1986 the total volume of traffic purchased and resold in Pennsylvania amounted to 250,000 pounds. In 1986 it had origins and destinations representative of its operations at York, Brookville, Altoona, New Castle, Slippery Rock, Darlington, Monaca, New Bethlehem, Pittsburgh, Latrobe, Butler, Vandergrift, Sharpsburg, Shippingport, Beaver, Aliquippa, Washington, Indiana, Chambersburg and Bellefonte, among others. Brown Trucking is now providing service to the broker within the scope of its currently authorized service. The verified statement on behalf of Owens supports a grant of authority so that the applicant may provide service "for" Owens between points in Pennsylvania.

We find:

1. The applicant has the experience, equipment and fitness to provide the proposed service, as amended and as limited.
2. No grant of authority to serve the facilities if Malinski Mining Co. and Carpentertown Coal and Coke Company is made as neither of the shippers have supported the application.
3. The support of the three shippers, Sunbeam Coal Co., C & C Limestone Company and Dravo Basic Materials Co., is representative of a need for the proposed service from their facilities to points in Pennsylvania.

4. No grant of authority is made to the applicant to provide service for William J. Brown Trucking, Inc., as such a grant of authority is found to not be in the public interest.

5. Approval of the application, as amended, as limited, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, as further limited, be and is hereby approved, and that the certificate issued May 10, 1971, as amended, be and is further amended to include the following rights:

To transport, as a Class D carrier, property (except household goods in use), for W. D. Owens Coal and Supply Company, between points in Pennsylvania.

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, from the facilities of Sunbeam Coal Co., in the borough of Boyers, Butler County; limestone, in bulk, in dump vehicles, from the facilities of C & C Limestone Company, from the borough of Boyers, Butler County; and sand, gravel and limestone, in bulk, in dump vehicles, from the borough of Neville Island, Allegheny County and the township of Potter and the borough of Georgetown, Beaver County; to points in Pennsylvania.

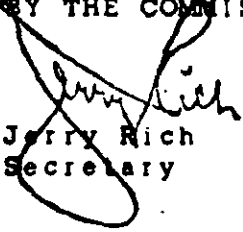
IT IS FURTHER ORDERED: That the application be and is hereby denied in all other respects without prejudice.

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

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

IT IS FURTHER ORDERED: That in the event the applicant has not complied with the requirements hereinbefore set forth within sixty (60) days of the date the order is entered, the application shall be dismissed without further proceedings.

BY THE COMMISSION.


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 16, 1987

ORDER ENTERED: JUL 24 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 29, 1988

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of South Hills Movers, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: which grants the right, inter alia, to transport, by motor vehicle, household goods and office furniture, in use, from points in the city of Uniontown, Fayette County, and within fifteen (15) miles by the usually traveled highways of the limits of said city to points in Pennsylvania, and vice versa: SO AS TO PERMIT the transportation of tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment, which because of its unusual nature or value, requires specialized handling and equipment usually employed in moving household goods, between points in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Lawrence, Washington and Westmoreland, and from points in said counties to points in Pennsylvania, and vice versa.

A-00099073

F. 2

Am-B

Vuono, Lavelle & Gray, by William J. Lavelle, for the applicant.
Pillar and Mulroy, P.C., by John A. Pillar, for the protestant,
Hindman Transfer and Storage, Inc.
Barton B. Williams for the protestant, Tosh Moving & Storage, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 8, 1985. Public notice of the application was given in the Pennsylvania Bulletin of September 21, 1985. Two protests were filed but were withdrawn contingent upon the Commission's acceptance of a restrictive amendment, prohibiting service to, from or between points in Beaver County. The now unopposed application is certified to the Commission for its decision, without oral hearing. The record consists of verified statements filed on behalf of the applicant and four supporting shippers.

South Hills Movers, Inc. (South Hills or applicant), is a Pennsylvania corporation, with its principal place of business in Bethel Park, Allegheny County. The applicant's fleet consists of twenty-six tractors, thirty-eight trailers, eighteen straight trucks, and four packing vans. A comprehensive safety program for drivers and vehicles is currently in operation. South Hills was initially certificated as a household goods mover in 1977 and currently serves Allegheny, Fayette, Greene and Washington counties.

As evidence of its financial capacity to perform the proposed service, South Hills reports assets of \$2,813,334, with liabilities of \$1,122,818, leaving shareholders' equity of \$1,690,516. Gross intrastate operating revenue was \$930,893 in 1986.

This application is a result of our decision in Pennsylvania Moving & Storage Association, Petition for Declaratory Order, Docket No. P-850090 (adopted March 20, 1986), which concluded that the transportation of business machines, new or used, is not within the scope of household goods rights. By this application, South Hills seeks to add the commodity description of "tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment" to its authority.

E. D. Walsh, Jr., senior buyer for USAir, Inc. (USAir), submitted a verified statement in support of the amended application. USAir operates sixteen sales offices and three warehouses in Pennsylvania. It expects to tender twenty shipments per year to the applicant for movement between its various facilities. The commodities to be shipped will include computer terminals, copying machines, and security equipment.

Frank H. Moser, Jr., vice president of Computer Research, Inc., submitted a verified statement in support of the amended application. This shipper sells and distributes computers and related peripheral equipment from its facilities in Corapolis, Allegheny County. Inbound and outbound shipments will be transported by the applicant to customers and from suppliers throughout Pennsylvania.

W. K. Rees, manager of NCR Corporation (NCR) in Pittsburgh, submitted a verified statement in support of the amended application. NCR sells and ships computers to customers from its Pittsburgh facility; other NCR facilities and suppliers ship to Pittsburgh. Approximately one hundred outbound and thirty inbound shipments will be transported annually.

Carole J. Weber, administrator of household moving, Aluminum Company of America (Alcoa), submitted a verified statement in support of the amended application. Alcoa needs a shipper capable of moving various office machinery between its Allegheny County locations and from shippers located throughout the state to its offices and plants. This shipper will tender fifty intracorporate moves and ten inbound moves per year.

All of these supporting witnesses noted the need for special handling of the fragile equipment they intend to ship and the necessity for inside delivery to customers. They are all seeking a reliable carrier with household goods transportation experience and believe that the applicant will meet their needs.

While the support for this application is somewhat limited, we note that the commodity description is very specialized. Additionally, the application was filed to obtain authority South Hills believed, in good faith, that it already had under its household goods rights. After a careful consideration of the record before us, we are of the opinion that the applicant has the expertise and equipment necessary to provide the proposed service. Furthermore, the verified statements demonstrate that there is a segment of the public that desires the availability of the proposed service.

We find that:

1. The applicant possesses the experience, equipment and financial capacity to render the proposed service, as amended.
2. The applicant has, through its supporting shippers, demonstrated that a segment of the public desires the proposed service, as amended.
3. Approval of the application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved and that the certificate issued to the applicant on February 18, 1977, as amended, be further amended to include the following right:

To transport, as a Class D carrier, tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment, which because of its unusual nature or value,

requires specialized handling and equipment usually employed in moving household goods between points in the counties of Allegheny, Armstrong, Butler, Fayette, Greene, Lawrence, Washington and Westmoreland, and from points in said counties to points in Pennsylvania, and vice versa;

subject to the following condition:

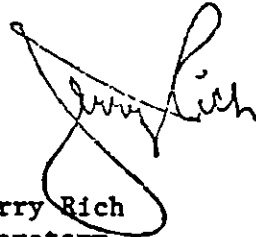
That no right, power or privilege is granted to transport to, from or between points in Beaver County.

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

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

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

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 29, 1988

ORDER ENTERED: FEB 05 1988

M E N A U G H T O N B R O S . , I N C .

OPERATING AUTHORITY

CERTIFICATE Pa. P.U.C. A-82096

Folder 2

To transport, as a Class D carrier, household goods and office furnishings in use between points in the County of Indiana.

To transport, as a Class D carrier, household goods and office furnishings in use from points in the County of Indiana to other points in Pennsylvania and vice versa.

To transport, as a Class B carrier, property, including household goods and office furnishings in use, between points in the Borough of Indiana, Indiana County, and within three (3) miles of the limits of said Borough.

To transport, as a Class D carrier, household goods in use and equipment in use from points in the Counties of Indiana, Westmoreland, Armstrong, Allegheny, Clearfield, and Jefferson to other points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, property from points in the Borough of Indiana, Indiana County, to points within twenty-five (25) miles by the usually traveled highways of the limits of said Borough and vice versa.

To transport, as a Class D carrier, building materials, contractors' machinery, and building construction materials such as are usually transported in dump trucks, between points in the Counties of Indiana, Jefferson, Clearfield, Cambria, Blair, Westmoreland, and Armstrong, provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

Folder 2 Am-B

To transport, as a Class D carrier, property between points in the Borough of Spangler, Cambria County, and within six (6) miles by the usually traveled highways of the limits of said Borough.

To transport, as a Class D carrier, household goods and office furniture in use, between points in the Borough of Spangler, Cambria County, and within fifteen (15) miles by the usually traveled highways of the limits of said Borough.

To transport, as a Class D carrier, household goods and office furniture, in use, from points in the Borough of Spangler, Cambria County, and within fifteen (15) miles by the usually traveled highways of the limits of said Borough to other points in Pennsylvania, and vice versa.

Folder 2 Am-C

To transport, as a Class B carrier, property excluding household goods in use, between points in the Borough of Blairsville, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said Borough.

Folder 2 Am-D

To transport, as a Class B carrier, household goods in use between points in the City of Johnstown, Cambria County, and within three (3) miles of the limits of said city.

To transport, as a Class D carrier, household goods in use from points in the City of Johnstown, Cambria County, and within three (3) miles of the limits of said city to other points in Pennsylvania, and vice versa.

McNaughton Bros., Inc. Operating Authority (con't)

Folder 2 Am-E

To transport, as a Class D carrier, nursery stock, including Christmas trees, between points in the County of Indiana and from points in the said County to points in Pennsylvania, and vice versa.

Folder 2 Am-F

To transport, as a Class D carrier, household goods in use from points in the City of Altoona, Blair County, and within ten (10) miles by the usually traveled highways of the limits of said City to other points in Pennsylvania, and vice versa.

Folder 2 Am-G

To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, including objects of art, displays and exhibits, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the County of Indiana and from points in the County of Indiana to other points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, including objects of art, displays and exhibits, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, from points in the Counties of Indiana, Westmoreland, Armstrong, Allegheny, Clearfield and Jefferson to other points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, including objects of art, displays and exhibits, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the Borough of Spangler, Cambria County, and within fifteen (15) miles by the usually traveled highways of the limits of the said Borough and from points in the Borough of Spangler, Cambria County, and within fifteen (15) miles by the usually traveled highways of the limits of the said Borough to other points in Pennsylvania, and vice versa.

McNaughton Bros., Inc. Operating Authority (Folder 2 Am-G con't)

To transport, as a class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, including objects of art, displays and exhibits, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the City of Johnstown, Cambria County, and within an airline distance of three (3) statute miles of the limits of the said city and from points in the City of Johnstown, Cambria County, and within an airline distance of three (3) statute miles of the limits of the said city to other points in Pennsylvania, and vice versa.

To transport, as a class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, including objects of art, displays and exhibits, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, from points in the City of Altoona, Blair County, and within ten (10) miles by the usually traveled highways of the limits of the said city to other points in Pennsylvania, and vice versa;

Subject to the following conditions: (Relating to Folder 2 Am-G only)

FIRST: That the service herein authorized is limited to commodities which, because of their unusual nature or value, require specialized handling and equipment usually employed in the moving of household goods.

SECOND: That the service herein authorized is limited to deliveries to the home, establishment or place of business of the ultimate user thereof, where such property shall be uncrated and placed for use and not for the purpose of resale.

THIRD: That no right, power or privilege is granted to render service where both point of origin and point of destination fall within the County of Allegheny or where both point of origin and point of destination fall within the County of Westmoreland.

McNaughton Bros., Inc. Operating Authority (con't)

Folder 2 Am-H

To transport, as a Class D carrier, household goods in use between points in the county of Cambria and in the County of Somerset within an airline distance of ten (10) statute miles of the county of Cambria.

To transport, as a Class D carrier, household goods in use from points in the County of Cambria and in the County of Somerset within an airline distance of ten (10) statute miles of the County of Cambria to points in Pennsylvania within seventy-five (75) miles by the usually traveled highways of the limits of the village of Beaverdale, Cambria County, and vice versa.

To transport, as a Class D carrier, household goods in use from points in the villages of Dunlo and Beaverdale and within an airline distance of three (3) statute miles of the limits of said villages to the City of Pittsburgh, Allegheny County, and vice versa.

Subject to the following condition:

That no right, power or privilege is granted to transport household goods in use between points in any borough or city.

McNaughton Bros., Inc. Operating Authority (con't)

Folder 2 Am-I (dated 1/29/74)

To transport, as a Class D carrier, property, except commodities in bulk, from the facilities of PPG Industries, Inc., in the borough of Indiana, Indiana County, and within an airline distance of three (3) statute miles of the limits of said borough and the township of White, Indiana County, to points in Pennsylvania, and vice versa.

subject to the following condition:

That no right, power or privilege is hereby granted to transport property to points in Allegheny County or Westmoreland County, or vice versa.

Folder 2 Am-J (dated January 28, 1975)

To transport, as a Class C carrier, property from points in the borough of Blairsville, Indiana County, and within five (5) miles by the usually traveled highways of the limits of the said borough to points within one hundred fifty (150) miles of the limits of the said borough.

To transport, as a Class D carrier, farm products from points in the borough of Blairsville, Indiana County, and within ten (10) 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.

To transport, as a Class D carrier, household goods and office furnishings, in use, between points in the borough of Blairsville, Indiana County, within five (5) miles by the usually traveled highways of the limits of the said borough.

To transport, as a Class D carrier, household goods and office furnishings, in use, from points in the borough of Blairsville, Indiana County, and within five (5) miles by the usually traveled highways of the limits of the said borough to points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, property between points in the borough of Blairsville, Indiana County, and within fifteen (15) miles by the usually traveled highways of the limits of the said borough, excluding the boroughs of Latrobe and Derry, Westmoreland County.

To transport, as a Class D Carrier, building construction materials, such as are usually transported in bulk in dump trucks, and contractor's equipment between points in the Counties of Indiana and Westmoreland, excluding the boroughs of Latrobe and Derry, Westmoreland County, provided no haul shall exceed a distance of twenty-five (25) miles from quarry, sand or gravel pit or railroad siding to point of destination.

To transport, as a Class C carrier, products of the General Refractories Company from its Salina plant to the County of Westmoreland to points within one hundred fifty (150) miles by the usually traveled highway of the said plant.

To transport, as a Class C carrier, property from points in the borough of Blairsville, Indiana County, and within an airline distance of fifteen (15) miles of the limits of said borough to points within one hundred fifty (150) miles of the limits of said borough.

With the right immediately above to be subject to the following conditions:

That no right, power or privilege is granted to transport property from points in the county of Westmoreland to points in the counties of Allegheny, Fayette and Washington, or vice versa, except as authorized by other rights hereinabove set forth.

That no right, power or privilege is granted to transport property from points in the city of Johnstown, Cambria County, or within an airline distance of six (6) miles of said city, except as authorized by other rights hereinabove set forth.

That no right, power or privilege is granted to transport commodities in bulk in tank vehicles, except as authorized by other rights hereinabove set forth.

McNaughton Bros., Inc. Operating Authority - Folder 2, Am-J (con't)

To transport, as a Class D carrier, radioactive materials from points in the borough of Blairsville, Indiana County, and within an airline distance of fifteen (15) miles of the limits of the said borough to points in Pennsylvania and vice versa.

To transport, as a Class D carrier, household goods in use from the borough of Ford City, Armstrong County, and within five (5) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 10, 1983

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley

Application of McNaughton Bros., Inc.,
a corporation of the Commonwealth of
Pennsylvania, for amendment to its
common carrier certificate, which grants
the right, inter alia, to transport,
by motor vehicle, personal effects and
property used or to be used in a dwelling
when a part of the equipment or supply
of such dwelling, in connection with
a removal by a householder from one
house or dwelling to another; furniture,
fixtures, equipment and the property
of stores, offices, museums, institutions,
hospitals or other establishments, when
a part of the stock, equipment or supply
of such stores, offices, museums, institutions,
hospitals or other establishments, in
connection with a removal from one location
to another; and articles, including objects
of art, displays and exhibits, which,
because of their unusual nature or value,
require specialized handling and equipment
usually employed in moving household goods,
from points in the counties of Indiana,
Westmoreland, Armstrong, Allegheny,
Clearfield and Jefferson to other points
in Pennsylvania, and vice versa: SO AS TO
PERMIT the transportation of household
goods and office furniture in use, personal
effects and property used or to be used in
a dwelling when a part of the equipment
or supply of such dwelling, in connection
with a removal by a householder from one
house or dwelling to another; furniture,
fixtures, equipment and the property of
stores, offices, museums, institutions,
hospitals or other establishments, when a
part of the stock, equipment or supply of
such stores, offices, museums, institutions,

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hospitals or other establishments, in connection with a removal from one location to another; and articles, including objects of art, displays and exhibits, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the borough of Emporium, Cameron County, and within an airline distance of twenty (20) statute miles of the limits of said borough, and from points in said territory, to points in Pennsylvania, and vice versa.

William J. Lavelle for McNaughton Bros., Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 18, 1982. Public notice of the application was given in the Pennsylvania Bulletin of December 11, 1982. A protest was filed by Kennedy Transfer, however, that protest was withdrawn upon reconsideration. The now unopposed application is certified to the Commission for its decision without hearing. The record consists of verified statements entered by the applicant and three supporting parties.

R. D. McNaughton, president of McNaughton Bros., Inc. (McNaughton or applicant), set forth in his verified statement that he is familiar with the operating authority, facilities, equipment and operations of the applicant and he is authorized to enter a verified statement. McNaughton is a motor common carrier holding authority from the Commission to transport property, specific commodities or household goods and office furniture in use. McNaughton has a great deal of experience in the transportation of household goods, office furniture in use and related items within Pennsylvania. Currently, the applicant is authorized to transport household goods from points in the counties of Indiana, Westmoreland, Armstrong, Allegheny, Clearfield and Jefferson to other points in Pennsylvania and vice versa. The instant application proposes the transportation of household goods between points in Emporium, Cameron County and within twenty (20) miles and from that territory to points in Pennsylvania and vice versa.

The applicant operates from its office in Indiana, Indiana County. In addition, McNaughton has a warehouse in Johnstown, Cambria County. Its current fleet of equipment is comprised of 19 tractors and 23 trailers. 21 of the trailers are suitable for the transportation of household goods. All equipment is subject to a preventative maintenance program and is safety inspected routinely.

Should the instant application be approved, the applicant will provide the shipping public in the borough of Emporium and within an airline distance of twenty (20) miles of that borough with a dependable motor carrier service. Service will be available on Saturdays, Sundays and Holidays as required. Service on weekends and holidays is a standard feature of its current household goods service. All employees are highly trained in all phases of household goods transportation. Personnel are trained in making estimates, packing and crating articles, loading and unloading vehicles in a safe manner and tying down and bracing articles on the vehicles to prevent damage.

As evidence of its financial capacity to provide the additional service proposed, McNaughton entered its balance sheet and income statement as of June 30, 1982. The applicant reports current assets of \$377,389 with total assets of \$571,694. Current liabilities are \$108,723 and total liabilities are \$154,273. For the six month period ended June 30, 1982, McNaughton experienced an operating loss of \$58,969 from revenue of \$876,304.

Robert H. Johnson, corporate moving coordinator for Stackpole Corporation, set forth in his verified statement that he is responsible for the transportation related activities of the company including arranging for the movement of employees to and from the Saint Marys, Elk County area. Stackpole is a manufacturer of carbon and graphite products, electronic components, magnetic powders and products. Its major plant is in Saint Marys, Elk County with a second plant in Kane, McKean County.

Stackpole supports the instant application as from time to time Stackpole will sponsor the relocation of new employees from their former residence to a residence in the vicinity of the plant where they will be employed. Stackpole also arranges for the movement of employees who are transferred from one area to another. With the two plants in Pennsylvania at St. Marys, Elk County and Kane, McKean County, employees that work at these two plants generally reside in the counties of Elk, McKean, Cameron, Clearfield and Jefferson. As pertinent here the applicant would be used to transport household goods from and to Emporium, Cameron County, and within twenty miles.

William Northey, personnel manager for Pure Carbon Company, Saint Marys, Elk County, set forth in his verified statement that his duties include arranging motor carrier transportation and he is familiar with his company's transportation needs. He is authorized to enter a verified statement. Pure Carbon Company manufactures carbon products. The company arranges for the relocation of employees to the vicinity of its plant. As here pertinent, the applicant would be used to transport household goods in use to points in Emporium and within twenty (20) miles.

Gele Fedder, owner of Fedder's Jewelers, Saint Marys, Elk County, set forth in her verified statement that she is familiar with the transportation needs of the company and is authorized to submit a verified statement. Fedder's jewelers is engaged in the business of selling retail jewelry, china and glassware. The company assists its employees in relocation and would use the applicant to relocate employees in and about the Cameron County area.

DISCUSSION AND FINDINGS

The applicant now transports household goods from points in the counties of Indiana, Westmoreland, Armstrong, Allegheny, Clearfield and Jefferson to other points in Pennsylvania, and vice versa. By the instant application McNaughton is seeking to serve the borough of Emporium, Cameron County, and within twenty miles. Cameron County and the territory proposed is in proximity to the area McNaughton now serves.

Three parties support the instant application. All have facilities in Elk County and have employees residing in and around Cameron County. All three companies assist their employees in relocation in times of transfer and upon relocating new employees at their facilities. McNaughton would be used to provide these services.

We find:

1. The applicant has the fitness, equipment and experience necessary to render the proposed service.
2. Approval of the application will aid persons residing in Emporium and within twenty (20) miles in finding a household goods carrier.
3. Approval of the application is an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued August 3, 1955, as amended, be further amended to include the following right:

To transport, as a Class D carrier, household goods and office furniture in use, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with the removal from one location to another; and articles, including objects of art, displays and exhibits, which, because of their unusual nature or value, require specialized handling

and equipment usually employed in moving household goods, between points in the borough of Emporium, Cameron County, and within an airline distance of twenty (20) statute miles of the limits of the said borough, and from points in said territory, to points in Pennsylvania, and vice versa.

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

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

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

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 10, 1983

ORDER ENTERED: JUN 17 1983

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Harrisburg, PA 17120

Public Meeting held July 8, 1983

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley

Application of McNaughton Bros., Inc.,
for approval of the transfer to it of
part of the operating rights held by
Robert E. Weaver, t/a Weaver Transfer
and Storage at A-00089790, F. 2

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MODIFICATION ORDER

BY THE COMMISSION:

By application docketed December 2, 1982, McNaughton Bros., Inc. (McNaughton), a corporation of the Commonwealth of Pennsylvania, sought approval of the transfer to it of part of the rights granted to Robert E. Weaver, t/a Weaver Transfer and Storage (Weaver), under the certificate issued at A-00089790, F. 2.

By order at Public Meeting on May 13, 1983 the Commission approved the said transfer.

The transferee, McNaughton, in the said transfer proceeding was granted the following part of authority from Weaver:

To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods:

Between points in the county of Somerset, and from points in said county to points in Pennsylvania, and vice versa;

In order to eliminate duplicate operating authority between McNaughton and Weaver, arising from the partial transfer, the Commission, upon recommendation of the staff imposed the following restrictive condition on the transferee:

That no right, power or privilege is granted to provide service within an airline distance of ten (10) statute miles of the limits of the borough of Scalp Level, Cambria County.

(Emphasis provided)

The said restrictive condition eliminated the duplicate operating authority. However, upon receipt of the Commission's aforesaid May 13, 1983 Order the parties, through counsel, advised the Commission that the restrictive condition was not in conformity with the intentions contemplated by McNaughton and Weaver, and therefore requested modification.

It is averred that it is the intention of the transferor, Weaver, to retain the authority to operate in the three northern-tier townships of Somerset County, namely, Conemaugh, Paint and Ogle, and transfer the balance of territory in Somerset County to McNaughton. However, the above imposed restrictive condition, which prohibits transportation within a radius of ten miles of Scalp Level, Cambria County, encompassed territory beyond the townships of Conemaugh, Paint and Ogle by extending beyond the southern borders of the said townships.

Thus, with the restrictive condition McNaughton could not operate in the territory a few miles below the southern borders of the aforesaid townships.

The parties had intended that McNaughton would operate entirely in Somerset County, except for the three said townships, and that Weaver would retain operations in the said townships.

Upon consideration of the matters herein we find that the intention and purpose of the parties can be effected without creating duplicate operating authorities, by modifying our May 13, 1983 orders; THEREFORE,

IT IS ORDERED:

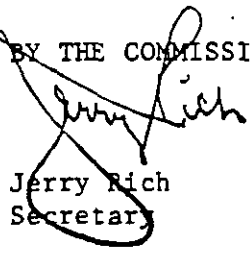
That the Commission's Order adopted May 13, 1983, at A-00082096, F. 2, Am-M, be and is hereby modified and so that the operating authority granted therein shall remain the same, as cited above, but that the restrictive condition, prohibiting transportation within an airline distance of 10 miles of Scalp Level, Cambria County, as cited above shall be eliminated and that the following restrictive condition shall be substituted therefor:

That no right, power or privilege is granted to provide service to, from or between points in the townships of Conemaugh, Paint and Ogle, Somerset County.

IT IS FURTHER ORDERED:

That our Order of May 13, 1983 in this matter remain the same in all other respects.

BY THE COMMISSION


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 8, 1983

ORDER ENTERED: JUL 18 1983

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 25, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl

Application of McNaughton Bros., Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, household goods and office furnishings in use between points in the county of Indiana: SO AS TO PERMIT the transportation of tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, (1) between points in the county of Indiana; (2) from points in the counties of Indiana, Westmoreland, Armstrong, Allegheny, Clearfield and Jefferson, to points in Pennsylvania, and vice versa; (3) between points in the borough of Spangler, Cambria County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa; (4) between points in the city of Johnstown, Cambria County, and within an airline distance of three (3) statute miles of the limits of said city, and from points in said territory to points in Pennsylvania, and vice versa; (5) from points in the city of Altoona, Blair County, and

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within ten (10) miles by the usually traveled highways of the limits of said city, to points in Pennsylvania, and vice versa; (6) between points in the county of Cambria and in the county of Somerset within an airline distance of ten (10) statute miles of the limits of the county of Cambria, to points in Pennsylvania within seventy-five (75) miles by the usually traveled highways of the limits of the village of Beaverdale, Cambria County, and vice versa; (7) from points in the villages of Dunlo and Beaverdale, Cambria County, and within an airline distance of three (3) statute miles of the limits of said villages to the city of Pittsburgh, Allegheny County, and vice versa; (8) between points in the borough of Blairsville, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa; (9) from points in the borough of Ford City, Armstrong County, and within five (5) miles of the usually traveled highways of the limits of said borough, to points in Pennsylvania, and vice versa; (10) between points in the borough of Emporium, Cameron County, and within an airline distance of twenty (20) statute miles of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa; and (11) between points in the county of Somerset, and from points in said county, to points in Pennsylvania, and vice versa; subject to the following condition: That no right, power or privilege is granted under territorial paragraph (2) to provide service between points in the county of Allegheny, or between points in the county of Westmoreland.

Vuono, Lavelle & Gray by William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 29, 1986. Public notice of the application was given in the Pennsylvania Bulletin of October 25, 1986. No protests have been filed.

The application is unopposed and the record is certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and one supporting shipper.

DISCUSSION AND FINDINGS

The applicant, McNaughton Bros., Inc., is a Pennsylvania corporation which has held a certificate of public convenience since August 3, 1955, by which it is authorized to engage in transportation as a common carrier. The authority of the applicant consists primarily of rights authorizing it to transport household goods and office furniture in use (both broad form and short form). The applicant is also authorized to transport such general commodities as farm products, building construction materials, nursery stock and radioactive materials. Service is authorized in and from the counties of Indiana, Westmoreland, Somerset, Cambria, Blair, Armstrong, Allegheny, Clearfield and Jefferson.

The instant application is the result of the order adopted by this Commission on March 20, 1986 and entered April 2, 1986, in Pennsylvania Moving & Storage Association, Petition for Declaratory Order, Docket No. P-850090, in which it was determined that the transportation of business machines, new or used, was not authorized by household goods authority. The instant application has been filed by the applicant to acquire the right to transport "tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods". The applicant also seeks the right to transport parts, materials and supplies which are used with the aforescribed business machines.

The territorial scope of the instant application is identical to the territory currently authorized and served by the applicant. The applicant is not seeking to expand its service area, only the commodities which it is authorized to handle.

The operations of the applicant are managed from its office located in Indiana, Indiana County. At this location is also located a 44,000 square foot warehouse. Motor vehicle equipment consist of one tractor and one straight truck which is owned by the applicant, and six tractors, 19 van trailers, five straight trucks and four pack vans, all of which are leased from McNaughton Leasing. All vehicles are equipped

with straps, ramps and equipment necessary for loading and unloading of all types of freight. The applicant has available other specialized equipment, such as gin poles and roller jacks.

During the period of January 8, 1985 through August 22, 1986, the applicant transported 49 shipments of electronic equipment. These shipments ranged in weight from 93 pounds to 24,900 pounds. All of these shipments were transported by the applicant under the belief that its broad form household goods authority authorized said transportation. Loss of this traffic would adversely affect the applicant's financial condition.

Kathleen Maudie, vice president, Savings & Trust Company of Pennsylvania, states that as a commercial bank, it has a need to have business machines and computers transported between its various offices, or to another party when the bank sells a piece of office equipment. The bank has seven branches in Jefferson County, with 11 branches in Indiana County.

The bank has recently required the transportation of computer equipment from its Homer City branch office. In the spring of 1987, the bank will have need for the transportation of various computer equipment from the Indian Springs branch office to another location in Indiana.

The projected movement of its computer equipment will require the services of a motor carrier equipped to handle unpackaged computers and business machines. The carrier must be capable of providing movement on a specific schedule to limit the amount of down time. The applicant has been used for approximately five years to handle movements for the bank, with the prior service having been provided in a professional and timely manner.

The record in the instant proceeding clearly demonstrates that the carrier is a highly experienced motor carrier in the transportation of household goods, as well as business machines and computers. The applicant, as well as a broad segment of the household goods carrier industry, have been transporting business machines and computers under the misconception that "broad form" household goods authority authorized the transportation of the commodities in question.

We are of the opinion that although the service provided by the applicant was illegal, it was provided in good faith. We find that the applicant possesses the specialized equipment and experience which is required to transport business machines and computers. The supporting statements of the applicant and the bank are sufficient to demonstrate the existence of a public need for the service proposed.

We find:

1. That the applicant is fit, willing and able to render the proposed service.

2. That the applicant has demonstrated that there exists a public need for the service proposed.

3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the certificate issued to the applicant on August 3, 1955, as amended, be further amended to include the following rights:

To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith:

- (1) Between points in the county of Indiana;
- (2) From points in the counties of Indiana, Westmoreland, Armstrong, Allegheny, Clearfield and Jefferson, to points in Pennsylvania, and vice versa;
- (3) Between points in the borough of Spangler, Cambria County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa;
- (4) Between points in the city of Johnstown, Cambria County, and within an airline distance of three (3) statute miles of the limits of said city, and from points in said territory to points in Pennsylvania, and vice versa;
- (5) From points in the city of Altoona, Blair County, and within ten (10) miles by the usually traveled highways of the limits of said city, to points in Pennsylvania; and vice versa;
- (6) Between points in the county of Cambria and in the county of Somerset within an airline distance of ten (10) statute miles of the limits of the county of Cambria, to points in Pennsylvania within seventy-five (75) miles by the usually traveled highways of the limits of the village of Beaverdale, Cambria County, and vice versa;

- (7) From points in the villages of Dunlo and Beaverdale, Cambria County, and within an airline distance of three (3) statute miles of the limits of said villages to the city of Pittsburgh, Allegheny County, and vice versa;
- (8) Between points in the borough of Blairsville, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa;
- (9) From points in the borough of Ford City, Armstrong County, and within five (5) miles of the usually traveled highways of the limits of said borough, to points in Pennsylvania, and vice versa;
- (10) Between points in the borough of Emporium, Cameron County, and within an airline distance of twenty (20) statute miles of the limits of borough, and from points in said territory to points in Pennsylvania, and vice versa;
- (11) Between points in the county of Somerset, and from points in said county, to points in Pennsylvania, and vice versa.

subject to the following condition:

That no right, power or privilege is granted under territorial paragraph (2) to provide service between points in the county of Allegheny, or between points in the county of Westmoreland.

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

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

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

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", is written over a large, stylized "X" mark.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 25, 1987

ORDER ENTERED: JUL 01 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 16, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of Campbell Transfer & Storage Company, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, household goods and office furniture in use, between points in the county of Allegheny: SO AS TO PERMIT the transportation of tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, (1) between points in the county of Beaver and from points in said county, to points in Pennsylvania, and vice versa; (2) from points in the borough of Rochester, Beaver County, and within ten (10) miles by the usually traveled highways of the limits of said borough to points within fifty (50) miles by the usually traveled highways of the limits of said borough, and vice versa; (3) between points in the county of Allegheny; and (4) from points in the boroughs of Wilkinsburg, Edgewood and Swissvale, Allegheny County, to points in Pennsylvania within twenty-five (25) miles by the usually traveled highways of the limits of said boroughs, and vice versa; subject to the following condition: That no right, power or privilege is granted under territorial paragraph (3) above to provide service between points in Pennsylvania for distances of more than forty (40) statute miles.

A-00099334
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Vuono, Lavelle & Gray by John A. Vuono and William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 29, 1986. Public notice of the application was given in the Pennsylvania Bulletin of October 25, 1986. No protests were filed.

The application is unopposed and the record is certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and three supporting shippers.

DISCUSSION AND FINDINGS

The applicant, Campbell Transfer & Storage Company, is a Pennsylvania corporation which has held a certificate of public convenience since June 8, 1976. Pursuant to said certificate, the applicant is authorized to transport various commodities, including household goods and office furniture in use. The applicant is authorized to render service in all or parts of the counties of Beaver and Allegheny.

The instant application is the result of the order adopted by this Commission on March 20, 1986 and entered April 2, 1986, in Pennsylvania Moving & Storage Association, Petition for Declaratory Order, Docket No. P-850090, in which it was determined that the transportation of business machines, new or used, was not authorized by household goods authority. The instant application has been filed by the applicant to acquire the right to transport tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods. The applicant also seeks the right to transport parts, materials and supplies which are used with the aforescribed business machines.

The territorial scope of the instant application is identical to the territory currently authorized and served by the applicant. The applicant is not seeking to expand its service area, only the commodities which it is authorized to handle.

The operations of the applicant are provided from its facilities located at 308 Nineth Street, Monaca, Beaver County. These facilities include offices and a warehouse area. The applicant has the appropriate loading and unloading equipment needed to handle business machines.

To provide transportation, the applicant has available six tractors, three trailers, four straight trucks or vans and one pack van. All of the motor vehicles are owned by the applicant, except for one leased straight truck.

The applicant has been called upon to transport the commodities involved herein, with transportation being provided under the impression that its household goods and office furniture in use authority authorized the service. The applicant, in providing transportation for business machines and computers, has equipped its vehicles with all accessorial equipment necessary to handle sensitive shipments. Drivers are trained in the movement of this equipment so as to avoid damage in transit.

Incom International, Inc. (Incom), 661 Andersen Drive, Pittsburgh, Allegheny County, is an industrial manufacturer with a plant, sales office and warehouse in York, York County. From its York plant, it ships computers and electronic equipment to Monaca and Pittsburgh, with inbound shipments from Pittsburgh to Monaca.

The traffic to be tendered the applicant is fragile and highly sensitive to rough handling. All precautions are taken to package and ship the equipment so as to avoid damage while in transit. A carrier is required that can provide specialized equipment and experienced personnel. The applicant has provided Incom with transportation for its internal computer systems and peripheral equipment for five or six years.

Babcock & Wilcox, 4th Avenue & 37th Street, West Mayfield, Beaver Falls, Beaver County, is a manufacturer of specialty tubing and bars at production plants in Koppel, Ambridge and Beaver Falls, with sales offices in Blue Bell and Beaver Falls. A carrier is needed which is equipped to transport electronic equipment, copiers, data processing equipment, personal computers, main frames and similar commodities, since these commodities are fragile, expensive and highly sensitive to rough handling. Household goods carriers have been found to possess the vehicles, experience and personnel to provide the required service.

McGraw-Edison Power System, Cooper Industries, Inc., 420 Rouser Road, Airport Office Park, Building No. 3, Coraopolis, Allegheny County, is a manufacturer of electrical equipment at plants in Canonsburg and East Stroudsburg. A warehouse is located in Fogelsville, while sales offices are located in Coraopolis.

The applicant is needed to transport shipments of computers and electrical equipment and components, weighing between 1,000 to 20,000 pounds. The applicant has the vehicles, personnel and accessorial equipment to provide the services required.

The record in the instant proceeding clearly demonstrates that the carrier is a highly experienced motor carrier in the transportation of household goods and office furniture, as well as business machines and computers. The applicant, as well as a broad section of the household

goods carrier industry, has been transporting business machines and computers under the misconception that household goods authority authorized the transportation of the commodities herein in question.

We are of the opinion that although the service provided by the applicant was illegal, it was provided in good faith. We find that the applicant possesses the specialized equipment and experience which is required to transport business machines and computers. The supporting statements of the applicant and the three supporting shippers are sufficient to demonstrate the existence of a public need for the service proposed.

We find:

1. That the applicant is fit, willing and able to render the proposed service.
2. That the applicant has demonstrated that there exists a public need for the service proposed.
3. That approval of the application is necessary for the accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the certificate issued to the applicant on June 8, 1976, as amended, be further amended to include the following rights:

To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith:

- (1) between points in the county of Beaver and from points in said county, to points in Pennsylvania, and vice versa;
- (2) from points in the borough of Rochester, Beaver County, and within ten (10) miles by the usually traveled highways of the limits of said borough to points within fifty (50) miles by the usually traveled highways of the limits of said borough, and vice versa;
- (3) Between points in the county of Allegheny;
- (4) from points in the boroughs of Wilkinsburg, Edgewood and Swissvale, Allegheny County, to points in Pennsylvania within twenty-five (25)

miles by the usually traveled highways of the limits of said borough, and vice versa.

subject to the following condition:

That no right, power or privilege is granted under territorial paragraph (3) above to provide service between points in Pennsylvania for a distance of more than forty (40) statute miles.

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

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

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

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized "X" mark.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 16, 1987

ORDER ENTERED: JUL 29 1987

SECOND: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

THIRD: That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof;

FOURTH: That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, March 29, 1971, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

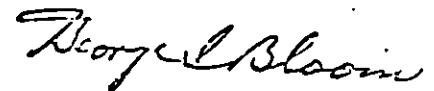
IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:



Secretary



Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 96502

Application of WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania, dated February 16, 1971, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by ANDY L. WELESKI (deceased) and ANTHONY L. WELESKI, copartners, trading and doing business as WELESKI TRANSFER, under report and order issued at A. 84519, Folder 1 on August 19, 1957 and the certificate of public convenience issued thereunder, as modified and amended, and under report and order issued at A. 84519, Folder 2 on August 19, 1957 and the certificate of public convenience issued thereunder, which certificates will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

To transport, as a Class B carrier, property between points in the borough of Tarentum, Allegheny County. (Formerly A. 84519, Folder 1)

To transport, as a Class D carrier, household goods and office furniture, in use, from points in the borough of Tarentum and within an airline distance of three (3) statute miles of the limits of said borough to points within an airline distance of forth (40) statute miles of point of origin, and vice versa. (Formerly A. 84519, Folder 1)

To transport, as a Class B carrier, property between points in the borough of New Kensington, Westmoreland County. (Formerly A. 84519, Folder 1)

To transport, as a Class B carrier, household goods and equipment, in use, between points in the borough of New Kensington, Westmoreland County, and within five (5) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 1)

To transport, as a Class D carrier, household goods and equipment, in use, from the borough of New Kensington, Westmoreland County, and within five (5) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa. (Formerly A. 84519, Folder 1)

To transport, as a Class D carrier, electrical household equipment for the Keller Electric Company from Ochiltree Electric Company in the city of Pittsburgh, Allegheny County, to the borough of New Kensington, Westmoreland County. (Formerly A. 84519, Folder 1)

To transport, as a Class D carrier, property for Montgomery Ward & Company and M. Rom & Sons Company from points in the borough of New Kensington to points in a westerly, northerly and easterly direction within thirty (30) miles by the usually traveled highways of the limits of said borough and to points in a southerly direction within twelve (12) miles by the usually traveled highways of the limits of said borough and vice versa. (Formerly A. 84519, Folder 1)

To transport, as a Class D carrier, household goods and office furniture, in use, between points in the city of Pittsburgh, Allegheny County, and within thirty (30) miles by the usually traveled highways of the limits of said city. (Formerly A. 84519, Folder 1)

To transport, as a Class D carrier, household goods and office furniture, in use, between points in the county of Allegheny. (Formerly A. 84519, Folder 1)

To transport, as a Class D carrier, household goods and office furniture, in use, from points in the county of Allegheny to other points in Pennsylvania, and vice versa. (Formerly A. 84519, F.1)

To transport, as a Class D carrier, amiesite, stone, limestone, wire tools, sawed and planed lumber, coal, building materials and building construction materials, such as are usually transported in dump trucks, between points in the borough of Apollo, Armstrong County, and within twenty (20) miles by the usually traveled highways of the limits of said borough; provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination. (Formerly A. 84519, Folder 1)

To transport, as a Class D carrier, mine machinery and supplies from the freight station in the borough of Apollo, Armstrong County, to mines within twenty (20) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 2)

To transport, as a Class D carrier, household goods, in use, between points in the borough of Apollo, Armstrong County, and within five (5) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 2)

To transport, as a Class D carrier, household goods in use, from points in the borough of Apollo, Armstrong County, and within five (5) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa; (Formerly A. 84519, Folder 2)

and subject to the following conditions, is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the equipment certificate, to be subsequently issued.

SECOND: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

THIRD: That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof;

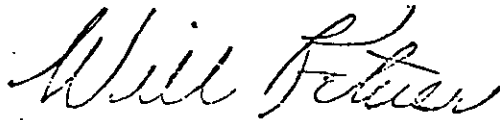
FOURTH: That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, May 17, 1971, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

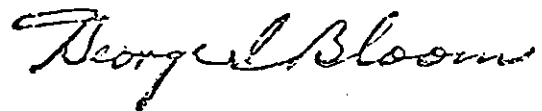
IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:



Secretary



Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 96502
Folder 1, Am-B

Application of WELESKI TRANSFER, INC., a
corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania, received June 19, 1972, for modification of the report and order issued under date of May 17, 1971 and the certificate of public convenience issued thereunder, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by KENNETH C. WOLFE, (deceased), trading and doing business as KEN WOLFE'S PICKUP AND DELIVERY, under report and order issued at A. 95786 on April 13, 1970 and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled as of the date of this order, upon compliance with the tariff requirements of the Commission by WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, November 13, 1972, IT IS ORDERED: That the report and order issued under date of May 17, 1971 and the certificate of public convenience issued thereunder, be and is hereby modified and amended so as to include the following rights:

To transport, as a Class D carrier, packages, no single item to exceed one hundred (100) pounds in weight, between points in the borough of Wilkinsburg, Allegheny County, and from points in said borough to points within ten (10) miles by the usually traveled highways of the limits of the said borough, and the return of refused or damaged shipments.

To transport, as a Class D carrier, property, between points in East Liberty and the borough of Wilkinsburg, Allegheny County.

To transport, as a Class D carrier, property for W. F. Angermeyer from East Liberty to points in the county of Allegheny.

To transport, as a Class D carrier, new and used office machines (electrically and manually operated) and electronic copy machines and computers, requiring special handling and special equipment (excluding the transportation of property, which, because of size or weight requires the use of special equipment, such as winch trucks or tractors, pole or extendible trailers or carryalls), for Addressograph-Multigraph Corporation, between points in the county of Allegheny and from points in said county to points in Pennsylvania, and vice versa.

and subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport household goods and office furniture, in use.

SECOND: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

THIRD: That the accounts of the transferee shall reflect the correct book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

Thos. J. B. [Signature]
Chairman

Will [Signature]

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 11, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl

Application of Weleski Transfer, Inc.,
a corporation of the Commonwealth of
Pennsylvania, for amendment to its common
carrier certificate, which grants the right,
inter alia, to transport, by motor vehicle,
household goods, personal effects and property
used or to be used in a dwelling when a part
of the equipment or supply of such dwelling,
as an incidental part of a removal by the
householder from one domicile to another;
furniture, fixtures, equipment and the
property of stores, offices, museums,
institutions, laboratories, hospitals,
or other establishments, when a part of the
stock, equipment and supply of such stores,
offices, museums, institutions, laboratories,
hospitals or other establishments, in
connection with a removal from one location
to another; and articles, in use, including
objects of art, displays, and exhibits which
because of their unusual nature or value
require specialized handling and equipment
usually employed in moving household goods,
from points in the county of Butler, to points
in Pennsylvania, and vice versa; subject to the
following condition: That no right, power or
privilege is granted to provide any transportation
from Monroe County to Butler County: SO AS TO PERMIT
the transportation of tabulating machines, calculating
machines, computers, copying machines, electronic
equipment and other business machines and equipment,
which because of their unusual nature or value,
require specialized handling and equipment usually
employed in moving household goods, and parts,
materials and supplies used in connection therewith,
(1) from points in the borough of Tarentum and within
an airline distance of three (3) statute miles of the
limits of the said borough to points within an
airline distance of forty (40) statute miles of the

A-00096502
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point of origin, and vice versa; (2) between points in the borough of New Kensington, Westmoreland County, and within five (5) statute miles by the usually traveled highways of the limits of the said borough; (3) from the borough of New Kensington, Westmoreland County, and within five (5) statute miles by the usually traveled highways of the limits of said borough, to points in Pennsylvania, and vice versa; (4) between points in the city of Pittsburgh, Allegheny County, and within thirty (30) statute miles by the usually traveled highways of the said city; (5) between points in the county of Allegheny and from points in the said county, to points in Pennsylvania, and vice versa; (6) between points in the borough of Apollo, Armstrong County, and within five (5) statute miles by the usually traveled highways of the said borough, and from said area to points in Pennsylvania, and vice versa; and (7) from points in the county of Butler, to points in Pennsylvania, and vice versa.

William J. Lavelle for Weleski Transfer, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 29, 1986. Public notice of the application was given in the Pennsylvania Bulletin of October 25, 1986.

The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by Gary L. Weleski, president of the applicant, Tarentum, Allegheny County; and William G. Bowan, senior transportation administrator, Westinghouse Electric Corporation, Nuclear Technology Systems Division, Monroeville, Allegheny County.

DISCUSSION AND FINDINGS

By the instant application, Weleski Transfer, Inc., seeks to amend its current broad form household goods authority so that it may transport various types of business machines and electronic equipment which requires specialized handling and equipment as normally employed in moving household goods. There is no territorial expansion involved in the instant proceeding.

The applicant admits that it has transported business machines and electronic equipment within the scope of its

current territorial authority, under the belief that the commodities involved were included in the Commission's broad form household goods description.

In our decision adopted March 20, 1986, and entered April 2, 1986, at P-850090, Pennsylvania Moving & Storage Association, Petition for Declaratory Order, it was decided that the transportation of new or used business machines was not within the scope of the authority to transport articles which require specialized handling and equipment usually employed in moving household goods.

Upon issuance of the above referenced decision, the applicant filed an application for specific authority to transport the types of commodities above excluded, but confined to its current operating territory relative to household goods and office furnishings in use.

We find, after review of the circumstances surrounding the filing of the application for amendment to its certificate and the verified statements of the applicant and one shipper in support of the application, that the application should be approved. The applicant as a currently certificated carrier of household goods and office furnishings has the necessary equipment and experience to transport the subject commodities. The support of the one shipper is representative of a need for the service as an accommodation and convenience to the public. We further find that approval of the application will provide substantial public benefit by making the applicant's service available for the transportation of business machines and electronic equipment and by bringing the applicant into compliance with current Commission policy; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the certificate issued July 15, 1971, as amended, be further amended to include the following right:

To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, (1) from points in the borough of Tarentum and within an airline distance of three (3) statute miles of the limits of the said borough to points within an airline distance of forty (40) statute miles of the point of origin, and vice versa; (2) between points in the borough of New Kensington, Westmoreland County, and within five (5) statute

miles by the usually traveled highways of the limits of the said borough; (3) from the borough of New Kensington, Westmoreland County, and within five (5) statute miles by the usually traveled highways of the limit of said borough, to points in Pennsylvania, and vice versa; (4) between points in the city of Pittsburgh, Allegheny County, and within thirty (30) statute miles by the usually traveled highways of the said city; (5) between points in the county of Allegheny and from points in the said county, to points in Pennsylvania, and vice versa; (6) between points in the borough of Apollo, Armstrong County, and within five (5) statute miles by the usually traveled highways of the said borough, and from said area to points in Pennsylvania, and vice versa; and (7) from points in the county of Butler, to points in Pennsylvania, and vice versa.

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

IT IS FURTHER ORDERED: That no service shall be rendered under the authority granted herein until the applicant has complied with the requirements of the Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the applicant has not complied with the requirements hereinbefore set forth within sixty (60) days of the date the order is entered, the application shall be dismissed without further proceedings.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 11, 1987

ORDER ENTERED: JUN 22 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held December 5, 1985

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Century III Services,
Inc. for approval of the transfer to
it of all of the operating rights
held by Eugene G. Balombini and Mary
Balombini (deceased), Copartners,
t/d/b/a Clairton Transfer Company
and Pleasant Hills Van & Storage at
A-00104942.

A-00106464

O R D E R

BY THE COMMISSION:

By application docketed August 13, 1985, Century III Services, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to Eugene G. Balombini and Mary Balombini (deceased) Copartners, t/d/b/a Clairton Transfer Company and Pleasant Hills Van & Storage under the certificate issued at A-00104942.

We find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by Eugene G. Balombini and Mary Balombini (deceased), Copartners, t/d/b/a Clairton Transfer Company and Pleasant Hills Van & Storage at A-00104942 be approved and that a certificate be issued to the applicant granting the following rights:

1. To transport, as a Class B carrier, property, between points in the city of Clairton, Allegheny County.
2. To transport, as a Class C carrier, property, from points in the city of Clairton, Allegheny County, to points within twenty-five miles, by the usually traveled highways, of the limits of said city and vice versa.

3. To transport, as a Class D carrier, household goods and office furnishings in use between points in the city of Clairton, Allegheny County, and within fifteen (15) miles by the usually travelled highways of the limits of said city, and from points in said territory to other points in Pennsylvania, and vice versa; provided however, that no right, power or privilege is granted to render such service between points in the city of Pittsburgh or from points in said city of Pittsburgh to other points in Pennsylvania except Clairton and points within fifteen (15) miles of the limits of Clairton not located in Pittsburgh.
4. To transport, as a Class D carrier, building and construction materials in bulk in dump trucks between points in the county of Allegheny, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination.
5. To transport, as a Class D carrier, household goods and office furnishings in use from points in the city of Clairton, Allegheny County and within fifteen (15) miles by the usually traveled highways of the limits of said city, excluding the city of Pittsburgh, Allegheny County to points within 100 miles by the usually traveled highways of the limits of the city of Clairton and vice versa.
6. To transport, as a Class D carrier, property for Sears, Roebuck and Company from its store in the Duquesne Village Shopping Center in the borough of West Mifflin, Allegheny County, to the homes or places of business of its customers in the said borough and within an airline distance of twenty (20) statute miles of the limits thereof, and the return of refused or rejected property to the said store.
7. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, laboratories, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, laboratories, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits, which, because of

their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the city of Clairton, Allegheny County, and within fifteen (15) miles by the usually traveled highways of the limits of the said city and from points in said territory to other points in Pennsylvania, and vice versa;

with right no. 7 above subject to the following conditions:

- (a) That no right, power or privilege is granted to render said service between points in the city of Pittsburgh or from points in said city of Pittsburgh to other points in Pennsylvania, except Clairton and points within fifteen (15) miles by the usually traveled highways of the limits of Clairton not located in Pittsburgh.
- (b) That (except as presently authorized) the authority granted is limited to deliveries to the home, establishment or place of business of the ultimate user thereof, where such property shall be uncrated and placed for use and not for resale.
- (c) That no right, power or privilege is granted to transport new pianos.

- 8. To transport, as a Class D carrier, property, for Bell Telephone Company and Western Electric Company, Inc., between points in the county of Allegheny, and from points in said county to points within an airline distance of fifty (50) statute miles of the limits thereof, and vice versa;

with right no. 8 above subject to the following condition:

That no right, power or privilege is granted to provide transportation in bulk in dump vehicles.

- 9. To transport, as a Class B carrier, household goods in use between points in the city of Pittsburgh Allegheny County.
- 10. To transport, as a Class D carrier, household goods in use from points in the city of Pittsburgh, Allegheny County, to points within five (5) miles, by the usually traveled highways, of the limits of said city, and vice versa.
- 11. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling, when a part of

the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, laboratories, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, laboratories, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the city of Pittsburgh, Allegheny County, and from points in the city of Pittsburgh, Allegheny County, to points within five (5) miles by the usually traveled highways of the limits of the said city, and vice versa;

with right no. 11 above subject to the following conditions:

- (a) That (except as presently authorized) the authority granted is limited to deliveries to the home, establishment or place of business of the ultimate user thereof, where such property shall be uncrated and placed for use and not for resale.
- (b) That no right, power or privilege is granted transport new pianos;

with all of the above rights further subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

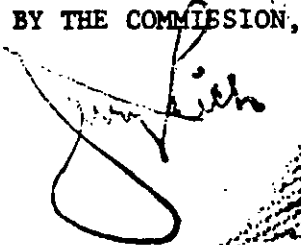
3. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

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

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

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor, Eugene G. Balombini and Mary Balombini, (deceased), Copartners, t/d/b/a Clairton Transfer Company and Pleasant Hills Van & Storage, at A-00104942 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: December 5, 1985

ORDER ENTERED:

DEC 13 1985

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 16, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of Century III Services, Inc.,
a corporation of the Commonwealth of
Pennsylvania, for amendment to its common
carrier certificate which grants the right,
inter alia, to transport by motor vehicle,
household goods in use from points in the
city of Pittsburgh, Allegheny County, to
points within five (5) miles by the usually
traveled highways of the limits of said city,
and vice versa: SO AS TO PERMIT the trans-
portation of tabulating machines, calculating
machines, computers, copying machines,
electronic equipment and other business
machines and equipment, which because of
their unusual nature or value, require
specialized handling and equipment usually
employed in moving household goods, and
parts, materials and supplies used in connection
therewith, (1) between points in the city
of Clairton, Allegheny County, and within
fifteen (15) miles by the usually traveled
highways of the limits of said city, and
from points in said territory to other
points in Pennsylvania, and vice versa; and
(2) between points in the city of Pittsburgh,
Allegheny County, and from points in said
city to points within five (5) miles by
the usually traveled highways of the limits
of said city, and vice versa.

A-00106464
F. 1
Am-A

Vuono, Lavelle & Gray, by John A. Vuono and William J. Lavelle for
the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on September 29, 1986, and published in the Pennsylvania Bulletin of October 25, 1986. There are no protests and the record is now certified to the Commission for its decision without oral hearing. A verified statement was submitted by the applicant and four supporting shippers.

Eugene G. Balombini is president of Century III Services, Inc. (applicant) which is headquartered in Clairton, Allegheny County. He sets forth in a verified statement that he and his wife jointly own 80 percent of the stock of the corporation and that he directs and manages the daily operation. It is not affiliated with any other carrier.

As pertinent here, the applicant is authorized to transport household goods, in use, under both the short form and broad form commodity descriptions between various points in western Pennsylvania, and from those points to points in Pennsylvania, and vice versa. Approval of this application will result in a slight duplication to the extent the applicant now holds some authority to transport property.

The applicant has a storage and warehouse facility in Clairton, Allegheny County, and also leases a warehouse in Elizabeth Township, also in Allegheny County. Both facilities are equipped with fork trucks, dollies and other miscellaneous equipment used in the handling and transportation of the proposed commodities. It operates two tractors, six closed van trailers, and five straight trucks. The trailers and straight trucks include both flat floor and drop frame units. Some are equipped with air-ride suspension. Nine of the units are owned outright and four are leased from United Van Leasing under a lease purchase agreement.

The applicant's balance sheet indicates that as of January 31, 1987, it had current assets of \$87,958, total assets of \$183,593, with current liabilities of \$119,528 and total liabilities of \$165,795, leaving stockholders' equity of \$17,798. A statement of income discloses that for the month of January, 1987, it had revenues of \$81,516 and incurred expenses of \$78,660, resulting in a net income of \$2,856.

As evidence by an appendix to the verified statement, the applicant has handled 23 shipments of electronic equipment during the period of January, 1985 through May of 1986. These shipments were handled under the belief that it was authorized to do so by the household goods authority. This application was filed in order to obtain specific authority in light of our conclusion that the transportation of business machines, new or used, is not within the scope of a carrier's authority to transport articles which require specialized handling and equipment usually employed in moving household goods.

James Doran, Jr., is the facilities planner for Westinghouse Transportation Division domiciled at Lebanon Church Site at West Mifflin,

Allegheny County, and supports the application. It manufactures electronic and propulsion controls for Rapid Transit Systems at two Pennsylvania facilities located at West Mifflin and Pleasant Hills, Allegheny County.

The commodities, both inbound and outbound, consist of individual desk-top computers, up to and including complete computer rooms of electronic equipment. Experienced carriers with experienced drivers are essential in moving the equipment. It has found that carriers such as the applicant which specialize in transporting household goods are the most reliable.

James P. Bergstrom is traffic manager for Westinghouse Transportation, domiciled at Allegheny County Airport Site, West Mifflin, Allegheny County, and has entered a supporting verified statement. Like his counterpart at the Lebanon Church Site location, he attests to the same transportation needs for electronic equipment, both inbound and outbound. He urges approval of the application to assure the availability of an experienced carrier.

John C. Grenfell is project engineer for Hercules Incorporated, West Elizabeth, Allegheny County, and states that the company is a manufacturer of petro chemicals and synthetic resins with one production plant and three warehouses in West Elizabeth. It has shipments, both inbound and outbound, consisting of electronic computer process control equipment ranging from 500 to 10,000 pounds each. Outbound destinations are West Elizabeth and Clairton, while inbound shipments are received from O'Hara Township, West Elizabeth and Clairton. Experienced carriers must be available to handle the equipment in a damage-free manner and it supports the applicant accordingly.

Charles R. Burns, president of Metal Metrics, Clairton, Allegheny County, supports the applicant. As a manufacturer and reconditioner of electronic metallurgy controls in Clairton, the company needs an experienced, reliable carrier to handle approximately 10,000 pounds annually to its Pennsylvania customers. The same amount is received inbound from points in Pennsylvania such as Homestead, Monroeville, Duquesne, etc. It requires an experienced carrier and will use the applicant if the service becomes available.

DISCUSSION AND FINDINGS

By this application, Century III Services, Inc., seeks authority to transport electronic equipment and other business machines within the area in which it is already certificated to render service of other types. It has held household goods authority in both the short and broad form for more than two years. By its own volition, it readily admits that it has transported a variety of business machines, computers and other electronic equipment under the assumption its household goods broad form authority permitted such service.

It was concluded in our order entered April 2, 1986, in Pennsylvania Moving & Storage Association, Petition for Declaratory Order, Docket No. P-850090, that the transportation of business machines, new or used,

is not included within the scope of a carrier's authority to transport articles which require specialized handling and equipment usually employed in moving household goods. Prior to this decision, it was not unusual for a carrier such as the applicant to interpret to the contrary.

The applicant is now before us and we do not hold that any illegal service it might have rendered as pertinent here, was provided with the willful intent to violate the Public Utility Law. The fact it is now applying for authority to correct the problem is a showing of good faith in itself.

The applicant seeks no territorial expansion but rather, merely seeks to obtain the right to transport the proposed commodities in its existing area of authorized operations. The shippers supporting the application are representative of the electronic equipment industry and are anxious to have the service become available. The applicant is experienced in the field, has the proper equipment, and appears to be financially capable of assuming the additional service.

We find:

1. That the applicant is a certificated household goods carrier in Pennsylvania.

2. That the applicant has handled business machines, etc., under the belief its existing authority embraced such service.

3. That the illegal service provided by the applicant was not rendered in bad faith.

4. That the applicant has shown that a public need for the proposed service does exist.

5. That the applicant is fit, ready, willing and able to provide the proposed service; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued to the applicant on February 19, 1986, be amended to include the following rights:

1. To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, between points in the city of Clairton, Allegheny County, and within fifteen (15) miles by the usually traveled highways of the limits of said city, and

from points in said territory to points in Pennsylvania, and vice versa.

2. To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, between points in the city of Pittsburgh, Allegheny County, and from points in said city to points within five (5) miles by the usually traveled highways of the limits of said city, and vice versa.

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

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

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

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 16, 1987

ORDER ENTERED: JUL 23 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 13, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Century III Services,
Inc., a corporation of the Commonwealth
of Pennsylvania, for the right to begin
to transport, as a common carrier, by
motor vehicle, property (except commodities
in bulk), for A.T.&T. Technologies,
Inc. (formerly known as Western Electric),
The Bell Telephone Company of Pennsylvania,
Bell Atlantic Corporation (the parent company
of Bell of Pennsylvania) and A.T.&T. Information
Systems (formerly known as The American Telephone
and Telegraph Company), between points in Pennsylvania.

A-00106464
F. 2

Vuono, Lavelle & Gray by William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application
filed August 12, 1985. Public notice of the application was given in
the Pennsylvania Bulletin of September 7, 1985. No protests were filed.

The unopposed application is certified to the Commission without
oral hearing. The record consists of verified statements entered by the
applicant and two supporting shippers.

DISCUSSION AND FINDINGS

Applicant corporation was formed for the purpose of continuing
the business previously conducted by Eugene G. Balombini and Mary Balombini,
copartners, t/d/b/a Clairton Transfer Company and Pleasant Hill Van & Storage
with authority at A-00104942. The Commission approved that transfer
proceeding on December 5, 1985 and a certificate was issued to the

applicant herein, on February 19, 1986. Century III Services, Inc. and its predecessor specialize in the transportation of those types of commodities involved in the instant application. It transported for the supporting shippers herein as limited by its certificate. Applicant now desires to broaden the authority for those shippers.

Century III Services, Inc. conducts business from 5701 Brownsville Road, South Park Township, Allegheny County. A complete storage and warehouse facility is maintained in Clairton, Allegheny County. Two tractors, three trailers, one straight truck and two packing vans are owned by the predecessor partnership and will be transferred to the applicant corporation. Two straight trucks and one packing van is leased from United Leasing, Inc. All available equipment is suitable for the transportation of the specialized commodities dealt in by the shippers. The fleet of equipment is routinely inspected and repair work, except for major repairs, are handled at applicant's facilities by its personnel.

The opening balance sheet of the applicant shows total assets of \$2,500 and total equity of \$2,500. The balance sheet of the predecessor partnership will be included in this reporting that shows as of November 30, 1985, total assets of \$268,032.01, total equity of \$236,302.88 and the income statement reflects a net income of \$35,446.13. This data indicates that the predecessor company was a financial successful copartnership and applicant corporation has a sound financial basis for initiating its business.

A.T.&T. Technologies, Inc. formerly known as Western Electric, is a supplier of telephone and related communication equipment. It requires a carrier capable of supplying transportation for emergency replacement of equipment, normal replacement of equipment and insulation of new communication systems. Because of the wide range of electronic equipment as well as non-electronic equipment including materials and supplies, tools and related supporting materials, we will grant the applicant "property" as requested. The service of the applicant will be utilized at least on a weekly basis and at times on a daily basis. The scope of authority issued will be between points in Pennsylvania as demonstrated by the record.

Bell of Pennsylvania requires the transportation of equipment to and from various warehouse locations, central office buildings and garages. In addition shipments move from vendors to warehouse locations and from warehouses back to vendors. There are 389 central offices and garages located throughout Pennsylvania. Telephone equipment is shipped and received from these facilities on a regular basis. Estimated total annual volume of freight moving between these locations is 900,000 pounds. The name of The Bell Telephone Company of Pennsylvania as captioned, will be corrected to reflect Bell of Pennsylvania as indicated by the record.

Two shippers, Bell Atlantic Corporation (the parent company of Bell of Pennsylvania) and A.T.&T. Information Systems (formerly known as The American Telephone and Telegraph Company), have failed to submit verified statements in support of the application. The portion of the application dealing with those two shippers will be denied for lack of proof of necessity.

We find that:

1. Applicant's transfer of authority from a copartnership to a corporate entity was approved by the Commission on December 5, 1985, with a certificate be issued to the corporation on February 19, 1986.
2. Two shippers failed to support the application.
3. The authority issued will reflect the name of Bell of Pennsylvania as demonstrated by the record.
4. Applicant has the necessary experience, equipment and fitness necessary to render the proposed service as modified.
5. Applicant has established that approval of the application, as modified, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application as modified, be and is hereby approved and that a certificate be issued as a common carrier, granting the following right:

To transport, as a Class D carrier, property for A.T.&T. Technologies, Inc. (formerly known as Western Electric), and Bell of Pennsylvania, between points in Pennsylvania;

subject to the following condition:

No right, power or privilege is granted to transport commodities in bulk.

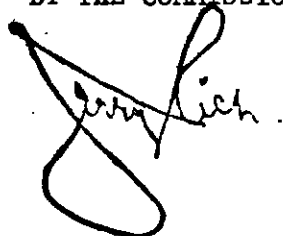
IT IS FURTHER ORDERED: That the remainder of the application be denied in all other respects for lack of proof of necessity.

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

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

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

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized loop.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 13, 1986

ORDER ENTERED: MAR 24 1986

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 94528

Application of FIFE MOVING & STORAGE CO., a
corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of FIFE MOVING & STORAGE CO., a corporation of the Commonwealth of Pennsylvania, dated April 16, 1968, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by RAYMOND E. FIFE under reports, orders and certificates of public convenience issued at A. 31917, Folder 1 on April 2, 1934, Folder 2 on September 20, 1937, Folder 3 on December 5, 1938, and under report and order issued at Folder 4 on April 7, 1947, and the certificate of public convenience issued thereunder, which certificates will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by FIFE MOVING & STORAGE CO., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

To transport, as a Class B carrier, property between points in the borough of Houston, Washington County, and within ten (10) miles by the usually traveled highways of the limits of said borough;

subject to the following condition:

That no right, power or privilege is granted to transport locally within the city of Washington, except as hereinafter authorized.
(Formerly A. 31917, Folder 1)

To transport, as a Class D carrier, excavated materials and road and building construction materials, such as are usually 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 county of Washington. (Formerly A. 31917, Folder 2)

To transport, as a Class D carrier, oil well machinery and supplies from points of origin to oil well leases within fifty (50) miles by the usually traveled highways of the borough of Houston, Washington County. (Formerly A. 31917, Folder 2)

To transport, as a Class D carrier, agricultural implements from points in the boroughs of Houston and Canonsburg, Washington County, to farms located within fifteen (15) miles by the usually traveled highways of the limits of the said boroughs. (Formerly A. 31917, Folder 2)

To transport, as a Class D carrier, household goods and office furniture, in use, between points in the borough of Houston, Washington County, and within ten (10) miles by the usually traveled highways of the limits of said borough. (Formerly A. 31917, Folder 3)

To transport, as a Class D carrier, household goods and office furniture, in use, from points in the borough of Houston, Washington County, and within ten (10) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa. (Formerly A. 31917, Folder 3)

To transport, as a Class D carrier, household goods and office furniture in use, between points in the borough of McDonald, Washington County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough, and from points in said area to points in Pennsylvania, and vice versa; (Formerly A. 31917, Folder 4)

and subject to the following conditions, is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the equipment certificate, to be subsequently issued.

SECOND: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

THIRD: That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.

A. 94528

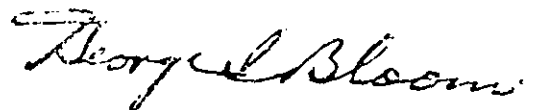
FOURTH: That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, July 8, 1968, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

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

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:



Chairman



Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 16, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of Fife Moving & Storage Co.,
a corporation of the Commonwealth of
Pennsylvania, for amendment to its common
carrier certificate, which grants the
right, inter alia, to transport by motor
vehicle, household goods and office
furniture, in use, from points in the
borough of Houston, Washington County, and
within ten (10) miles by the usually
traveled highways of the said borough, to
points in Pennsylvania, and vice versa:
SO AS TO PERMIT the transportation of
tabulating machines, calculating machines,
computers, copying machines, electronic
equipment and other business machines and
equipment, which, because of their unusual
nature or value, require specialized
handling and equipment usually employed in
moving household goods, and parts, materials
and supplies used in connection therewith,
(1) between points in the borough of
Houston, Washington County, and within ten
(10) miles by the usually traveled highways
of the limits of said borough, and from
points in said territory, to points in
Pennsylvania, and vice versa; and (2)
between points in the borough of McDonald,
Washington County, and within fifteen (15)
miles by the usually traveled highways of
the limits of said borough, and from points
in said territory, to points in
Pennsylvania, and vice versa.

A-00094528
F. 1
Am-A

Vuono, Lavelle & Gray, by John A. Vuono and William J. Lavelle for the
applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on September 29, 1986, and published in the Pennsylvania Bulletin of October 25, 1986. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

Charles W. Fife, president of Fife Moving & Storage Co., (or applicant) has entered a verified statement in which he sets forth, inter alia, that the company has its principal place of business located at West Pike Street in Meadowlands, Washington County, and that it is not affiliated with any other carriers.

Although the applicant holds some other rights to transport specific commodities in and around Washington County, its primary service is that of a household goods carrier and serves as an agent for Global Van Lines, Inc. It has held a certificate from this Commission since 1968. The household goods and office furniture in use authority it now holds, encompasses the same territory in which it seeks the right to transport the computers, copying machines, etc., in this application.

All of the applicant's operations are conducted from the Meadowlands office where, in addition to providing transportation service, it also has storage facilities. Business is conducted with six tractors, six trailers, and six household goods vans. All of the trailers and vans are of the type normally used in the household goods moving business, and are equipped with tie-downs, straps, pads and other miscellaneous equipment associated with the business. A very comprehensive safety program has been implemented.

As of December 31, 1986, the applicant had total assets of \$800,407, total liabilities of \$504,123, and a net worth of \$296,284. For the 12-month period ending December 31, 1986, the applicant had total revenue of \$1,238,438 and a net loss of \$34,008.

The applicant asserts that as a small company operating within a very limited base territory which does not include a major city, it is not called upon to transport as many shipments of computers or other electronic equipment as the case may be with carriers operating in large metropolitan areas. When the need does arise, the customer's needs are nevertheless equally as important. It has been called upon in the past to provide this type of service for various commercial and industrial customers such as banks, manufacturing companies, accounting firms and distributors of this kind of product.

The applicant has transported various types of business machines and electronic equipment believing such transportation to be authorized under its existing authority. In fact, an exhibit to the verified statement shows that from the period of May 16, 1984 through August 8, 1986, it transported nine shipments of computers and other electronic equipment.

As a result of the decision in our order entered April 2, 1986, in Pennsylvania Moving & Storage Association, Petition for Declaratory Order, Docket No. P-850090, wherein it was concluded that the transportation of business machines, new or used, is not within the scope of a carrier's authority to transport articles which require specialized handling and equipment usually employed in moving household goods, the applicant is now before us with this application for appropriate authority. It has no intention of expanding its operating territory, but merely seeks the right to transport the pertinent commodities within the existing territory.

Charles K. Kidder, vice president of Systems Integration Corporation, located in Washington, Washington County, supports the application. It is a local and nationwide distributor of computers with an office and showroom in Washington, Pennsylvania. From this location, its annual outbound shipping needs within Pennsylvania consist of 15 shipments to Washington; 50 shipments to Pittsburgh; five shipments to Erie; two shipments to Greensburg; five shipments to Harrisburg and 10 shipments to Philadelphia. Its inbound needs consist of shipments from wholesalers in Pittsburgh and Philadelphia at the rate of 20 shipments a year and five shipments a year, respectively. It also has shipments moving for it which do not necessarily move to or from the home facility.

Because of the delicate nature of the equipment, the company needs carriers that have vehicles equipped with air-ride suspension and power-lift gates. Prompt pickup and delivery is essential as is same day or overnight delivery, depending on the length of haul. It has received very good service from the applicant in interstate commerce for approximately five years. The applicant will be given all of the Pennsylvania traffic, part of which will be diverted from private carriage. Its attempts at using other carriers have resulted in continuing problems.

Donald Hodor is in charge of inbound and outbound transportation services for 84 Electronic's Systems, Inc. (shipper), Houston, Washington County, and has entered a supporting verified statement. The company deals in computers and related electronic equipment with an office and showroom located in Houston. Inbound, it receives computers and data processing equipment, and programs the equipment and then ships it out to customers. Most shipments are in a range of 50 pounds to 2,000 pounds, with the occasional truckload weighing 15,000 pounds.

Because of the very delicate nature of the products, it is essential that motor carriers are available which specialize in handling this type of equipment. It has attempted to use general freight carriers but without a great deal of success. On the other hand, it has used the services of the applicant in interstate commerce for approximately two years and has been well satisfied. If the application is approved, it will use the applicant for 75 to 100 percent of the Pennsylvania traffic.

DISCUSSION AND FINDINGS

Fife Moving & Storage Co., has held authority to transport household goods and office furniture in use within Pennsylvania for approximately 20 years. Under that authority, it has transported various types of business machines and electronic equipment, believing such transportation to be authorized pursuant to the provisions embraced in the so-called broad form household goods commodity description.

The instant application was placed before us as the result of our determination that business machines are not included in the broad form household goods authority. The applicant's interpretation is not unlike that of many other carriers in the household goods moving business and we do not hold that although illegal, the service was provided with the willful intent to violate the spirit of the Public Utility Law.

The applicant seeks no territorial expansion, but rather, seeks merely to obtain the right to transport the business equipment in the existing authorized area. It is properly equipped, has experienced personnel, and has been rendering similar service in interstate commerce. The supporting shippers are anxious to have the applicant's services available in Pennsylvania.

We find:

1. That the applicant is a certificated household goods carrier in Pennsylvania.
2. That the applicant has handled business machines, etc., under the belief its existing authority embraced such service.
3. That the illegal service provided by the applicant was not rendered in bad faith.
4. That the applicant has shown that a public need for the proposed service does exist.
5. That the applicant is fit, ready, willing and able to provide the proposed service; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued to the applicant on August 5, 1968, be amended to include the following rights:

1. To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection

therewith, between points in the borough of Houston, Washington County, and within ten (10) miles by the usually traveled highways of the limits of said borough, and from points in said territory, to points in Pennsylvania, and vice versa.

2. To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, between points in the borough of McDonald, Washington County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough, and from points in said territory, to points in Pennsylvania, and vice versa.

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

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

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

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 16, 1987

ORDER ENTERED: JUL 23 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 28, 1988

Commissioners Present:

Bill Shané, Chairman
William H. Smith, Vice-Chairman
Linda C. Taliaferro
Frank Fischl

Application of Fife Moving & Storage Co.,
a corporation of the Commonwealth of Pennsyl-
vania, for the approval of the transfer to
the applicant of part of the rights held by
Hindman Transfer and Storage, Inc., at
A-00096382, subject to the same limitations
and conditions.

A-00094528
F. 1
Am-B

Vuono, Lavelle & Gray, by William J. Lavelle, for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 8, 1988. Public notice of the application was given in the Pennsylvania Bulletin of February 13, 1988. No protests were filed and the application is now certified to the Commission for its decision without oral hearing.

Fife Moving & Storage Co. (Fife or applicant) is a Pennsylvania corporation, with its principal place of business in Meadowlands, Washington County. Initially certificated in 1968, it currently holds authority to operate under nine paragraphs of rights. Fife currently operates a fleet of six tractors, eight trailers, and seven straight vans, suitable for performing the proposed service. As evidence of its financial capacity to perform additional transportation, the applicant's 1986 annual report showed assets of \$807,020 with liabilities of \$560,606, leaving a shareholders' equity of \$246,414. Gross intrastate operating revenue was \$186,999 in 1986.

Charles Fife is president of the applicant and owns four hundred and fifty shares of stock. Elizabeth Fife is treasurer and with her husband owns five hundred shares of stock. Virginia Fife, the corporate secretary, is also the president and sole shareholder of Best Moving & Storage Co.

(Best), A-00107776. While holding no stock in Best, Charles Fife is treasurer and Elizabeth Fife is secretary. This relationship between the applicant and Best amounts to an affiliated interest, subject to Chapter 21 of the Public Utility Code, 66 Pa. C.S. §2101-2107.

The total purchase price for the rights to be transferred is seven thousand five hundred dollars (\$7,500); no tangible assets are involved in the sale. Pursuant to a sales agreement executed December 30, 1987, five hundred dollars has been placed in an escrow account as a down payment and the total purchase price will be due at closing, following the approval of this application.

Hindman Transfer and Storage Inc. (Hindman or transferor) will remain in business and continue to operate under its remaining authority and will be responsible for all of its business debts and liabilities. Hindman reported gross intrastate operating revenue of \$689,918 in 1984, \$813,945 in 1985, and \$904,809 in 1986. The transferor is currently in good standing with the Commission, having filed all required information and reports.

The authority to be transferred is contained in Hindman's Folder 1, Amendment D, and consists of two rights:

1. To transport, as a Class D carrier, uncrated and new furniture and store equipment, from points in the city of Pittsburgh, Allegheny County, to other points within thirty (30) miles by the usually traveled highways of the limits of said city, and vice versa;
2. To transport, as a Class D carrier, uncrated and new furniture and store equipment between points in the county of Allegheny and from points in said county to points in Pennsylvania, and vice versa.

Both rights are currently subject to a restriction prohibiting the transportation of property, generally described as the "broad form household goods" right. Since the property descriptions in the rights would not allow such transportation, we will delete this restriction as unnecessary. This change will in no way enlarge the authority to be transferred.

Additionally, the rights have been further restricted to prohibit certain transportation for Sears, Roebuck & Company and movements from Butler County to Allegheny County, so as to avoid any duplication of authority retained by Hindman.

We note that the authority contained in the first right is totally encompassed by the second right. Therefore, we shall eliminate the first right as redundant. This action will in no way restrict the ability of the

applicant to render the same type of service as previously rendered by the transferor under both rights.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial ability to provide the proposed service.

The authority to be transferred has been recently operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re Byerly, 440 Pa. 521 (1970), Hostetter v. Pa. P.U.C., 160 Pa. Super. Ct. 94 (1947). Since the record is void of any such evidence, the presumption of continuing public need applies to this transfer application.

We find:

1. That the applicant has the technical and financial ability to provide the proposed service.
2. That a continuing need exists for the transportation involved herein.
3. That approval of the application, as modified, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as modified, for the transfer of the rights held by Hindman Transfer and Storage, Inc., at A-00096382, Folder 1, Amendment D, be and is hereby approved and that the certificate issued to the applicant on August 5, 1968, as amended, be further amended to include the following right:

To transport, as a Class D carrier, uncrated and new furniture and store equipment between points in the county of Allegheny and from points in said county to points in Pennsylvania, and vice versa;

subject to the following conditions:

- (a) That no right, power or privilege is granted to provide service for Sears, Roebuck & Company (1) from its facilities located in the city of Pittsburgh, Allegheny County, to points in Pennsylvania in and west of the counties of Fayette, Westmoreland, Indiana, Jefferson, Forest and Warren; (2) from its facilities in the township of Center, Butler County, to points in Allegheny County; (3) from its stores, warehouse and/or distribution center located in Allegheny County to points in the

counties of Blair, Cambria, Centre and Clearfield, and vice versa; and (4) from points in the counties of Bedford and Somerset to its facilities located in Allegheny County.

- (b) That no right, power or privilege is granted to provide service from points in Butler County to points in Allegheny County.

with the right above subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$7,500, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. Section 1102(3).

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of and a tariff adoption supplement in accordance with 52 Pa. Code §23.13(c).

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

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

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor Hindman Transfer and Storage, Inc., at A-00096382, Folder 1, Amendment D, be eliminated and its tariff amended as provided for in the attached Supplemental Order.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 28, 1988

ORDER ENTERED: MAY 03 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 11, 1988

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Linda C. Taliaferro
Frank Fischl

Application of Best Moving &
Storage Co., a corporation of
the Commonwealth of Pennsylvania,
for the transfer to it of part of
the rights authorized under the
certificate issued at A-00059285,
F. 2, to Haugh and Keenan Trans-
portation Co., a corporation of
the Commonwealth of Pennsylvania,
subject to the same limitations
and conditions.

A-00107776

Vuono, Lavelle & Gray, by John A. Vuono for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on October 7, 1987, and published in the Pennsylvania Bulletin of November 7, 1987. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

Best Moving & Storage Co. (applicant) is a Pennsylvania corporation chartered under the date of June 13, 1983, having its principal place of business located at West Pike Street, Meadowlands, Washington County. The corporation is authorized to issue 10,000 shares of stock with a par value of \$1.00 each. To date, 100 shares have been issued, all of which are held by Virginia M. Fife, president and a director of the corporation.

In addition to Ms. Fife, other officers of the corporation are Thomas M. Cowden, vice president; Elizabeth A. Fife, secretary; and Charles W. Fife, treasurer. Thomas Cowden and Charles Fife are also directors. The applicant is affiliated with Fife Moving & Storage Co., which holds authority from this Commission at A-00094528. Virginia M.

Fife, owner of all of the issued and outstanding stock of the applicant, is also a stockholder and officer of Fife Moving & Storage Co. Charles W. Fife and Elizabeth A. Fife are also president and treasurer respectively, of Fife Moving & Storage Co.

The applicant holds no other authority from this Commission but does hold authority from the I.C.C. at MC-133584. It owns two moving vans with which the service under the authority sought herein will be provided. A pro forma balance sheet indicates that at the institution of this application, the applicant had total assets of \$32,100 (including \$25,000 cash) with total liabilities of \$22,900, leaving a net worth of \$9,200.

Haugh and Keenan Transportation Co. (transferor) has held a common carrier certificate from this Commission since March 26, 1941. Essentially, the authority consists of seven individual rights which authorize the transportation of household goods and office furniture in use. Five of the rights permit service in and around the Allegheny County area and from Allegheny County to other points in Pennsylvania, and are the subject rights sought by the applicant. The two remaining rights which will be retained by the transferor, permit similar service but limited to the city and county of Philadelphia and within an airline radius of 50 miles of the City Hall in Philadelphia.

The transferor is a Pennsylvania corporation operating from its principal place of business at 5879 Centre Avenue in the city of Pittsburgh. Its stockholders, Henry, Richard and Robert Kirschenbaum are residents of New Rochelle, New York. The corporation has been very active in the household goods moving business, having generated revenues of \$198,631 in 1984, \$161,379 in 1985, and \$55,604 in 1986.

We have evidence in the transferor's record that it is no longer in business. Its annual report for the year ended December 31, 1986, bears a notation to the effect that operations ceased in July of 1986. Further, in keeping with established policy in all transfer applications, an Enforcement Officer of this Commission routinely investigated the current operations of the transferor on November 13, 1987.

The investigation revealed that on November 13, 1987, the transferor's facilities at 5879 Centre Avenue, Pittsburgh, were vacant. It was determined through various contacts, including the applicant, that the transferor's contact in Pennsylvania is the law firm of Vuono, Lavelle & Gray in Pittsburgh, who also represent the applicant herein. The officer reports that "The transferor is not operating as they had lost their business. Operations ceased between six and eight months ago. ... The facilities have been sold and they are no longer in business".

In spite of the foregoing, the transferor is in good standing with this Commission. It has timely filed all reports and satisfied all due assessments. We have evidence of current insurance coverage on file. It avers that any unpaid business debts will be paid out of current assets or, if necessary, out of proceeds from the instant sale of authority. We have no information pertaining to the transferor's intended disposition of the authority it will retain.

Pursuant to the terms of an agreement of sale dated July 22, 1987, the applicant will pay the transferor the sum of \$20,000 for that portion of the applicant's operating authority previously described herein. No other tangible assets are involved. The sum of \$1,000 has been placed in an interest bearing escrow account, with the remaining \$19,000 to be paid within 30 days after the effective date of the final order approving the application.

DISCUSSION AND FINDINGS

The transferor, Haugh and Keenan Transportation Co., has held household goods and office furniture moving authority from this Commission for approximately 46 years. It has provided uninterrupted service to the public until some time in July of 1986, at which time it apparently ceased operations.

Territorially, the transferor's operating authority focuses on the Allegheny and Philadelphia County areas. It is the Allegheny County authority which it proposes to sell and have transferred to Best Moving & Storage Co. The Philadelphia area authority would be retained.

The evidence of record strongly indicates that the transferor has not recently exercised its authority and, in fact, closed its Pennsylvania facilities approximately 16 months ago. We nevertheless are of the opinion that due to the lack of any evidence to the contrary, a public need for service under the authority to be transferred here continues to exist. The transferor generated revenue from the operation up to the time it terminated the business some time in July of 1986. The type of authority involved is generally in constant demand. We have no reluctance to approve the transfer of the authority based on the premise that it would be in the public interest to place the authority in the hands of a capable carrier who is anxious to provide service. We believe the applicant is well qualified.

Pertinent to the Philadelphia area authority the transferor would retain, the transferor has not submitted any evidence regarding its intentions to either conduct operations or dispose of it in any way. The authority has apparently been in a state of dormancy for more than 18 months. We deem it appropriate that the transferor show cause why its certificate and the remaining portion of the authority contained thereunder should not be cancelled.

We find:

1. That a public need for service under the authority to be transferred herein does exist.
2. That the applicant is fit, ready, willing and able to render the service it seeks here.
3. That approval of the application is in the public interest;
THEREFORE,

IT IS ORDERED: That the application for transfer of a portion of the rights held by Haugh and Keenan Transportation Co. at A-00059285, Folder 2, be and is hereby approved, and that a certificate be issued to the applicant granting the right to operate as follows:

1. To transport, as a Class C carrier, household goods and office furniture in use, from points in the county of Allegheny to other points in Pennsylvania and vice versa.
2. To transport, as a Class B carrier, household goods and office furniture, and equipment, in use, between points in the county of Allegheny.
3. To transport, as a Class C carrier, household goods and office furniture and equipment, in use, from points in the county of Allegheny to points within an airline distance of twenty-five (25) statute miles of the City-County Building, in the city of Pittsburgh, Allegheny County.

with the above Rights 1, 2 and 3, subject to the following condition:

That no right, power or privilege is granted to make package deliveries from stores.

4. To transport, as a Class D carrier, furniture, fixtures, equipment and the property of stores, offices, museums, libraries, laboratories, hospitals, institutions or other establishments, when a part of the stock, equipment or supplies of such stores, offices, museums, libraries, laboratories, hospitals, institutions or other establishments, in connection with a removal from one location to another and requiring specialized handling on specialized equipment usually employed in moving household goods; and articles, including objects of art, displays, musical instruments and exhibits which, because

of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods, from points in the county of Allegheny to other points in Pennsylvania, and vice versa;

subject to the following conditions:

FIRST: That the service herein authorized is limited to deliveries to the home, establishments or places of business of the ultimate users thereof.

SECOND: That no right, power or privilege is granted to transport new pianos, except as presently authorized.

5. To transport, as a Class D carrier, business machines and equipment of the Xerox Corporation, and materials and supplies manufactured, sold, leased, distributed or dealt in by the said corporation, between points in the county of Allegheny and from points in said county to points in Pennsylvania on and west of U.S. Highway Route 15, and vice versa.

subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport equipment, materials and supplies except when the equipment, materials and supplies move in connection with a pickup or delivery of one or more business machines.

SECOND: That no right, power or privilege is granted to transport property which, because of size or weight requires the use of special equipment such as winch trucks or winch tractors, pole or extendible trailers or carryalls or which requires a permit from the Department of Transportation of the Commonwealth of Pennsylvania because of size or weight.

with all of the above subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the

present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$20,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the certificate holder shall comply with all of the provisions of the Public Utility Code as now existing or as may hereafter be amended, and 52 Pa. Code §31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 Pa. C.S.A. §1102(3).

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

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

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

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1987 Annual Report of the transferor.

IT IS FURTHER ORDERED: That upon compliance with this order, the Rights numbered 1, 2, 3, 4 and 5 herein are currently held by the transferor, Haugh and Keenan Transportation Co., at A-00059285, Folder 2, be cancelled and the record marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: February 11, 1988

ORDER ENTERED: FEB 17 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 9, 1988

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice Chairman
Linda C. Taliaferro
Joseph Rhodes, Jr.
Frank Fischl

Application of Southway, Inc., a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the common carrier rights issued to R & R Moving Systems, Inc., t/d/b/a Tri State Specialty Movers, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00105666, subject to the same limitations and conditions. A-00107960

John A. Vuono for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 25, 1988. Public notice of the application was given in the Pennsylvania Bulletin of February 20, 1987. The unopposed application is certified to the Commission for its decision without oral hearing.

The transferee, Southway, Inc., (Southway) will operate from a business address of 3132 Industrial Boulevard, Bethel Park, Allegheny County. The applicant is a Pennsylvania Corporation; its sole shareholder is Robert V. Stabile. Robert V. Stabile is also a director and officer of South Hills Movers, Inc., a common carrier certificated at A-00099073. The officers of the applicant corporation are Robert Lee, president; Robert E. Lee, vice president; Gary N. Lee, vice president; and Robert V. Stabile, secretary/treasurer.

The applicant does not now hold authority from the Commission or the Interstate Commerce Commission. The total purchase price for the intrastate operating rights is \$5,000.00. No tangible assets are involved. The full purchase amount will be paid in cash upon Commission approval of the transfer application.

Southway reports total assets of \$5,000.00 and liabilities of \$5,000.00. R & R Moving Systems, Inc., is currently maintaining insurance in compliance with Commission requirements. R & R has filed Annual Reports reporting revenue in the years 1985 and 1986 of \$191,432.00 and \$230,815.00, respectively.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970), Hostetter v. PA. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We Find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for transfer be approved granting the applicant the following rights:

1. To transport, as a Class D carrier, pianos, between points in the city of Pittsburgh, Allegheny County, and points within one hundred twenty-five (125) miles by the usually traveled highways of the limits of the said city.
2. To transport, as a Class C carrier, pianos from points in the city of Pittsburgh, Allegheny County, to points in the county of Allegheny.
3. To transport, as a Class B carrier, pianos and organs, in use, between points in the city of Pittsburgh, Allegheny County.
4. To transport, as a Class D carrier, pianos and organs, in use, from points in the city of Pittsburgh, Allegheny County, to other points in Pennsylvania, and vice versa.
5. To transport, as a Class D carrier, new and used organs between points in the city of Pittsburgh, Allegheny County, and points within an airline distance of one hundred twenty-five (125) statute miles of the limits of the said city;

rights 1 through 5 subject to the following condition:

That no right, power or privilege is granted to transport pianos or organs as a part of a household goods movement between two domiciles.

6. To transport, as a Class C carrier, unboxed pianos for C. C. Mellor Company from the city of Pittsburgh, Allegheny County, to points in Pennsylvania outside the county of Allegheny, provided that such trips shall not exceed twelve (12) per year, and provided further that such trips shall be reported to the Commission immediately after they are made.
7. To transport, as a Class D carrier, new office furniture, from the facilities of Joseph Horne Company, located in the county of Allegheny, to points in Pennsylvania within an airline distance of one hundred twenty five (125) statute miles of the limits of the city of Pittsburgh, Allegheny County.

All of the above rights subject to the following general conditions:

That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by the applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.

That the applicant charge to Account 1550, Other Intangible Property, \$5,000.00, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.

That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 Pa. C. S. ss. 1102 (3).

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

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Public Utility Code and the rules and regulations of the Commission relative to the filing of evidence of insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate shall issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That issuance of the certificate is contingent upon the filing of the 1987 Annual Report of the transferor.

IT IS FURTHER ORDERED: That in the event the applicant has not complied with the requirements hereinbefore set forth within sixty (60) days of the date the order is entered, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, R & R Moving Systems, Inc., t/d/b/a Tri State Speciality Movers, Inc., at A-00105666, be cancelled and the record be marked closed.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 9, 1988

ORDER ENTERED: JUN 16 1988

FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD R. WASEL
RICHARD R. LEFEVER
J. THOMAS MENAKER
CLYDE W. MCINTYRE
S. BERNE SMITH
ROD J. PERA
EDWARD W. ROTHMAN
ROBERT A. MILLS
W. JEFFREY 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
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TERRY R. BOSSERT

MARY JANE FORBES
JEFFREY B. CLAY
DAVID M. KLEPPINGER
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FRANKLIN A. MILES, JR.
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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

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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.

March 6, 1989

In re: Application of Central Control Delivery, Inc.
A-00108543

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

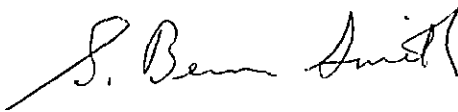
Dear Mr. Rich:

On behalf of Schwerman Trucking Co., we enclose the original and two copies of a protest to the above-captioned application.

As indicated in the certificate of service, a copy has been served upon the applicant and applicant's representatives.

Very truly yours,

MCNEES, WALLACE & NURICK

By 
S. Berne Smith

SBS/ec

Enclosures

cc: Central Control Delivery, Inc. (w/enc.)
David M. O'Boyle, Esquire (w/enc.)
Mr. Richard H. Prevette (w/enc.)

RECEIVED

MAR 6 1989

SECRETARYS OFFICE
Public Utility Commission





RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MAR 6 1989

SECRETARYS OFFICE
Public Utility Commission

In Re:

APPLICATION OF

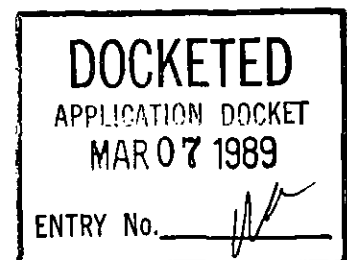
CENTRAL CONTROL DELIVERY, INC.
A-00108543

PROTEST ON BEHALF OF
SCHWERMAN TRUCKING CO.

S. Berne Smith, Esq.
McNees, Wallace & Nurick
P. O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166

Counsel for Protestant

Due: March 6, 1989



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re:

APPLICATION OF
CENTRAL CONTROL DELIVERY, INC.
A-00108543

PROTEST ON BEHALF OF
SCHWERMAN TRUCKING CO.

AND NOW COMES Schwerman Trucking Co. and protests this application
representing as follows:

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

Schwerman Trucking Co.
611 South 28th Street
P. O. Box 1601
Milwaukee, WI 53201
Telephone: (414) 671-1600

2. The name, business address and telephone number of the protes-
tant's attorneys are:

S. Berne Smith, Esq.
McNees, Wallace & Nurick
P. O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166
Telephone: (717) 232-8000

3. The authority sought by applicant is attached as Appendix A.

4. The application will be competitive with and detrimental to
existing services provided by Schwerman Trucking Co. Schwerman specializes

in the transportation of various commodities, in particular cement and fly ash. Protestant has a wide range of equipment, facilities for serving the public, and experienced drivers and other employees. Protestant holds authority from the Commission in conflict with what the applicant seeks in this proceeding. Protestant transports commodities within the scope of this application. This transportation, as well as other transportation which protestant could perform within the scope of the application, and the revenue derived, or to be derived, therefrom, are important to protestant. Said traffic and revenue could be diverted from protestant by approval of the instant application. Diversion of present and future traffic would have an adverse impact on protestant. The entry of applicant into the field authorized to protestant would endanger or impair the operations of protestant to such an extent that, on balance, the granting of authority to applicant would be contrary to the public interest.

5. Protestant holds operating authority from Pennsylvania Public Utility Commission at A. 92811 and folders thereunder, all of which is incorporated herein by reference. The conflicting authority of protestant is set forth in Appendix B hereto.

6. Protestant's opposition to approval of the application could be eliminated by the following amendment:

Provided that no right, power or privilege is granted to transport cement or fly ash.

7. Approval of this application is not necessary for the service, accommocation, convenience or safety of the public. The protest also goes to applicant's fitness.

WHEREFORE, Schwerman Trucking Co. respectfully prays that this application be dismissed.

AND, it will ever pray.

SCHWERMAN TRUCKING CO.

By Mc Nees, Wallace & Nurick
McNEES, WALLACE & NURICK

Harrisburg, PA
March 6, 1989

In re:

APPLICATION OF

CENTRAL CONTROL DELIVERY, INC.

A-00108543

Authority Sought

A-00108543. Central Control Delivery, Inc. (1424 East 25th Street, Cleveland, Ohio 44114), a corporation of the State of Ohio—property (except household goods and commodities which because of size or weight require special equipment), between points in that part of Pennsylvania in and west of the counties of McKean, Elk, Clearfield, Blair and Bedford, subject to the following conditions: that service is restricted to the transportation of shipments which are picked up and delivered on the same calendar day and the times of pickup and delivery must be noted on the carrier's delivery receipt; that service is restricted to the transportation of shipments which weigh in excess of 1,000 pounds; and that service is restricted to providing exclusive use of a vehicle so that a vehicle can be used to haul the freight of only one consignor moving from one origin to one destination. Attorney: David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, Pa. 15219.

Pennsylvania Bulletin, Vol. 19, No. 6
Saturday, February 11, 1989, Page 583

A. 00092811, Folder 1

To transport, as a Class D carrier, cement in bulk or containers for the Penn-Dixie Cement Corporation from its plant in the Village of West Winfield, Winfield Township, Butler County, to points within an airline distance of one hundred twenty-five (125) miles of the said plant. (Formerly A. 75766, Folder 2) ✓

To transport, as a Class D carrier, cement in bulk or containers for the Universal Atlas Cement Division of United States Steel Corporation from its plant in the Village of Universal, Penn Township, Allegheny County, to points within an airline distance of one hundred twenty-five (125) miles of the said plant. (Formerly A. 75766, Folder 2) ✓

To transport, as a Class D carrier, cement in bulk and/or in bags for the Lone Star Cement Corporation from the plant site of the said corporation in the Borough of Nazareth and the Township of Nazareth, Northampton County, to points in Pennsylvania, with right to return to the plant site, refused, rejected or damaged shipments of parts thereof. (Formerly A. 75766, Folder 2)

To transport, as a Class D carrier, cement in bulk and/or in bags for the Penn-Dixie Cement Corporation from plant sites of the said corporation in the County of Northampton to points in Pennsylvania, with the right to return to the plant sites, refused, rejected or damaged shipments or parts thereof. (Formerly A. 75766, Folder 2)

A. 00092811 (continued)

To transport, as a Class D carrier, cement in bulk and/or in bags for the Universal Atlas Cement Division of United States Steel Corporation from the plant site of said division in the Borough of Northampton, Northampton County, to points in Pennsylvania, with right to return to the plant site, refused, rejected or damaged shipments or parts thereof.
(Formerly A. 75766, Folder 2)

To transport, as a Class D carrier, dry cement, for the Universal Atlas Cement Division of United States Steel Corporation originating at its plant in the Village of Universal, Penn Township, Allegheny County, and the Borough of Northampton, Northampton County, for the Penn-Dixie Cement Corporation originating at its plants in the Village of West Winfield, Winfield Township, Butler County, and its plant sites in the County of Northampton, and for the Lone Star Cement Corporation originating at its plant in the Borough of Nazareth and the Township of Nazareth, Northampton County, having a prior or subsequent movement by rail or water, between points in Pennsylvania; provided that no right, power or privilege is granted to transport dry cement between points in the territory comprising the City and County of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of the said city and county, except in bulk in tank vehicles or hopper-type vehicles.
(Formerly A. 75766, Folder 2)

To transport, as a Class D carrier, cement from the production plant of the Marquette Cement Manufacturing Company on Neville Island, Neville Township, Allegheny County, to points in Pennsylvania, and the return of refused, rejected or damaged shipments or parts of shipments to the point of origin.
(Formerly A. 75766, Folder 2)

A. 00092811 (continued)

To transport, as a Class D carrier, cement originating at the production plant of the Marquette Cement Manufacturing Company in the Township of Neville, Neville Island, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania; provided that the transportation of cement between points in the territory comprising the City and County of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of said city and county shall be confined to the transportation of cement in bulk in tank vehicles or in hopper-type vehicles;



A. 00092811, Folder 1, Am-A

To transport, as a Class D carrier, cement, from the plant site of Universal Atlas Cement Division of United States Steel Corporation in the village of Universal, Penn Township, Allegheny County, to points in Pennsylvania.



A. 00092811, Folder 1, Am-B

To transport, as a Class D carrier, dry bulk cement, in tank or hopper-type vehicles, and dry cement in bags or containers, between points in the counties of Lehigh, Northampton, Berks, Montgomery, and York, and from points in the said counties to points in Pennsylvania; and the return of refused or rejected merchandise, empty containers and such other facilities used in the transportation of cement, from points in Pennsylvania to points in the counties of Lehigh, Northampton, Berks, Montgomery, and York;

A. 00092811, Folder 1, Am-C

To transport, as a Class D carrier, cement, from the plantsite of Lehigh Portland Cement Company in the village of Universal, Penn Township, Allegheny County, to points in Pennsylvania. ✓

To transport, as a Class D carrier, cement in bulk and/or in bags for the Lehigh Portland Cement Company from the plantsite of said company in the borough of Northampton, Northampton County, to points in Pennsylvania, with the right to return to the plantsite, refused, rejected or damaged shipments or parts thereof. ✓

To transport, as a Class D carrier, dry cement, for the Lehigh Portland Cement Company originating at its plant in the village of Universal, Penn Township, Allegheny County, and the borough of Northampton, Northampton County, for the Penn-Dixie Cement Corporation originating at its plant in the village of West Winfield, Winfield Township, Butler County, and its plantsite in the county of Northampton, and for the Lone Star Cement Corporation originating at its plant in the borough of Nazareth and the township of Nazareth, Northampton County, ✓

A. 00092811, Folder 1, Am-C (continued)

having a prior or subsequent movement by rail or water, between points in Pennsylvania; provided that no right, power or privilege is granted to transport dry cement between points in the territory comprising the city and county of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of the said city and county, except in bulk in tank vehicles or hopper-type vehicles.



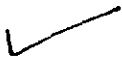
A. 00092811, Folder 1, Am-D

To transport, as a Class D carrier, slag, in bulk in tank vehicles, from the facilities of Dravo Lime Company located in Neville Island, Neville Township, Allegheny County, to points in the borough of Shippingport, Beaver County.



A. 00092811, Folder 1, Am-E

To transport, as a Class D carrier, cement from the production plant of the Lone Star Industries, Inc. on Neville Island, Neville Township, Allegheny County, to points in Pennsylvania.



A. 00092811, Folder 1, Am-E (continued)

To transport, as a Class D carrier, cement originating at the production plant of the Lone Star Industries, Inc., in the township of Neville, Neville Island, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania; providing that the transportation of cement between points in the territory comprising the City and County of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of said city and county shall be confined to the transportation of cement in bulk in tank vehicles or in hopper-type vehicles.



A. 00092811, Folder 1, Am-F

1. To transport, as a Class D carrier, metal fluxing compound, in bulk, in tank or hopper-type vehicles, for Hart Metals, Inc., from points in the borough of Tamaqua, Schuylkill County, to points in Pennsylvania, and vice versa.
 2. To transport, as a Class D carrier, lime, in bulk, in tank or hopper-type vehicles, for Hart Metals, Inc., from points in Spring Township, Centre County, and the borough of Leetsdale, Allegheny County, to points in the borough of Tamaqua, Schuylkill County, and vice versa.
- 
- 

with both of the above rights subject to the following conditions:

- (a) That no right, power or privilege is granted to provide service to or from the facilities of New Enterprise Stone & Lime Co., and its subsidiaries.
- (b) That no right, power or privilege is granted to transport liquid commodities in bulk.

SCHWERMANN TRUCKING CO.
OPERATING AUTHORITY

Page 6a

A-00092811, Folder 1, Am-G

To transport, as a Class D carrier, roofing and building materials, and materials, equipment and supplies used in or incidental to the manufacture, installation and distribution of roofing and building materials, from the facilities of Georgia-Pacific Corporation located in the township of Richland, Bucks County, to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport petroleum products in bulk.

SCHWERMANN TRUCKING CO.
Operating Authority

A-00092811, Folder 1, Am-H

1. To transport, as a Class D carrier, cement, from points in the township of Neville, Allegheny County, to points in Pennsylvania. ✓
2. To transport, as a Class D carrier, cement, which originated in the township of Neville, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania. ✓

A. 00092811, Folder 2

To transport, as a Class D carrier, flint spar, in bulk in tank or hopper-type vehicles, from points in the Borough of Braddock, Allegheny County, to points in Pennsylvania.
(Formerly A. 75766, Folder 3)

To transport, as a Class D carrier, perlite, in bulk in tank or hopper-type vehicles, from points in the Borough of Carnegie, Allegheny County, and the City of Allentown, Lehigh County, to points in Pennsylvania. (Formerly A. 75766, Folder 3)

To transport, as a Class D carrier, flyash, in bulk in tank or hopper-type vehicles, from the power plants of Duquesne Light Company in or near the Villages of South Heights, Beaver County, and Elrama, Washington County, to points within one hundred fifty (150) miles of the point of origin;
(Formerly A. 75766, Folder 3)

A. 00092811, Folder 2, Am-A

To transport, as a Class D carrier, flint spar, in bulk in tank or hopper-type vehicles, from points in the City of New Kensington, Westmoreland County, and the Borough of West Elizabeth, Allegheny County, to points in Pennsylvania.

A. 00092811, Folder 2, Am-B

To transport, as a Class D carrier, perlite, in bulk in tank or hopper-type vehicles, for Pennsylvania Perlite Corporation, Perlite Manufacturing Company and Pqacalite Perlite Company, between points in Pennsylvania.

A. 00092811, Folder 2, Am-D

To transport, as a Class D carrier, liquid and compressed gases (excluding petroleum gases) in cylinders, cylinder cradles and shipper-owned trailers, and empty cylinders, cylinder cradles and shipper-owned tank trailers, for the Air Reduction Company, Incorporated, from its plant in the City of Butler, Butler County, to points in Pennsylvania, and vice versa; provided that the transportation of cylinders and cylinder cradles to or from points beyond an airline distance of two hundred (200) statute miles of the plant of the Air Reduction Company, Incorporated, in the City of Butler, Butler County, shall be in specially constructed cylinder trailers and only from the plant of Air Reduction Company, Incorporated, in the City of Butler, Butler County, to its other plants and warehouses, and vice versa.

A. 00092811, Folder 2, Am-E

To transport, as a Class D carrier, vermiculite from points in the township of Wayne, Lawrence County, to points in Pennsylvania.

A. 00092811, Folder 2, Am-F

To transport, as a Class D carrier, cement, in bulk or in containers, from points in the borough of Wampum, Lawrence County, to points in Pennsylvania.

A. 00092811, Folder 2, Am-G

To transport, as a Class D carrier, cement mill waste and stack dust, in bulk, between points in Pennsylvania. ✓

subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport flyash from the city of New Kensington, Westmoreland County, and points within an airline distance of 35 statute miles of the limits of said city; the township of Goshen, Clearfield County; the township of Monongahela, Greene County; and points in the counties of Armstrong and Indiana.

SECOND: That no right, power or privilege is granted to transport stack dust and cement mill waste in dump vehicles.

A. 00092811, Folder 2, Am-H

To transport, as a Class D carrier, cement in bulk in tank vehicles, from points in the city of Erie, Erie County, to points in Pennsylvania. ✓

A. 00092811, Folder 2, Am-I

To transport, as a Class D carrier, coke, in bulk, in tank or hopper type vehicles, from the Township of Cherry, Butler County, to points in Pennsylvania. ✓

SCHWERMANN TRUCKING CO.
OPERATING AUTHORITY

Page 10

A. 00092811, Folder 2, Am-J

To transport, as a Class D carrier, flyash, in bulk,
for National Minerals Corporation from the facilities
of Duquesne Light Co., located in the county of
Allegheny, to points in Pennsylvania and vice versa;

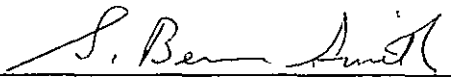


subject to the following condition:

That no right, power or privilege is granted
to perform transportation in dump vehicles.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the applicant, Central Control Delivery, Inc., 1424 East 25th Street, Cleveland, OH 44114, and applicant's representative, David M. O'Boyle, Esquire, 1450 Two Chatham Center, Pittsburgh, PA 15219, by first class mail, postage prepaid and properly addressed.



S. Berne Smith

Harrisburg, PA
March 6, 1989

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
June 20, 1989

In Re: A-00108543

JUN 20 1989

(See attached list)

DOCUM
FOI

Application of Central Control Delivery, Inc.

A Corporation of the State of Ohio, for the right to transport, as a common carrier, property (except household goods and commodities which because of size or weight require special equipment), between points in that part of Pennsylvania in and west of the counties of McKean, Elk, Clearfield, Blair and Bedford.

N O T I C E

This is to inform you that an initial hearing on the above captioned case will be held Thursday and Friday, August 10 and 11, 1989, at 10:00 a.m., in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania.

The presiding officer in this proceeding is Administrative Law Judge Richard Herskovitz. Judge Herskovitz can be contacted at 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania 15222; telephone (412) 565-3550.

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 Herskovitz
Mr. Bramson
Mrs. Pappas
Mrs. Howell
File Room

David M. O'Boyle, Esquire
Wick, Streiff, Meyer, Metz & O'Boyle
1450 Two Chatham Center
Pittsburgh, PA 15219

Central Control Delivery, Inc.
1424 East 25th Street
Cleveland, Ohio 44114

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

Herbert Nurick, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108

S. Berne Smith, Esquire
McNees, Wallace & Nurick
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Harrisburg, PA 17108

John A. Pillar, Esquire
Pillar & Mulroy
Suite 700
312 Boulevard of The Allies
Pittsburgh, PA 15222

William J. Lavelle, Esquire
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15219

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
July 21, 1989

In Re: A-00108543

(See letter dated 6/20/89)

Application of Central Control Delivery, Inc.

A Corporation of the State of Ohio, for the right to transport, as a common carrier, property (except household goods and commodities which because of size or weight require special equipment), between points in that part of Pennsylvania in and west of the counties of McKean, Elk, Clearfield, Blair and Bedford.

N O T I C E

This is to inform you that at the request of counsel for the applicant, the initial hearing now scheduled to be held for Thursday and Friday, August 10 and 11, 1989, at 10:00 a.m., in the subject proceeding has been changed to a prehearing conference only on Thursday, August 10, 1989, at 10:00 a.m., in Pittsburgh.

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

