

DAVID H. RADCLIFF, P.C.  
2216 WALNUT STREET  
HARRISBURG, PA 17103

DAVID H. RADCLIFF

TELEPHONE: (717) 236-9318

October 4, 1993  
Files: 1303.12  
1303.13

RE: CARLISLE CARRIER CORP., A.109478, F. \_\_\_\_\_  
(Transfer from Walter Brothers Trucking, Inc.)

CARLISLE CARRIER CORP., A.109478, F. \_\_\_\_\_  
(Transfer from Walter Brothers Trucking, Inc., ETA/TA)

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

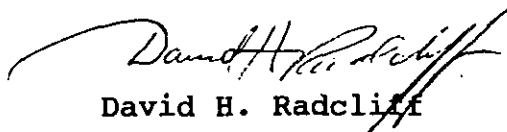
Dear Mr. Alford:

On behalf of Carlisle Carrier Corp., I enclose herewith the following:

1. Original and one copy of a transfer application.
2. Original and one copy of an application for ETA and TA.
3. Checks for \$350, \$100 and \$100 to cover the respective filing fees.

I am forwarding copies to Mr. Marzolf in the Bureau of Transportation and to the Applicant.

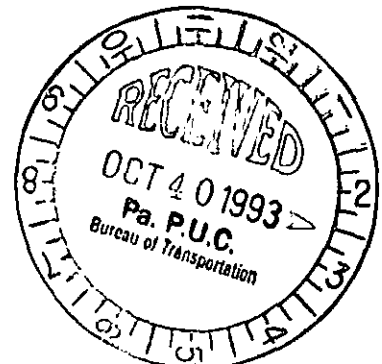
Very truly yours,

  
David H. Radcliff

DHR/br

cc: David L. Metzler, President  
Carlisle Carrier Corp.  
P. O. Box 637  
Carlisle, PA 17013

Mr. Peter Marzolf  
Bureau of Transportation



PENNSYLVANIA PUBLIC UTILITY COMMISSION  
BUREAU OF TRANSPORTATION

See Instructions before Completing Application

Application For:

- EMERGENCY TEMPORARY AUTHORITY
- TEMPORARY AUTHORITY
- EXTENSION OF EMERGENCY TEMPORARY AUTHORITY

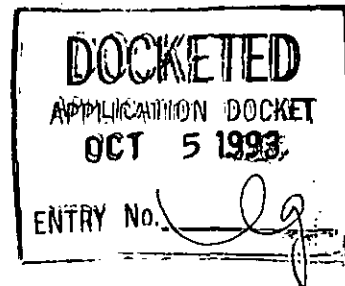
1. CARLISLE CARRIER CORP.  
 (Name of applicant) (Trade name, if any)  
1513 EAST COMMERCE DRIVE CARLISLE PA 17013  
 (Street address) (City) (State & Zip Code)

2. DAVID H. RADCLIFF, ESQ., 2216 WALNUT STREET, HARRISBURG, PA 17103  
 (Name, Address & Telephone Number of Applicant's Attorney, if any) (717) 236-9318

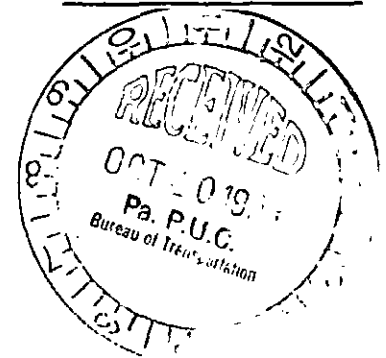
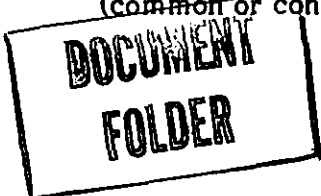
3. Applicant is an individual partnership  corporation.

4. Applicant requests authority to provide service as a  common or contract carrier by motor vehicle, broker or freight forwarder in intrastate commerce; or is proposing to acquire authority by transfer. Give a description of type of service to be provided and area to be served:

SEE ATTACHMENT 4



5. Applicant does hold Pa. PUC authority under Docket No. A. 109478 and (does or does not) operates as a common carrier. (common or contract)



6. If this application is for temporary authority, applicant X does not have pending an application for permanent authority to perform the same service as proposed herein. If it has, give docket number, filing date and status. If applicant does not have a pending permanent application currently on file, application for permanent authority must be enclosed.

Filed simultaneously with this application.

7. If this application is for emergency temporary authority, and not accompanied by applications for corresponding temporary and permanent authority, state when the applications for temporary and permanent authority will be filed.

8. "Applicant's Statement" shall be prepared by the applicant or authorized representative of the applicant and shall contain the information as stated at Appendix A.

See Appendix A

9. "Statements of Supporting Shippers or Witnesses" shall be prepared by the shipper or witness, or an authorized representative of the shipper or witness and shall contain the information as stated at Appendix B.

See Appendix B

Applicant further declares that:

10. It is aware that a grant of the requested authority will create no presumption that corresponding permanent authority will be granted.
11. If the requested authority is granted, applicant will comply with the tariff and insurance requirements of the Public Utility Law before beginning operation.

Carlisle Carrier Corp.



(Signature)

David L. Metzler, President

(Corporate Title)

9/28/93

(Date)

THIS MUST BE COMPLETED BY NOTARY PUBLIC

AFFIDAVIT OF APPLICANT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :  
\_\_\_\_\_ County : ss:

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

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

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

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

AFFIDAVIT OF APPLICANT (Corporation)

COMMONWEALTH OF PENNSYLVANIA :  
DAUPHIN County : ss:

DAVID L. METZLER, being duly sworn (affirmed) according to law, deposes and says that he is President of Carlisle Carrier Corp.  
(Office of Affiant)

\_\_\_\_\_; that he is authorized to and does make this  
(Name of Corporation)

affidavit for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and that he expects the said Carlisle Carrier Corp. to be able to prove the same

(Name of Corporation)

at the hearing hereof.

*David L. Metzler*  
\_\_\_\_\_  
Signature of Affiant

David L. Metzler, President

Sworn and subscribed before me this 28th  
day of September 1993  
My Commission Expires \_\_\_\_\_

*Roberta L. Radcliff*  
\_\_\_\_\_  
Signature of Official Administering Oath

Notarial Seal  
Roberta L. Radcliff, Notary Public  
Susquehanna Twp., Dauphin County  
My Commission Expires Jan. 20, 1997  
Member, Pennsylvania Association of Notaries

AUTHORITY TO BE TRANSFERRED  
FROM WALTER BROTHERS TRUCKING, INC.

AUTHORITY AT A.00102343

To transport, as a Class D carrier, foodstuffs and pet foods (except frozen foods and commodities in bulk), and advertising matter, displays and premiums in mixed loads with foodstuffs or pet foods, from the plant site and storage facilities operated by The Quaker Oats Company in the borough of Shiremanstown, Cumberland County, and points within an airline distance of two (2) statute miles of the boundaries thereof to points in the said territory and to points in the counties of Philadelphia, Bucks, Montgomery, Delaware and Chester, and the return of shipping facilities and refused, damaged or rejected shipments to the point of origin.

To transport, as a Class D carrier, foodstuffs and pet foods (except frozen foods and commodities in bulk), and advertising matter, displays and premiums in mixed loads with foodstuffs or pet foods, from the facilities of Ralston Purina Company in the township of Hampden, Cumberland County, to points in the counties of Philadelphia, Montgomery, Delaware, Chester and Bucks, and the return of pallets and other shipping facilities to point of origin.

AUTHORITY AT A.00102343, Folder 1, Am-A

To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and those materials, ingredients and supplies used in the manufacture, distribution and sale of the aforementioned products, from the facilities of Ralston-Purina Company in the township of Hampden, Cumberland County, to points in the counties of Philadelphia, Bucks, Montgomery, Delaware and Chester, and vice versa.

To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and those materials, ingredients and supplies used in the manufacture, distribution and sale of the aforementioned products, from the facilities of Quaker Oats Company in the borough of Shiremanstown, Cumberland County, and points within an airline distance of two (2) statute miles of the boundaries thereof to points in the counties of Philadelphia, Bucks, Montgomery, Delaware and Chester, and vice versa.

AUTHORITY AT A.00102343, Folder 1, Am-B

To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and materials, ingredients and supplies used in the manufacture, distribution and sale of said products, from the facilities of Ralston-Purina Company, located in the township of Hampden, Cumberland County, to points in that portion of Pennsylvania on and east of U.S. Highway Route 15, and vice versa.

AUTHORITY AT A.00102343, Folder 1, Am-C

To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and those materials, ingredients and supplies used in the manufacture, distribution and sale of the aforementioned products, from the facilities of Quaker Oats Company, in the township of Hampden, Cumberland County, to points in that part of Pennsylvania located on and east of U.S. Highway Route 15, plus the county of Cumberland, and vice versa.

AUTHORITY AT A.00102343, Folder 1, Am-D

To transport, as a Class D carrier, property (except household goods in use, commodities in bulk and commodities requiring the use of special equipment) for General Mills, Inc., from the facilities used by it in Cumberland County to points in Pennsylvania, and vice versa.

AUTHORITY AT A.00102343, Folder 1, Am-E

To transport, as a Class D carrier, property for Purina Mills, Inc., between points in Pennsylvania;

subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk; household goods in use.

AUTHORITY AT A.00102343, Folder 1, Am-F

- (1) To transport, as a Class D carrier, property, for The Quaker Oats Co., between points in Pennsylvania;

(2) To transport, as a Class D carrier, property, for The Dial Corporation, from points in the counties of Luzerne and Bucks, to points in the county of Cumberland;

with both of the above rights subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk, household goods in use, and Classes A and B explosives.

AUTHORITY AT A.00102343, Folder 1, Am-G

To transport, as a Class D carrier, property for Fleming Companies, Inc., from its facilities located in the township of Upper Providence, Montgomery County, to points in Pennsylvania and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk or household goods in use.

No authority will be retained by the seller, Walter Brothers Trucking, Inc.

VERIFIED STATEMENT OF DAVID L. METZLER  
FOR  
CARLISLE CARRIER CORP.

1. LEGAL NAME AND DOMICILE OF APPLICANT

CARLISLE CARRIER CORP.  
1513 East Commerce Drive  
P.O. Box 637  
Carlisle, PA 17013  
Telephone: (717) 249-8846

2. IDENTITY AND QUALIFICATIONS OF PERSON MAKING STATEMENT FOR APPLICANT

My name is David L. Metzler and I am the President as well as a stockholder and director of Carlisle Carrier Corp. As chief executive officer of the company, I have overall responsibility for all aspects of the carrier's operation. I am familiar with the authority's facilities and operations of Carlisle Carrier Corp. and I am the proper person to give this statement on behalf of the Applicant.

3. AUTHORITY SOUGHT

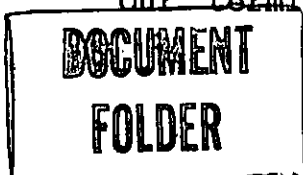
By this Application Carlisle Carrier Corp. seeks all the authority of Walter Brothers Trucking, Inc., at A.00102343, Folder 1, Amendments A through G. (See Attachment 4)

4. DESCRIPTION OF CURRENT OPERATIONS

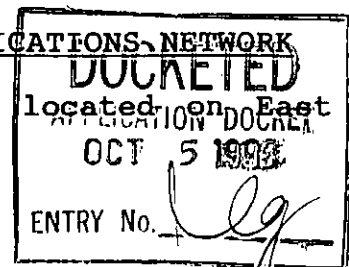
Applicant currently holds authority from this Commission at A.109478. All of that intrastate Pennsylvania authority is limited to specific facilities located in the Counties of Schuylkill, Cumberland, Dauphin and Adams. No duplicating authority will result.

5. PRESENT TERMINAL FACILITIES AND COMMUNICATIONS NETWORK

Our terminal and general office are



Appendix A



Commerce Drive near exit 12 on Interstate 81 South of Carlisle. From that location we are able to direct the transportation operations of the Applicant to and from the location of our principal customers in Pennsylvania. We have approximately 2000 square feet of office space and two service bays. There is sufficient parking for our equipment adjacent to our terminal.

We employ four administrative personnel including myself, four dispatchers, two billing clerks, two safety personnel, two sales persons, ten loaders, and fifty-three drivers. Additionally, more than twenty-two owner operators are leasing equipment to Applicant.

We have twelve telephone lines by which our customers may reach us to arrange service. We will accept collect calls from our customers for the purpose of arranging transportation. Additionally we have three telephone lines dedicated to our electronic data exchange services by which the shippers may utilize computer hook-ups to schedule transportation and provide details of each shipment. We are developing the capability to provide computerized tracking and tracing of shipments for the convenience of our shippers.

Maintenance service is contracted with an outside truck repair facility.

No additional terminals or facilities would be required to enable us to provide the proposed service.

#### 6. PERTINENT EQUIPMENT

A list of our equipment is attached at Exhibit 1. Applicant also has the financial ability, and a source of readily

available equipment, to lease additional van equipment to meet the needs of the shipper.

7. Applicant is not affiliated with other carriers.

8. SAFETY PROGRAM

Applicant has on file presently with this Commission insurance sufficient to satisfy the requirements for public liability, property damage, and cargo insurance.

All of our equipment is licensed in Pennsylvania and is inspected in accordance with law. I emphasize safety inspections and preventive maintenance for the equipment in order to prevent breakdowns on the road and to avoid safety hazards. As president of the corporation I directly supervise the safety program to emphasize the importance which Applicant places on safety matters.

All of our drivers are carefully screened, are familiar with the D.O.T. requirements and with our company rules. Before drivers are hired each prospective employee is screened with regard to familiarity with the Department of Transportation Regulations, drivers license validity and history of any violations and previous employers are also contacted for information concerning their driving records.

Meetings are held throughout the year with drivers to discuss important safety issues. Brochures regarding safety matters are distributed at the safety meeting. All new drivers are also given a packet concerning safety information.

Safe driving is a major concern of the Applicant. This includes both safe handling of the equipment and its proper maintenance and an effort to reduce safety hazards. It also

includes an emphasis on safe handling of all cargo.

9. FINANCIAL DATA

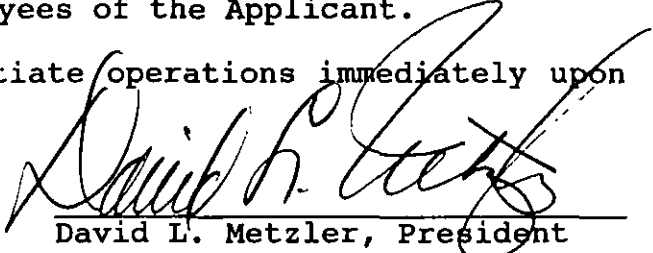
I have attached the most recent financial reports of Applicant as Exhibit 2.

10. We are not currently serving these shippers.

11. Applicant will provide 48' x 102" van trailers for truckload and multiple delivery service following approval. Applicant can provide experienced drivers and will provide shipment counting and sorting for the customer at the destination point.

12. I certify that the employees at Carlisle Carrier Corp. are not now represented by a Union, and no Union has given notice that it intends to organize the employees of the Applicant.

We will be able to initiate operations immediately upon the approval of the Application.

  
\_\_\_\_\_  
David L. Metzler, President

CARLISLE CARRIER CORP.

EQUIPMENT LIST

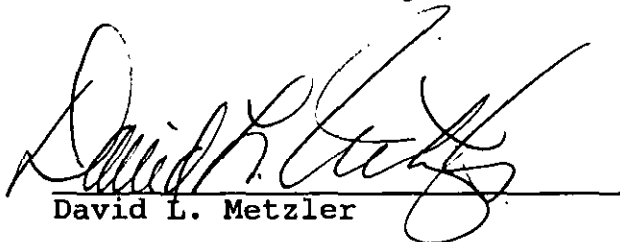
COMPANY OWNED TRACTORS	75
LONG-TERM LEASED TRACTORS	<u>12</u>
TOTAL TRACTORS	87
COMPANY OWNED 45' VAN TRAILERS	4
COMPANY OWNED 48' VAN TRAILERS	155
COMPANY OWNED REEFER TRAILERS	<u>6</u>
TOTAL TRAILERS	165

VERIFICATION OF STATEMENT

The undersigned deposes and says that he is the person who gave the Statement for the above-captioned application and that he is authorized to and does make this verification and that the facts set forth therein are true and correct to the best of his knowledge, information and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 C.S. §4904 relating to unsworn falsification to authorities.

Dated: September 30, 1993

  
David L. Metzler

September 27, 1993

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

Dear Mr. Alford:

This letter is my request that favorable consideration be given to the application of Carlisle Carrier Corp for emergency authority. I have entered into an agreement with Carlisle Carrier Corp to sell my entire authority.

I have determined to sell my authority and retire from the transportation business. I am now 70 years of age and am interested in limiting my business activities.

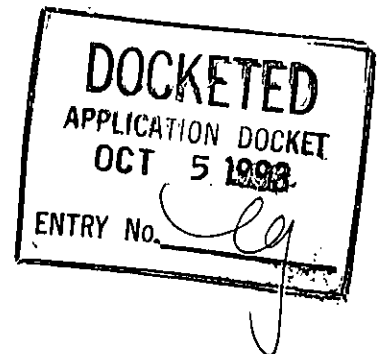
Approval of emergency temporary authority for the purchaser will enable service to continue to the shippers I have previously served. In addition I will be able to avoid the expense of obtaining additional insurance when the renewal is required in October 1993. The prospective purchaser has contacted the shippers and is the obvious choice to continue providing the service.

Thank you for your favorable consideration of this request.

Very Truly Yours,



Carl D. Walter, Sr.  
President



App. Filed October 4, 1993

Docket No. Req'd \_\_\_\_\_

Docket No. A-00109478, F. 6001

Rec'd \_\_\_\_\_

Utility Code 700335

Rates Eval Req'd \_\_\_\_\_

Status: Current yes

New \_\_\_\_\_

Rec'd \_\_\_\_\_

Type common/property

PA App Filed & Fee Paid: yes

TA App Filed & Fee Paid: yes

ETA Fee Paid: yes

APPLICANT NAME AND ADDRESS:

Carlisle Carrier Corp.

1513 East Commerce Drive

Carlisle PA 17013

Phone Number \_\_\_\_\_

County Cumberland

TRANSFER APPLICATION:

Docket No. of Transferor: A-00102343, F.1, Am-A-G

Name & Address: Walter Bros. Trucking, Inc.

6380 Brackbill Boulevard

Mechanicsburg, PA 17055

ATTORNEY NAME AND ADDRESS:

David H. Radcliff, Esquire

2216 Walnut Street

Harrisburg, PA 17103

Phone Number (717) 236-9318

Application Filed by David L. Metzler, Chief Executive Office, Pres.

Statement in Support from:

Carl D. Walter, Sr., President

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held February 20, 1981

Commissioners Present:

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

Application of Walter Brothers Trucking,  
Incorporated, for approval of the trans-  
fer to it of part of the operating rights  
held by John F. Walter, Inc., at A-00094848  
(Letter/Petition requesting Modification).

A-00102343

O R D E R

BY THE COMMISSION:

By application docketed August 5, 1980, Walter Brothers Trucking, Incorporated, a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of part of the rights granted to John F. Walter, Inc., a corporation of the State of Delaware, under the certificate issued at A-00094848.

On January 5, 1981, the Commission entered an Order granting the transfer application in its entirety. However, by letter/petition filed on January 9, 1981, both the transferor and transferee informed the Commission that they had not intended that certain of those rights be transferred, which the parties had inadvertently included in the application. In their letter/petition, the transferor and transferee requested the Commission to omit the following rights from the January 5, 1981 Order:

To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and materials, ingredients and supplies used in the manufacture, distribution and sale of the aforementioned products, from the facilities of Ralston Purina Company, in the township of Hampden, Cumberland County, to points in that portion of Pennsylvania on and south of Interstate Highway Route 80 and on and west of U.S. Highway Route 220, with the right to return pallets to the point of origin.

Based upon the allegations contained in the letter/petition and in consideration of the fact that the requested deletion will grant less than that applied for, the Commission hereby authorizes transfer of the application as further amended by the January 9, 1981 letter/petition.

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 part of the rights held by John F. Walter, Inc., at A-00094848 be approved; that the certificate heretofore issued to applicant on transfer from John F. Walter, Inc. at A-00094848, by order adopted December 11, 1980 (entered January 5, 1981), be rescinded, and in lieu thereof a certificate be issued to said applicant as follows:

To transport, as a Class D carrier, foodstuffs and pet foods (except frozen foods and commodities in bulk), and advertising matter, displays and premiums in mixed loads with foodstuffs or pet foods, from the plant site and storage facilities operated by The Quaker Oats Company in the borough of Shiremanstown, Cumberland County, and points within an airline distance of two (2) statute miles of the boundaries thereof to points in the said territory and to points in the counties of Philadelphia, Bucks, Montgomery, Delaware and Chester, and the return of shipping facilities and refused, damaged or rejected shipments to the point of origin.

To transport, as a Class D carrier, foodstuffs and pet foods (except frozen foods and commodities in bulk), and advertising matter, displays and premiums in mixed loads with foodstuffs or pet foods, from the facilities of Ralston Purina Company in the township of Hampden, Cumberland County, to points in the counties of Philadelphia, Montgomery, Delaware, Chester and Bucks, and the return of pallets and other shipping facilities to 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 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 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.
3. 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.
4. 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.
5. That the certificate holder shall not transfer, sell or in any way convey and 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.

*C. of P. C.  
revised  
5-27-81*

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 Supplemental Reports and Orders dated July 26, 1971 and February 4, 1975 which were issued to the transferor John F. Walter, Inc., at A-00094848, be modified and amended to cancel the rights therein and that the tariff applicable to A-00094848 be modified to eliminate the property authority transferred herein to Walter Brothers Trucking, Inc.

BY THE COMMISSION,

William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: February 20, 1981

ORDER ENTERED: MAR 2 1981

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held June 26, 1981

Commissioners Present:

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

Application of Walter Brothers Trucking, Incorporated, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and materials, ingredients and supplies used in the manufacture, distribution and sale of the aforementioned products: from the facilities of Ralston-Purina Company in the township of Hampden, Cumberland County, to points in the counties of Philadelphia, Bucks, Montgomery, Delaware and Chester, and vice versa; and from the facilities of the Quaker Oats Company in the borough of Shiremanstown, Cumberland County, and points within an airline distance of two (2) statute miles of the boundaries thereof, to points in the counties of Philadelphia, Bucks, Montgomery, Delaware and Chester, and vice versa.

A-00102343  
Folder 1, Am-A

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Christian V. Graf for Walter Brothers Trucking, Incorporated.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 21, 1980. Public notice of the application was given in the Pennsylvania Bulletin of September 27, 1980. The application is unopposed and the record is certified to the Commission for its decision without hearing. The record consists of verified statements entered by the applicant and two supporting shippers.

Carl D. Walter, director and president of Walter Brothers Trucking, Incorporated (applicant or Walter), set forth in his verified statement that as president and director of the applicant he is fully familiar with the operations of the company and is the individual authorized to enter a statement. Walter Brothers Trucking, Incorporated recently was granted authority on December 11, 1980 to serve the two supporting shippers in the instant proceeding by transfer of a portion of authority held by John F. Walter, Inc., at A-00094848, Folder 1; Amendment B and Amendment C. The applicant has pending before the Interstate Commerce Commission an application to permit interstate service to the supporting shippers herein. The instant application requests authority which is basically the same as the existing authority held with the addition of vice versa.

Walter operates its only terminal in Chambersburg, Franklin County. This terminal contains the central dispatch office, corporate headquarters, parking area and shop with full service facilities. Currently, the Walter fleet consists of 40 power units and 26 trailers. With approval of the transfer of authority from John F. Walter, Inc., the applicant had transferred to it 20 van type trailers. The company now maintains liability and property damage insurance in amounts in excess of Commission's requirements. All drivers are experienced and are screened by the company prior to employment to assure that they are familiar with Department of Transportation safety requirements. All equipment is inspected twice each year in accordance with Pennsylvania law. Equipment is carefully checked before it leaves on a trip so that defects are noted and corrected before use.

Should the application be approved, Walter will handle truckload traffic and truckload traffic for multiple delivery in transit. The majority of traffic involved by the instant application is truckload in nature, however, less-truckload shipments will be handled when tendered. It is expected that basic service within the scope of the application can be provided on an overnight basis. Trailer equipment will be spotted at the shipper's facilities when requested. It is expected that traffic will move in van trailers and sufficient numbers of trailers and tractors are now on hand to provide this service without augmentation of the fleet.

The operation here proposed appears to be feasible as both supporting shippers require two-way movements with the outbound transportation of their products and the inbound transportation of those materials, supplies and equipment used in their manufacture. As evidence of the applicant's financial capacity to maintain the authority sought Walter entered its balance sheet as of July 1, 1980. Total assets are reported at \$284,784.89 with total liabilities of \$259,784.89.

Kenneth J. Kosan, transportation manager, finished goods, for the Quaker Oats Company, set forth in his verified statement that he is responsible for the arrangement of motor carrier transportation and as such is authorized to enter a supporting statement on behalf of the applicant. Quaker Oats Company operates production plants throughout

the United States which are engaged in the production of various foodstuffs. As here pertinent, Quaker Oats maintains production and warehouse facilities in Hampden Township, Cumberland County, which serves the major metropolitan market of Philadelphia.

Quaker Oats Company supports the instant application for the transportation of such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses and those materials, ingredients and supplies used in their manufacture, distribution and sale. It is expected that from five to six truckloads per day of foodstuffs and from three to five loads per week of ingredients and supplies would move in the territory defined in the application. It is anticipated that the applicant will be tendered approximately 28 and 35 truckloads per week.

Traffic will originate at the facilities of the Quaker Oats Company in Hampden Township, Cumberland County, destined to grocery warehouses in the counties of Philadelphia, Bucks, Montgomery, Delaware and Chester. Ingredients, materials and supplies used in the manufacture and distribution of such foodstuffs will come from vendors in the five county area to the facilities of Quaker Oats Company. At this time, outbound traffic moves via John F. Walter, Inc., the predecessor company of the applicant. Ingredients and supplies are moving in common and private carriage. As pertinent here, ingredients and supplies presently moving in both private and common carriage, other than Walter, will be tendered to the applicant. Quaker Oats feels that private carriage could be used more effectively elsewhere and that the use of the applicant on a roundtrip basis whenever possible will result in greater operational and fuel efficiency.

Gail Young, traffic manager of Ralston-Purina Company, Hampden Township, Cumberland County, set forth in her verified statement that she is fully familiar with the transportation needs of the Ralston-Purina plant and is authorized to enter a supporting statement. Ralston-Purina Company manufactures and distributes various types of agricultural rations, pet foods and products for human consumption. These products are shipped to food and feed retailers and wholesalers throughout Pennsylvania. All the products produced by the Ralston-Purina plant in Hampden Township will fall within the requested commodity description of as such merchandise as dealt in by wholesale, retail, chain grocery and food business houses. As directly involved, the applicant is supported for the return movement of materials, ingredients and supplies used in the manufacture, distribution and sale of the merchandise as aforesaid. The inbound materials are chiefly cardboard boxes, multi-wall printed paper bags, various ingredients used in the manufacture of the outbound items, sale in bags, machinery and parts for machinery and other equipment. Inbound volume approximates nine truckloads per month and it is expected that all this traffic would be tendered to the applicant upon the approval of the instant application.

Currently, inbound supplies originate at such points as Paoli, West Chester and Philadelphia, which are points currently authorized the carrier on an outbound basis. Currently, inbound shipments move via private carriage and two other common carriers. The use of the private

carriage fleet is unsatisfactory as this equipment can be employed more efficiently in the outbound movement of products. The use of Walter for return movements of supplies should increase operational efficiency and provide that carrier with an added source of revenue. A difficulty encountered with the use of other common carriers on inbound movements is the hesitancy of those carriers to arrange split pickups. The availability of the applicant for inbound movements would aid the shipper in meeting its supply requirements.

#### DISCUSSION AND FINDINGS

The applicant seeks to amend its certificate so as to include a vice versa provision in authority now held relative to service provided for the Quaker Oats Company and Ralston-Purina Company. The applicant now holds authority to transport foodstuffs and pet foods (except frozen foods and commodities in bulk) from the facilities of the two shippers in Cumberland County, to points in the counties of Philadelphia, Montgomery, Delaware, Chester and Bucks, with the right to return shipping facilities to the point of origin.

The inclusion of vice versa in the authority will permit the applicant to meet the shippers inbound needs for the transportation of those materials, ingredients and supplies used in the manufacture and sale of such merchandise as is dealt in by wholesale, retail, chain grocery and food businesses. Both shippers state a need for such inbound service with Ralston anticipating nine truckloads inbound per month and Quaker Oats Company expecting three to five truckloads per week. By virtue of outbound service provided from these facilities the two shippers have confidence that the applicant can provide a responsive service with full familiarity of their requirements. The inclusion of vice versa in the authority will provide a potential source of loaded backhauls which should increase efficiency and operational economies.

The applicant now holds two paragraphs of authority relative to the two shippers here involved. The two paragraphs of proposed authority in the instant application relate to that service now provided outbound to points in the counties of Philadelphia, Bucks, Montgomery, Delaware and Chester. The commodity description requested herein is more complete than that now used in the applicant's current authority with all of those now authorized commodities encompassed in the commodity description requested. The authority issued in this proceeding is in place of that duplicated authority now held. By eliminating the duplicated rights, the authority will be more concise and readable with no change in the intent of the overall authority to be operated.

We find:

1. The applicant has the equipment, experience and fitness necessary to provide the proposed service.
2. The supporting shippers herein now receive outbound service from the applicant and desire the availability of the applicant to meet their inbound requirements for the transportation of materials, supplies and equipment.

3. Availability of the applicant for inbound movements will increase operational efficiency and economy.

4. Approval of the application appears to be 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 May 27, 1981, be amended so that the two rights contained in the report and order adopted February 20, 1981, and entered March 2, 1981, shall now read as follows:

To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and those materials, ingredients and supplies used in the manufacture, distribution and sale of the aforementioned products, from the facilities of Ralston-Purina Company in the township of Hampden, Cumberland County, to points in the counties of Philadelphia, Bucks, Montgomery, Delaware and Chester, and vice versa.

1, X  
To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and those materials, ingredients and supplies used in the manufacture, distribution and sale of the aforementioned products, from the facilities of Quaker Oats Company in the borough of Shiremanstown, Cumberland County, and points within an airline distance of two (2) statute miles of the boundaries thereof to points in the counties of Philadelphia, Bucks, Montgomery, Delaware and Chester, 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 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,

William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: June 26, 1981

ORDER ENTERED: *JUL 9 1981*

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held July 17, 1981

Commissioners Present:

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

Application of Walter Brothers  
Trucking, Inc., a corporation of the  
Commonwealth of Pennsylvania, for  
amendment to its pending common  
carrier certificate: SO AS TO  
PERMIT the transportation of such  
merchandise as is dealt in by wholesale,  
retail, chain grocery and food busi-  
ness houses, and materials, ingred-  
ients and supplies used in the manu-  
facture, distribution and sale of  
the aforementioned products, from the  
facilities of Ralston-Purina Company,  
in the township of Hampden, Cumber-  
land County, to points in that portion  
of Pennsylvania on and east of U.S.  
Highway Route 15, and vice versa.

A-00102343  
F. 1  
Am-B

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Christian V. Graf for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission as the result of an application filed January 22, 1981. Public notice of the application was given in the Pennsylvania Bulletin of March 7, 1981. No protests were received and the record is now certified to the Commission without hearing. Verified statements were submitted by the applicant and the supporting shipper.

Carl D. Walter, a fifty-percent stockholder, director and president of Walter Brothers Trucking, Inc., (Walter or applicant), has submitted a verified statement on the applicant corporation's behalf in which he sets forth that he is familiar with every aspect of the operation and is the proper person to submit verified information. Walter currently holds authority at A-00102343, F. 1, Am-A, to provide Ralston-Purina (supporting shipper) with service to points in the counties of Philadelphia, Montgomery, Delaware, Chester and Bucks, and vice versa, which is completely embraced within the authority the applicant seeks herein. To this extent, approval of the application would result in a duplication of authority.

The applicant conducts operations from a terminal located at 1266 North Franklin Street, Chambersburg, Franklin County, which contains dispatch offices, corporate headquarters and maintenance facilities. It operates 40 tractors and 46 trailers, all company-owned. Public liability and property damage insurance is carried in amounts exceeding Commission requirements. All of its drivers are experienced and familiar with the prescribed regulations. All of the equipment is carefully maintained to insure safe operations.

Walter does hold interstate authority which permits it to serve the supporting shipper and, in fact, has a pending application for additional authority to provide service to New York and New Jersey. Within the present interstate authority, it has handled about 6,000,000 pounds per month for Ralston-Purina and is, therefore, familiar with its requirements. Within the proposed authority, Walter will provide less-than-truckload and truckload service; overnight delivery, clean equipment, trailer spotting service; and will institute a pallet exchange program. Service will be available seven days per week, 24 hours a day.

In support of its financial status, the applicant's Exhibit No. 3, Schedule L of its 1980 Federal tax return, indicates it had a cash position in excess of \$19,000; fixed assets, after depreciation, in excess of \$403,000; and retained earnings of \$26,637. Since it had no intrastate authority during 1980, no revenues were generated, but it did realize a net profit from leasing of equipment that exceeded \$26,000.

Ralston-Purina Company, headquartered in St. Louis, Missouri, is a manufacturer and distributor of various types of agricultural rations, pet foods and items for human consumption. The products are shipped to food and feed retailers and wholesalers throughout Pennsylvania from a facility, as pertinent herein, located in Hampden Township, Cumberland County. The inbound materials consist chiefly of cardboard boxes, multiwall printed paper bags, various ingredients used in the manufacture of its finished goods, salt, machinery and machinery parts.

The applicant would be tendered between 36 and 50 truckloads of outbound freight per month in addition to that which it is now authorized to handle. About 92 truckloads monthly would move inbound.

In addition to the inbound materials, vice versa authority is necessary to cover such instances as mis-orders, replacement orders, pallet returns and merchandise exchanges. The principal areas to which service is needed, and which the applicant cannot now provide, include Milton, Forty-Fort, Robesonia, Scranton, Wilkes-Barre, Easton, Lancaster, York, Kingston and Denver. All of its outbound points will also serve as sources of inbound shipments. Other inbound material is received from Paoli, Westchester and Philadelphia.

The current basic service deficiencies involve the fact that it is difficult to arrange for pallet exchanges or pallet returns. While carriers will offer such service, they have been slow in returning the pallets which adds to its record keeping burden. Motor Freight Express has caused numerous problems in this area. Another problem exists since high-cube trailers are necessary and both Motor Freight and Central Storage do not have enough available on a consistent basis. Fowler and Williams has expressed little interest in handling their freight. Marty's Express does not have the high-cube equipment and it can only serve Lancaster and York. On the other hand, the applicant has the appropriate equipment and conducts a satisfactory pallet exchange program.

#### DISCUSSION AND FINDINGS

The applicant obtained its initial authority to operate between points in Pennsylvania as the result of a transfer to it, a portion of the rights held by John F. Walter, Inc., at A-00094848. The transfer was approved by the Commission's order adopted February 20, 1981 and entered March 2, 1981.

Included in the applicant's authority at Folder 1, Am-A, is a right to transport, inter alia, foodstuffs and pet foods, from the facilities of Ralston-Purina in Hampden Township, Cumberland County, to points in the counties of Philadelphia, Montgomery, Delaware, Chester and Bucks, and vice versa. By the application now before us, the applicant seeks to broaden its service for Ralston-Purina so as to include all points in Pennsylvania on and east of U.S. Highway Route 15, and vice versa. In effect, the applicant's first right at A-00102343, Folder 1, Am-A is totally encompassed within the right proposed herein. A grant of the proposed authority would result in a totally obvious duplication of authority.

It is our opinion that the supporting shipper has a genuine need for the expanded service proposed by the applicant. The carriers presently available have been unable to furnish sufficient amounts of high-cube trailers which apparently are necessary to completely satisfy the needs of Ralston-Purina. Some carriers have authority that is too narrow in scope to be of major significance in the shipper's distribution program. One carrier has demonstrated little interest in the account and others have difficulty in providing an effective pallet exchange

service. We have some reservations concerning an individual carrier's ability to effectively control an exchange of pallets between a shipper and a receiver however, the degree to which a carrier is willing to participate can contribute to a successful exchange. The applicant has expressed a willingness to provide such service and has successfully done so in interstate commerce.

The record supports a favorable finding pertinent to the applicant's fitness to adequately provide the additional service proposed. Its financial position appears sound and it has an ample supply of equipment. Its terminal is within a reasonable distance, over major highways, of the shipper's plant. A considerable amount of experience has been gained by regularly providing Ralston-Purina with interstate service.

We find:

1. That the applicant has shown that a reasonable public need for the proposed service does exist.
2. That the applicant is fit, ready, willing and able to adequately provide 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 First Right contained in the order adopted June 26, 1981 be amended so that it shall now read as follows:

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To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and materials, ingredients and supplies used in the manufacture, distribution and sale of said products, from the facilities of Ralston-Purina Company, located in the township of Hampden, Cumberland County, to points in that portion of Pennsylvania on and east of U.S. Highway Route 15, 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 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.

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,

William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: July 17, 1981

ORDER ENTERED: **JUL 27 1981**

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held September 19, 1985

Commissioners Present:

Linda C. Taliaferro, Chairman

Frank Fischl  
Bill Shane

Application of Walter Brothers Trucking, Incorporated, 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, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and materials, ingredients and supplies used in the manufacture, distribution and sale of said products, from the facilities of Ralston-Purina Company, located in the township of Hampden, Cumberland County, to points in that portion of Pennsylvania on and east of U.S. Highway Route 15, and vice versa: SO AS TO PERMIT the transportation of property (except household goods in use, commodities in bulk and commodities requiring the use of special equipment) for General Mills, Inc., from the facilities used by it in Cumberland County to points in Pennsylvania, and vice versa.

A-00102343  
F. 1  
Am-D

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Christian V. Graf for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 26, 1985. Public notice of the application was given in the Pennsylvania Bulletin of July 20, 1985 and no protests were filed.

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

#### DISCUSSION AND FINDINGS

Applicant currently operates pursuant to a common carrier certificate issued May 27, 1981 with amendments thereto. Walter Brothers Trucking, Incorporated is well versed in the transportation of foodstuffs as it has interstate and Pennsylvania intrastate authority for these commodities. Under its I.C.C. authority, it serves the supporting shipper herein.

The evidence of record indicates that the applicant owns 38 tractors and 75 trailers. A comprehensive maintenance and safety program is in effect.

The financial statement shows total current assets of \$180,194, total assets of \$518,780, total current liabilities of \$234,776 and stockholders' equity of \$98,203. The statement of income shows operating revenues of \$1,930,334, total operating expenses of \$1,873,600. A net income of \$37,017 was realized. This data indicates that the applicant is in a financial position to provide the proposed service.

General Mills, Inc. markets consumer goods and services in five principal areas: consumer foods, restaurants, toys, fashion and specialty retailing. General Mills will be utilizing the facilities of Dauphin Distribution Services, Co. in Cumberland County for the shipment of its varied commodities. The transportation of returned pallets and mis-ordered shipments is required. It is anticipated that the applicant will be tendered approximately 500 truckloads per year.

We find that:

1. Applicant currently operates pursuant to a common carrier certificate issued May 27, 1981.
2. The applicant has the equipment, experience, fitness and ability to render the proposed service.
3. The applicant has the support of General Mills, Inc., in the application territory.
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 the applicant on May 27, 1981, as amended, be further amended to include the following right:

4/ 8  
To transport, as a Class D carrier, property (except household goods in use, commodities in bulk and commodities requiring the use of special equipment) for General Mills, Inc., from the facilities used by it in Cumberland County 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 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,

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: September 19, 1985

ORDER ENTERED: SEP 25 1985

JMS

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held June 27, 1991

Commissioners Present:

William H. Smith, Chairman  
Joseph Rhodes, Jr., Vice-Chairman  
Wendell F. Holland, Commissioner  
David W. Rolka, Commissioner

Application of Walter Brothers Trucking, Incorporated, 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, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and materials, ingredients and supplies used in the manufacture, distribution and sale of said products, from the facilities of Ralston-Purina Company, located in the township of Hampden, Cumberland County, to points in that portion of Pennsylvania on and east of U.S. Highway Route 15, and vice versa: SO AS TO PERMIT the transportation of property (except commodities in bulk and household goods) for Purina Mills, Inc., between points in Pennsylvania.

A-00102343  
F. 1  
Am-E

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David H. Radcliff for the applicant.

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O R D E R

BY THE COMMISSION:

This application, filed December 13, 1990, is before the Commission for its decision without oral hearing. Public notice of the application was given in the Pennsylvania Bulletin of January 26, 1991. There were no protests and the record, which consists of statements entered by the applicant and the supporting shipper is now certified to the Commission for its decision.

The applicant, Walter Brothers Trucking, Incorporated, is domiciled at 6830 Brackbill Boulevard, Mechanicsburg, Cumberland County. Carl Walters, Jr. vice president of applicant entered a verified statement on behalf of Walter Brothers. Walter Bros. terminal and general office is located at the above address. These facilities include parking, communication and a repair shop. Applicant operates eighteen tractors and ninety-four trailers. Applicant has a comprehensive safety and inspection program in place. Walter Bros. will provide truckload transportation with multiple pick-ups or deliveries in transit. Service to be provided will usually be overnight. Applicant will provide full customer service and satisfaction to the shipper.

An unaudited balance sheet for the year 1990 submitted by the applicant shows total assets of \$296,970 with total liabilities of \$208,637 leaving stockholders equity of \$88,333.

Michael S. Cook, Manager, Logistics Consumer Businesses for Purina Mills, Inc. entered a statement in support of the application. Purina Mills, Inc. manufactures and distributes a variety of animal and pet feeds. Animal feed is distributed from company facilities and public warehouses to pet stores, farm and garden centers, feed centers and other non-grocery outlets. Purina Mills, Inc. has a subsidiary, BayMor Pet Foods, Inc. with manufacturing facilities at Cressona, Schuylkill County. This facility produces and ships a full range of animal feeds. Purina Mills, Inc. is also sole distributor for Ralston Purina Company Feeds.

Purina Mills, Inc. presently ships from a public warehouse in Levittown, Bucks County, the facility at Cressona, Schuylkill County and from the facilities of Ralston Purina Company in Camp Hill, Cumberland County. The public warehouse location is subject to change at any time and Ralston Purina Company also may change the location from which Purina Mills, Inc products will be shipped. Destinations for truckload shipments include points throughout the state of Pennsylvania. Points to which shipments are made include: Harrisburg, Camp Hill, Bath, Wilkes-Barre, Lancaster, Knoxville, Shippensburg, Wyalusing, Philadelphia, Erie, Bedford and Somerset. Shipments to the facilities of Purina Mills, Inc. include Pittsburgh, Freeport, Matamoras, Martins Creek, Bloomsburg, New Hope, Harrisburg and Camp Hill.

Applicant requires overnight service in van trailers on a scheduled delivery basis. Purina Mills, Inc is familiar with the applicant and feels it will be able to handle it's traffic satisfactorily.

The applicant has demonstrated that a need exists for the service proposed.

We find:

1. That the applicant has shown that a public need for the proposed 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 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 May 27, 1981 as amended be further amended to include the following right:

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To transport, as a Class D carrier, property for Purina Mills, Inc., between points in Pennsylvania;

subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk; household goods in use.

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 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 applicant, shall not be construed as conferring more than one operating right.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: June 27, 1991

ORDER ENTERED: JUL 3\_ 1991

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held June 27, 1991

Commissioners Present:

William H. Smith, Chairman  
Joseph Rhodes, Jr., Vice-Chairman  
Wendell F. Holland, Commissioner  
David W. Rolka, Commissioner

Application of Walter Brothers Trucking, Incorporated, 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 (except household goods in use, commodities in bulk and commodities requiring the use of special equipment) for General Mills, Inc., from the facilities used by it in Cumberland County to points in Pennsylvania, and vice versa: SO AS TO PERMIT the transportation of (1) property (except commodities in bulk, household goods in use, and Classes A and B explosives), for The Quaker Oats Co., between points in Pennsylvania; and (2) property (except commodities in bulk, household goods in use, and Classes A and B explosives), for The Dial Corporation, from points in the counties of Luzerne and Bucks, to points in the county of Cumberland.

A-00102343  
F. 1  
Am-F

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Graf, Andrews & Radcliff, P.C. by David H. Radcliff for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed February 12, 1991. Public notice of the application was given in the Pennsylvania Bulletin of March 9, 1991. No protests were filed.

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

#### DISCUSSION AND FINDINGS

Walter Brothers Trucking, Incorporated (applicant or Walter), is a Pennsylvania corporation domiciled at 6380 Brackbill Boulevard, Mechanicsburg, Cumberland County. Walter seeks to have its certificate of public convenience amended so that Walter will be authorized to transport (1) property, for The Quaker Oats Co., between points in Pennsylvania; and (2) property, for The Dial Corporation, from points in the counties of Luzerne and Bucks, to points in the county of Cumberland. The authority was conditioned by the applicant so as to exclude transportation of commodities in bulk, household goods in use, and Classes A and B explosives.

Transportation is currently being provided both of these supporting shippers in the instant proceeding, pursuant to interstate authority. Service currently consists of transportation from points in Pennsylvania to points in the states of NY, NJ, CT and MD. Service is also being provided pursuant to the applicant's current intrastate authority. The transportation being rendered by the applicant is truckload van service, provided with 18 tractors and 94 trailers.

Upon approval of the application, the applicant will provide transportation of truckload shipments; truckload shipments with multiple deliveries; overnight service; deliveries by appointment; provide 45-foot or longer van trailers; spot trailers in advance of loading; transport full product mix; and provide pallet return and pallet exchange.

Peter Blum, distribution/transportation supervisor for The Quaker Oats Co. (Quaker Oats) states in support of the pending application that Quaker Oats is a major manufacturer of food products and related grocery items. Within Pennsylvania, Quaker Oats operates a manufacturing and warehouse facility in Shiremanstown, Cumberland County. The Specialty Division operates a production facility at Mountain Top, Luzerne County, at which is produced Gatorade. The Food Service Division operates production and warehousing facilities in Boyertown, Berks County, where the Richardson Food Line of grocery items is produced.

In addition to its facilities, Quaker Oats leases warehouse facilities at Fogelsville, Lehigh County. Public warehouse space is also used, which is located in Mechanicsburg, Cumberland County. In addition to shipments moving to and from these facilities, Quaker Oats also has shipments moving to grocery company warehouses and to retail grocery stores.

Representative destinations for truckload traffic are York, Oaks, Kingston, Scranton, Huntingdon, Philadelphia, Bensalem, Wilkes-Barre, Forty Fort and Milton. The products of Quaker Oats are widely distributed and Quaker Oats will require the applicant's service throughout Pennsylvania. Shipments which are less-than-truckload quantities, are shipped to such

points as Pittsburgh, Philadelphia, Milton, Hanover and Lancaster. Inbound, Quaker Oats receives shipments of packaging items, equipment and ingredients.

The outbound truckload traffic of Quaker Oats exceeds 100 shipments to Pennsylvania points, while the less-than-truckload traffic totals 12 to 15 10,000-pound shipments per month. Approximately 10 truckload and three less-than-truckload shipments will be tendered the applicant each month.

As a result of the applicant's experience in transporting interstate shipments for Quaker Oats, it is anticipated that the applicant will be able to provide the required service for intrastate traffic. The applicant has demonstrated to Quaker Oats' satisfaction that the applicant will provide clean equipment and that it will meet scheduled appointments.

Mark Russell, transportation pricing manager for The Dial Corporation (Dial), states in support of the pending application that Dial's corporate headquarters are located at Dial Tower, 1850 North Central Avenue, Phoenix, AZ. Dial is both a manufacturer and distributor of such consumer products as soap, shampoo, deodorant, soups, canned meats, canned vegetables, pizza pie mix, liquid and dry detergents, scouring pads, cleaning, scouring and washing compounds, bleach, ammonia, waxes, etc. In addition to these products, Dial receives materials, machinery, equipment and supplies used in the manufacture, distribution and sale of Dial's products. Inbound, it receives such items as bottles, cartons, caps, labels, machinery, equipment, pallets and chemicals.

Dial owns and operates plants in West Hazleton, Luzerne County, and in Bristol, Bucks County. Warehouse facilities of Dauphin Distribution Services in Cumberland County are used by Dial. It is anticipated that the applicant will be tendered at least 50 truckload shipments per year, with each truckload shipment weighing approximately 40,000 pounds.

Customers of Dial are located throughout the Commonwealth, including customers located at such representative points as Blawnox, Denver, Harrisburg, Langhorne, Milton, Philadelphia, Pottstown, Shiremanstown, Somerset, Temple, Wilkes-Barre, York, Erie, Pittsburgh, Reading, Scranton, Lancaster, Chambersburg, Kittanning, Carlisle, Butler, Johnstown, Clearfield, Uniontown, Huntingdon, Sharon and Greensburg. Dial could have traffic moving from any of the facilities owned or used by it to any point in Pennsylvania and can have inbound commodities coming from all points in Pennsylvania to its plants at any particular time.

Dial is anticipating no difficulty in having the applicant provide its intrastate service. Dial is satisfied with the transportation previously provided in interstate commerce.

The statement entered on behalf of the applicant provides probative evidence that the applicant has the experience and equipment to provide both supporting shippers with the transportation proposed by the instant application. The evidence of record with regards to the needs of The Quaker Oats Co., is sufficient to demonstrate that there exists a public need for

the service the applicant is proposing to render on behalf of The Quaker Oats Co.

The statement of support entered on behalf of The Dial Corporation, contains support for authority much broader in scope than that sought by this application. The statement of Dial speaks to a need for the applicant to render transportation "... between the facilities owned, leased or otherwise utilized by it, and from those facilities to points in Pennsylvania, and vice versa." The application as filed by the applicant, seeks only to provide transportation from points in the counties of Luzerne and Bucks, to points in the county of Cumberland. Although the evidence presented by Dial speaks to a need for service broader than that requested by the instant application, we are limited to granting the applicant authority which is no broader than that sought by the application. The evidence presented by Dial will support a grant of authority as proposed by the applicant.

We find:

1. That the applicant is fit, willing and able to provide the transportation proposed by the instant application.
2. That the applicant has demonstrated that a public need exists for the proposed transportation.
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 May 27, 1981, as amended, be further amended to include the following rights:

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- (1) To transport, as a Class D carrier, property, for The Quaker Oats Co., between points in Pennsylvania;
  - (2) To transport, as a Class D carrier, property, for The Dial Corporation, from points in the counties of Luzerne and Bucks, to points in the county of Cumberland;

with both of the above rights subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk, household goods in use, and Classes A and B explosives.

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", written over the text "BY THE COMMISSION,".

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: June 27, 1991

ORDER ENTERED: JUL 3\_ 1991

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held June 19, 1992

Commissioners Present:

David W. Rolka, Chairman  
Joseph Rhodes, Jr., Vice-Chairman  
Wendell F. Holland, Commissioner

Application of Walter Brothers Trucking, Incorporated, 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 (except household goods in use, commodities in bulk and commodities requiring the use of special equipment) for General Mills, Inc., from the facilities used by it in Cumberland County to points in Pennsylvania, and vice versa: SO AS TO PERMIT the transportation of property (except commodities in bulk and household goods in use) for Fleming Companies, Inc., from its facilities located in the township of Upper Providence, Montgomery County, to points in Pennsylvania and vice versa.

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David H. Radcliff for the applicant.

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O R D E R

BY THE COMMISSION:

This application was filed January 24, 1992, public notice of the application was given in the Pennsylvania Bulletin of March 7, 1992. There were no protests and the record, which consists of statements entered by the applicant and the supporting shipper, is now certified to the Commission for its decision without oral hearing.

The applicant, Walter Brothers Trucking, Incorporated, is domiciled at 6830 Brackbill Boulevard, Mechanicsburg, Cumberland County. Carl Walter, Jr., vice president of applicant, entered a verified statement on behalf of Walter Brothers. Walter Bros. terminal and general office is located at the

above address. These facilities include parking, communication and a repair shop. Applicant operates twenty-six tractors and eighty-five trailers. Applicant has a comprehensive safety and inspection program in place. Walter Bros. will provide truckload transportation with multiple pick-ups or deliveries in transit. Service to be provided will usually be overnight. Applicant will provide full customer service and satisfaction to the shipper.

An unaudited balance sheet for the year 1991 submitted by the applicant shows total assets of \$305,419 with total liabilities of \$199,686 leaving stockholders equity of \$105,419.

Anthony Bergardino, inbound traffic supervisor for Fleming Foods East, Inc., a subsidiary of Fleming Companies, Inc. entered a statement in support of the application. Fleming Companies, Inc. (Fleming) is a wholesale grocery distributor. Fleming ships dry grocery products, paper, health aids, beauty aids and general merchandise. Shipments are received from suppliers at its warehouse in Upper Providence Township, Montgomery County. Destinations include points throughout the state. Points to which shipments are made include: Quakertown, Easton, Lewistown, Reading, Clearfield, Warren, Allentown, Mountain Top, Harrisburg, Carlisle, Erie, Indiana, Williamsport, Sunbury, Chambersburg, Bellefonte, Jeannette and Washington. Shipments to Fleming's facilities are made from points such as Harrisburg, Hanover, Camp Hill, Shiremanstown, Mechanicsburg and Aspers.

Fleming requires scheduled pick-up and delivery service in dry van equipment. 48" by 102" by 13'6", swinging door trailers are required. Fleming currently uses Walter Bros. under its existing rights and finds that Walter Brothers provides the type of service it needs.

A review of the record before us that the applicant has the ability, equipment and fitness necessary to provide the proposed service. The supporting shipper has demonstrated a need for the services of the applicant.

We find:

1. That the applicant has shown that a public need for the proposed 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 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 May 27, 1981 as amended be further amended to include the following right:

§ To transport, as a Class D carrier, property for Fleming Companies, Inc., from its facilities located in the township of Upper Providence, Montgomery County, to points in Pennsylvania and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk or household goods in use.

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 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 applicant, shall not be construed as conferring more than one operating right.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: June 19, 1992

ORDER ENTERED: JUL 1 1992