



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

May 15, 1989

IN REPLY PLEASE
REFER TO OUR FILE

J. Bruce Walter
Attorney at Law
410 North Third Street
P.O. Box 1146
Harrisburg, PA 17108

In re: A-00108679 - Application of Fox Transportation, Inc.

Dear Mr. Walter:

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

A. VERIFIED STATEMENT OF APPLICANT.

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

You are being granted an initial thirty (30) days in which to file the verified statement. The statement is due on or before June 14, 1989.

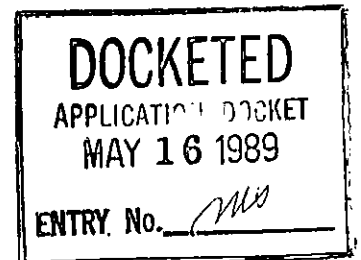
If additional time is required, it may be requested by telephone but should be followed in writing with the reasons for the extension stated.

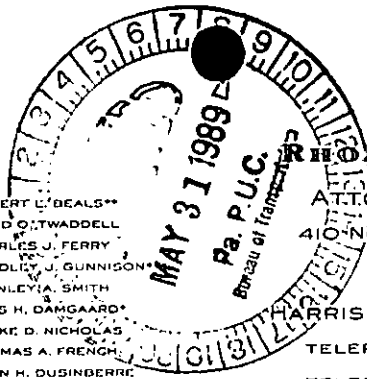
Questions about your application should be directed to Richard H. White.

Very truly yours,

By Richard H. White
For Peter S. Marzolf, Supervisor
Technical Review Section
Bureau of Transportation

RW:rs





RHOADS & SINON

ATTORNEYS AT LAW
410 NORTH THIRD STREET

P.O. BOX 1146

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R. STEPHEN SHIBLA
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PAUL A. LUNDEEN
JACK F. MURLEY, JR.
NATHAN H. WATERS, JR.
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TELEPHONE (407) 393-5595
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FILE 2699/01

DIRECT DIAL NO.

*ALSO ADMITTED TO THE FLORIDA BAR
**ADMITTED TO THE FLORIDA BAR ONLY

Re: Application of Fox Transportation, Inc., A.108679

May 30, 1989

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

Attention: Mr. Richard H. White
Technical Review Section
Bureau of Transportation

Dear Mr. White:

Enclosed is the verified statement on behalf of Fox Transportation, Inc.

Very truly yours,

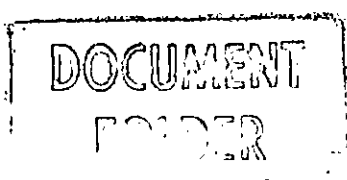
RHOADS & SINON

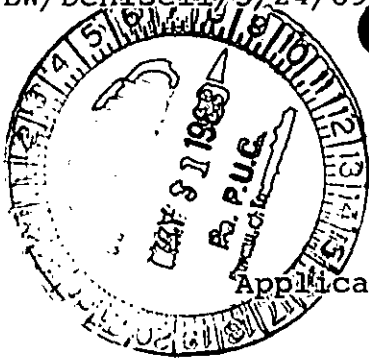
By: *JC Walter*
JC Bruce Walter

JBW/dar

Enclosure

cc: Robert W. Fox, President
Fox Transportation, Inc.





VERIFIED STATEMENT

Application of Fox Transportation, Inc.
A.108679

1. Legal Name and Domicile of Applicant

Fox Transportation, Inc.
Route 54 & Route 309
P.O. Box 71
Tamaqua (Schuylkill County), PA 18252

2. Identity and Qualifications of Person Making Statement

Robert W. Fox, President of Fox Transportation, Inc.

3. Affiliation With Other Carriers

None

4. Authority Sought

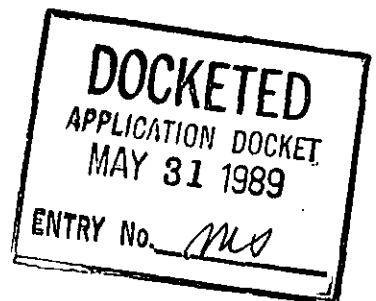
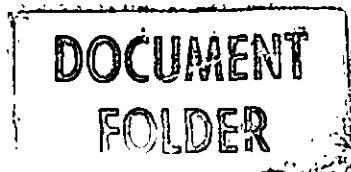
See Attached.

5. General Scope of Authorized Operations

Applicant holds no authority from the Pennsylvania Public Utility Commission, but holds authority from the Interstate Commerce Commission at MC 161209, as attached as Exhibit 1.

6. Duplicating Authority

None



7. Dual Operations

None

8. Pertinent Terminal Facilities and Communications Network

As indicated, our facilities are located in Tamaqua and consist of 3 acres which include our offices, parking space for vehicles and maintenance. We have full telephone service available for our dispatching operations.

9. Pertinent Equipment

See Attached List as Exhibit 2.

10. Safety Program

I am familiar with the driving and motor vehicle equipment regulations of the United States Department of Transportation, the Interstate Commerce Commission and the safety regulations issued by the Pennsylvania Public Utility Commission. I am familiar with the applicable regulations of the U.S. Department of Transportation relating to the safe operation of commercial vehicles, the transportation of hazardous materials and we believe that the operations of Fox Transportation, Inc. are in compliance with all of these regulations. We utilize the various materials and programs of our insurance carrier to insure compliance. We currently enjoy a satisfactory rating from the United States Department of Highways.

11. Type of Service to be Offered

Our service is essentially a service of involving truckload transportation in vans of merchandise dealt in by grocers or wholesale, retail, chain grocery and food business houses. As such, we are familiar with the handling needs of these products. We are able to provide any number of required stop-offs for our shippers, and we work closely with the shippers as their desire.

12. Financial Data

Our current balance sheet and income statement is attached as Exhibit 3.

13. Empty Miles or Backhauls

By close coordination of the 3 shippers involved as well as our familiarity with the service for them through coordination with our interstate operations, we do not expect to have many empty miles and expect that the authority will provide self supporting backhauls for us.

14. Describe Shipper and State Type of Commodities to be Transported


In each case, the shippers of food and food related items such as are included in the whole range of commodities dealt in by wholesale, retail, chain grocery and food business houses. Citterio U.S.A., Inc. is somewhat more specialized and concentrates in the meat manufacturing and related product area.

15. Other Information

We are an experienced carrier serving these shippers under our interstate authority. We believe the application to be in the public interest and urge that it be granted.

Respectfully submitted,

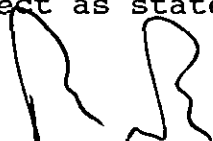
FOX TRANSPORTATION, INC.

By:  _____
Robert W. Fox, President

VERIFICATION


COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF)

Robert W. Fox, being duly sworn, deposes and says that he is President of Fox Transportation, Inc. that he has made the foregoing statement which he is authorized to do, and knows the contents thereof which are true and correct as stated.



Robert W. Fox

Seh Co Penn.
Sworn to and subscribed before me, a Notary Public, this _____ day of May, 1989.

NOTARIAL SEAL
JOE KOSTIN, Notary Public
Tamaqua, Schuylkill Co., PA
My Commission Expires July 23, 1992


Notary Public

PENN DOP / 89
HARRISBURG, PA. 17120

INTERSTATE COMMERCE COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MC-161209 Sub 1

SERVICE DATE

JUN 11 1984

FOX TRANSPORTATION, INC.
HAZLETON, PA

This Certificate of Public Convenience and Necessity is evidence of the carrier's authority to engage in transportation as a common carrier by motor vehicle.

This authority will become effective only when the carrier has met the compliance requirements pertaining to insurance coverage for the protection of the public (49 CFR 1043), the designation of agents upon whom process may be served (49 CFR 1044), and tariffs or schedules (49 CFR 1300 through 1310, revised). The carrier shall also render reasonably continuous and adequate service to the public. Failure to meet these conditions will constitute sufficient grounds for the suspension, change, or revocation of this authority.

This authority is subject to any terms, conditions, and limitations as are now, or may later be, attached to this privilege.

For common carriers with irregular route authority: Any irregular route authority authorized in this certificate may not be tacked or joined with your other irregular route authority unless joinder is specifically authorized.

The transportation service to be performed is described on the reverse side of this document and will be valid as long as the carrier maintains compliance with the above requirements.

By the Commission.

(SEAL)

James H. Bayne
Secretary

Note: If there are any discrepancies regarding this document please notify the Commission within 30 days.

1

MC-161209

To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) such commodities as are dealt in or used by retail, wholesale and chain food distribution and business houses, between Miami, FL, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, (2) food and related products, between points in Bergen County, NJ, on the one hand, and, on the other, points in Florida, and (3) general commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Luzerne and Northumberland Counties, PA, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

INTERSTATE COMMERCE COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MC-161209

FOX TRANSPORTATION, INC.
HAZLETON, PENNSYLVANIA

SERVICE DATE

OCT 4 1982

This Certificate of Public Convenience and Necessity is evidence of the carrier's authority to engage in transportation as a common carrier by motor vehicle.

This authority will become effective only when the carrier has met the compliance requirements pertaining to insurance coverage for the protection of the public (49 CFR 1043), the designation of agents upon whom process may be served (49 CFR 1044), and tariffs or schedules (49 CFR 1300 through 1310, revised). The carrier shall also render reasonably continuous and adequate service to the public. Failure to meet these conditions will constitute sufficient grounds for the suspension, change, or revocation of this authority.

This authority is subject to any terms, conditions, and limitations as are now, or may later be, attached to this privilege.

For all carriers: Any duplication in this authority and rights currently held does not confer more than one operating right.

For common carriers with irregular route authority: Any irregular route authority authorized in this certificate may not be tacked or joined with your other irregular route authority unless joinder is specifically authorized.

The transportation service to be performed is described on the reverse side of this document and will be valid as long as the carrier maintains compliance with the above requirements.

By the Commission.

Agatha L. Mergenovich.
Secretary

(SEAL)

Note: If there are any discrepancies regarding this document please notify the Commission within 30 days.

MC-161209

To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) such commodities as are dealt in or used by retail, wholesale and chain food distribution and business houses, between Miami, FL, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, (2) food and related products, between points in Bergen County, NJ, on the one hand, and, on the other, points in Florida, and (3) general commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Luzerne and Northumberland Counties, PA, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).



FOX TRANSPORTATION INC.

P.O. Box 71 Tamaqua, Pa. 18252
Phone: 1-717-668-4189 or 1-800-922-9807
FAX: 717-668-2099

Current Trailers

1979 AMERICAN (Carrier Eagle Reefer)	S#33601	43' x 13'4" x 96'
1983 Great Dane (Carrier Thunderbird Reefer)	S#1CRC39224D066201	46' x 13'6" x 102'
1985 TImpte Reefer Trailer (Carrier Thunderbird Reefer)	S#1TDR48024FA060538	48' x 13'6" x 102'
1986 TImpte Reefer Trailer (Carrier T-Bird Unit)	S#1TDR48022GA62449	48' x 13'6" x 102'
1986 TImpte Reefer Trailer (Carrier T-Bird Unit)	S#1TDR48020GA062448	48' x 13'6" x 102'
1986 TImpte Reefer (Carrier Eagle)	S#1TDR46621GA062177	46'6 x 13'6" x 96'
1987 TImpte Reefer (Carrier T-Bird Unit)	S#1TDR48026HD066083	48' x 13'6" x 102''
1984 TImpte Reefer (Carrier Thunderbird)	S#1TDR46023EA057374	46' x 13'6" x 102'
1988 TImpte Reefer (Carrier T-Bird Unit)	S#1TDR4802XJD069655	48' x 13'6" x 102'
1987 TImpte Reefer (T.K. SB MAX)	S#1TDR48022AD066355	48' x 13'6" x 102'
1987 TImpte Reefer (T.K. SB Max)	S#1TDR48020HT066354	48' x 13'6" x 102'

//

**FAST
SERVICE**

FOX TRANSPORTATION, INC.

O. Box 71 Tamaqua, Pa. 18252
Phone: 1-717-668-4189 or 1-800-922-9807
FAX: 717-668-2099

Current Tractors

84 SAD 001	LIC.#AA45641	ID.#1XP9DB9X9EP171799
84 BRN 003	#AA45642	#1XP9DB9X9EP174962
87 BIG BLU 005 K#C-270	#AA45643	#1XP5DB9X8HN213605
86 GRN 007	#AA46858	#1XP9DB9X5GP194869
80 GRN 011	#AA49894	#125108P
87 GRN 013	#AA61954	#N250174GL
82 CDE 015	#AA63397	#1XPGDB9X7CN149294
88 GRN 017	#AA74737	#N2649356L
89 GRn 9A	#AA45644	#1XP5DB9X3KN272729



FOX TRANSPORTATION INC.

P.O. Box 71 Tamaqua, Pa. 18252
Phone: 1-717-668-4189 or 1-800-922-9807

CURRENT LIST OF LEASE TRUCKS

FOSTER HILLARD
1982 CONV PETE SER lxtdb9x8cd152854
PA. REG NO. CR83086

GEORGE MACKLIN
1979 KENWORTH SER a267248k
NJ. REG NO. XM21pa

ai *llw*

C O N T E N T S

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3

BALANCE SHEET
August 31, 1988
See Accountants' Compilation Report

ASSETS

CURRENT ASSETS

Cash	\$ 21,679
Trade receivables	110,674
Prepaid expenses	36,969
Interest receivable	6,833
Income tax refund claims and prepayments	1,471
Total current assets	<u>177,626</u>

PROPERTY AND EQUIPMENT

Leasehold improvements	84,991
Machinery and equipment	42,851
Transportation equipment	12,942
	<u>140,784</u>
Less accumulated depreciation	<u>62,250</u>
	<u>78,534</u>

OTHER ASSETS

Cash surrender value of life insurance	4,329
Loan receivable, stockholder	<u>154,403</u>
	<u>158,732</u>

\$ 414,892

=====

LIABILITIES AND STOCKHOLDERS' EQUITY

CURRENT LIABILITIES

Accounts payable	\$ 61,058
Accrued expenses and other current liabilities	11,022
Income taxes payable	<u>2,716</u>
Total current liabilities	<u>74,796</u>

LONG-TERM DEBT

842

DEFERRED INCOME TAXES

1,913

STOCKHOLDERS' EQUITY

Common stock, par value \$ 100 per share; authorized 100 shares; issued and outstanding 25 shares	2,500
Retained earnings	<u>334,841</u>
	<u>337,341</u>

\$ 414,892

=====

STATEMENT OF INCOME
Six Months Ended August 31, 1988
See Accountants' Compilation Report

Revenue	<u>\$ 836,470</u>
Operating expenses:	
Salaries	211,689
Gas and oil	120,785
Insurance	72,351
Contract labor	11,964
Repairs and maintenance	105,177
Rent	161,818
Supplies	25,409
Taxes:	
Payroll	20,465
Other	15,752
Travel and meals	10,344
Telephone and telegraph	11,409
Depreciation	6,816
Tolls	8,284
Utilities	2,782
Other	<u>13,553</u>
	<u>798,598</u>
Operating income	<u>37,872</u>
Financial income (expense):	
Interest income	5,319
Interest expense	<u>(250)</u>
	<u>5,069</u>
Income before income taxes	42,941
Federal and state income taxes	<u>12,135</u>
Net income	<u>\$ 30,806</u> =====

FOX TRANSPORTATION, INC.

STATEMENT OF RETAINED EARNINGS
Six Months Ended August 31, 1988
See Accountants' Compilation Report

Balance, beginning	\$ 304,035
Net income	<u>30,806</u>
Balance, ending	<u>\$ 334,841</u> =====

STATEMENT OF CASH FLOWS
Six Months Ended August 31, 1988
See Accountants' Compilation Report

CASH FLOWS FROM OPERATING ACTIVITIES

Net income	\$ 30,806
Noncash expenses included in net income:	
Depreciation	6,816
Decrease in cash surrender value of life insurance policies	24
Change in assets and liabilities:	
(Increase) decrease in:	
Trade receivables	(41,761)
Prepaid expenses	(9,264)
Interest receivable	(6,833)
Income tax refund claims and prepayments	12,214
Increase (decrease) in:	
Accounts payable	61,058
Accrued expenses and other current liabilities	(11,699)
Income taxes payable	1,462
Deferred income taxes	(503)
Net cash provided by operating activities	<u>42,320</u>

CASH FLOWS FROM INVESTING ACTIVITIES

Purchase of property and equipment	(1,000)
Disbursements on loan receivable, stockholder	<u>(17,983)</u>
Net cash (used in) investing activities	<u>(18,983)</u>

CASH FLOWS FROM FINANCING ACTIVITIES, principal payments
on long-term borrowings(15,000)

Cash and cash equivalents:

Beginning	<u>13,342</u>
Ending	\$ 21,679 =====

SUPPLEMENTAL DISCLOSURES OF CASH FLOW INFORMATION

Cash payments (reimbursements) for:

Interest	\$ 250 =====
Income tax	\$ (1,038) =====



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

May 31, 1989

IN REPLY PLEASE
REFER TO OUR FILE

J. Bruce Walter
Attorney at Law
410 North Third Street
P.O. Box 1146
Harrisburg, PA 17108

In re: A-00108679 - Application of Fox Transportation, Inc.

Dear Mr. Walter:

We have received the verified statements filed in the above referenced proceeding.

The record will be reviewed and will be put before the Commission for its decision. You will be notified of the Commission's action.

Very truly yours,

By Richard H. White
For Peter S. Marzolf, Supervisor
Technical Review Section
Bureau of Transportation

