

kane isable, Inc.

Kane Freight Lines, Inc.
Kane Warehousing, Inc.
Post Office Box 931,
Scranton, PA 18501-0931
(717) 222-9801
1-800-688-KANE

RECEIVED

93 MAY 10 PM 2:40

PA PUC
BUREAU OF
REGULATION

May 5, 1993

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MAY 10 1993

SECRETARY'S OFFICE
Public Utility Commission

Mr. John G. Alford
Secretary
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Room B18
North Office Building
North Street and Commonwealth Avenue
Harrisburg, PA 17105-3265

A-109478
F.I. AA-6

Dear Mr. Alford:

Enclosed you will find the original and one (1) copy of the Protest of Kane Freight Lines, Inc. in opposition to the application of Carlisle Carrier Corporation, 1513 East Commerce Drive, Carlisle, PA. 17013.

I am enclosing an additional copy of this letter of transmittal, and would ask that you affix onto this letter the date which the subject protest is received, returning the duplicate copy to me in the self addressed, stamped envelope that has been enclosed for that purpose.

Sincerely,



KANE FREIGHT LINES, INC.
William Campbell
Vice President

WC/br
Enclosure



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May 5, 1993

PA PUC
BUREAU OF
TRANSPORTATION

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MAY 10 1993

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECRETARIES OFFICE
PUBLIC UTILITY COMMISSION

In Re:

Carlisle Carrier Corporation

A-00109478

AND NOW COMES Kane Freight Lines, Inc., and protests this application, notice of which has appeared in the Pennsylvania Bulletin as shown in the attached Appendix "A", representing as follows:

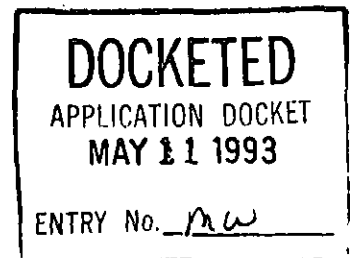
1. The name, business address and telephone number of the protestant are as follows:

Kane Freight Lines, Inc.
P.O. Box 931
Scranton, PA 18501-0931
(717)344-9801



2. The name, business address and the telephone number of protestant's representative are:

William Campbell
Vice President
Kane Freight Lines, Inc.
P.O. Box 931
Scranton, PA 18501-0931
(717)344-9801



3. Protestant holds authority issued by this Commission in conflict with that sought by Applicant in this proceeding.

5/5/93

4. This Commission has issued various authorities to protestant under Docket 97411. A copy of that authority upon which protestant predicates this protest, is set forth in Appendix "B" attached hereto. The authority sought in this application is in conflict with the present authority held by protestant.

5. Approval of this application in conflict with the authority of protestant is not necessary or proper for the services, accommodation, convenience or safety of the public.

WHEREFORE, Kane Freight Lines, Inc., respectfully prays that this application be denied.

KANE FREIGHT LINES, INC.



William Campbell
Vice President

WC/br

cc: Carlisle Carrier Corporation
1513 East Commerce Drive
Carlisle, PA 17013

David H. Radcliff, Esq.
2216 Walnut Street
Harrisburg, PA 17103

corporation of the Commonwealth of Pennsylvania, inter alia—coal, for Don H. Richards Coal Company, Inc., between points in Pennsylvania: so as to permit the transportation of coal, for Pittsburgh and Shawmut Coal Company, between points in Pennsylvania. *Attorney:* Dwight L. Koerber, Jr., 110 North Second Street, P. O. Box 1320, Clearfield, Pa. 16830.

A-00109242, Folder 1, Am-B (Corrected). Seno, Inc., t/d/b/a Falcon Express & Courier (421 East Drinker Street, Dunmore, Lackawanna County, Pa. 18512), a corporation of the Commonwealth of Pennsylvania, inter alia—property, in parcels or packages, no single parcel or package to exceed 50 pounds in weight, for Qualex, Inc., from its facilities in the city of Allentown, Lehigh County, to points in Pennsylvania, and vice versa; subject to the following conditions: (a) that no right, power or privilege is granted to provide service to or from bank and financial institutions; (b) that no right, power or privilege is granted to provide service from points in the counties of Erie, Crawford, Venango and Mercer; (c) that no shipment is to exceed 200 pounds in weight, a shipment being defined as a quantity of freight from one consignor to one consignee on one bill of lading on any one day; (d) that no right, power or privilege is granted to transport garments and wearing apparel and materials and supplies used in the manufacture and sale thereof; (e) that no right, power or privilege is granted to provide service to or from the facilities of International Business Machines (IBM); (f) that no right, power or privilege is granted to provide service to or from points in the counties of Allegheny, Beaver, Butler, Washington and Westmoreland; (g) that no right, power or privilege is granted to provide transportation to or from hospitals; (h) that no right, power or privilege is granted to provide service to or from the facilities of Moore Business Forms, Inc. and Standard Register Company; and (i) that no right, power or privilege is granted to transport fresh or frozen food, including fresh and frozen seafood: so as to permit the transportation of (1) property, in parcels or packages, no single parcel or package to exceed 100 pounds in weight for Qualex, Inc., from its Pennsylvania facilities, to points in Pennsylvania, and vice versa; and (2) property, in parcels or packages, no single parcel or package to exceed 2,000 pounds in weight for Alling and Cory from its Pennsylvania facilities, to points in Pennsylvania, and vice versa. *Attorney:* Mark S. Jennings, 303 Tenth Street, Honesdale, Pa. 18431.

A-00109478, Folder 1, Am-G. Carlisle Carrier Corp. (1513 East Commerce Drive, Carlisle, Cumberland County, Pa. 17013), a corporation of the Commonwealth of Pennsylvania, inter alia—property between the facilities owned, leased or utilized by Excel Logistics, Inc., and from said facilities to points in Pennsylvania, and vice versa; subject to the following conditions: that no right, power or privilege is granted to transport petroleum and petroleum products in bulk or tank or hopper-type vehicles, or dry litharge in bulk; and that no right, power or privilege is granted to transport property for Purina Mills, Inc., from its facilities in the township of Hampden, Cumberland County, from the facilities of its subsidiary, Bay Mor Pet Feeds, Inc., in the borough of Cressona, Schuylkill County; and from the facilities of Ralston Purina Company, in the township of Hampden, Cumberland County, to points in Pennsylvania, and vice versa: so as to permit the transportation of property (excluding household goods in use and commodities in bulk), for Reckitt & Colman, Inc., between points in Pennsylvania. Application for temporary authority has been filed at A-00109478, F. 1, Am-G seeking the following: property

(except commodities in bulk and household goods in use) for Reckitt & Colman, Inc., from the facilities owned, leased or utilized by Reckitt & Colman, Inc., located in the township of Lower Swatara, Dauphin County, to points in Pennsylvania, and vice versa. *Attorney:* David H. Radcliff, 2216 Walnut Street, Harrisburg, Pa. 17103.

A000109487, Folder 1, Am-A. George F. Delbaggio, t/d/b/a D & G Trucking (R. D. 4, Box 201-A, Tyrone, Blair County, Pa. 16686)—(1) sand, gravel, limestone and amesite for New Enterprise Stone & Lime Co., Inc., Interstate Amesite, Inc., IA Construction Corporation, and St. Mary's Paving Company, from their facilities in the counties of Armstrong, Blair, Cambria, Centre, Clarion, Clearfield, Elk, Huntingdon, Indiana and Jefferson, to points in said counties, and vice versa, provided no haul shall exceed 100 statute miles from point of origin to point of destination; and, (2) property, in bulk, in dump vehicles, for Hoover Concrete, from its facilities in the county of Jefferson, and for Glen Hawbaker, Inc. from its facilities in the county of Centre, to points in Pennsylvania, and vice versa: which is to be in lieu of part of its present authority which reads as follows: to transport, as a Class D carrier, sand, gravel, limestone and amesite, for Interstate Amesite, Inc., St. Mary's Paving Company and Warner Company, from the facilities of said companies located in the counties of Armstrong, Blair, Cambria, Centre, Clarion, Clearfield, Elk, Huntingdon, Indiana and Jefferson, to points in said counties, and vice versa, provided no haul shall exceed 100 statute miles from point of origin to point of destination. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, Pa. 17110.

A-00109734, Folder 1, Am-A. Terry R. Van Tassel, t/d/b/a Terry R. Van Tassel Trucking (R. D. 2, Box 311, Knox, Clarion County, Pa. 16232)—coal, limestone, sand, gravel, shale, topsoil and sawdust between points in the borough of Foxburg, Clarion County, and within 25 miles of the limits of the said borough: so as to permit the transportation of property, for Glenn O. Hawbaker, Inc., between points in Pennsylvania. *Attorney:* John A. Pillar, Suite 700, 312 Boulevard of the Allies, Pittsburgh, Pa. 15222.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for transportation of property by transfer of rights as described under each application.

A-00110490, Folder 2. Carry All Products, Inc. (1005 Blair Street, Connellsville, Fayette County, Pa. 15425), a corporation of the Commonwealth of Pennsylvania—(1) groceries, and such commodities as are dealt in by wholesale and retail grocery stores, for Charley Brothers Co., a division of Super Valu Stores, Inc., from its facilities and warehouses, located in Westmoreland County, to points in Pennsylvania, and vice versa; and (2) glassware and pallets, for Anchor Glass Container Corp., from its facilities, located in the county of Fayette, to points in Pennsylvania, and vice versa; which is to be a transfer of the rights authorized under the certificates issued at A-00107139, Folders 1 and 2 to Norman D. Flock; t/d/b/a Three Star Trucking, subject to the same limitations and conditions. *Attorney:* Sally A. Davoren, 201 Pilgrims Building, Allegheny River Boulevard, Oakmont, Pa. 15139.

A-00110749. David Lee Maust and Gregory Neal Maust, Copartners, t/d/b/a Maust Trucking (R. D. 2, Box 313, Selinsgrove, Snyder County, Pa. 17870)—(1) petroleum products and equipment and materials used in selling, displaying and dispensing petroleum products; excluding

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ITEM 1
PA. P.U.C. No. 10

ITEM 3 APPLICATION OF RATES OR CHARGES

Rates of charges, rules or regulations, named in this tariff, or as amended, apply on intrastate commerce only to the extent of the authorized operation authority set forth below and do not apply from or to points or places not specifically authorized.

AUTHORIZED OPERATING AUTHORITY

KANE FREIGHT LINES, INC.
P.O. Box 931
SCRANTON, PA. 18501-0931

CERTIFICATE NO. A. 97411. F.1. Am-E

1. To transport, as a Class D carrier, property (except commodities in bulk, household goods in use, and commodities which, because of size or weight, require the use of special handling or special equipment), between the facilities owned, leased, or utilized by Kane Freight Lines, Inc. and Kane Warehousing, Inc., and from said facilities to points in Pennsylvania, and vice versa;

with right No. 1 subject to the following condition:

That all transportation between, from, and to facilities utilized by, but not otherwise owned or leased by, Kane Freight Lines, Inc. and Kane Warehousing, Inc. shall be limited to commodities unloaded and reloaded at said utilized facilities for, or by, Kane Freight Lines, Inc. and/or Kane Warehousing, Inc.

2. To transport, as a Class D carrier, property (except commodities in bulk, household goods in use, and commodities which, because of size or weight, require the use of special handling or special equipment), between those points in Pennsylvania on and east of U.S. Highway 220, and from said points to points in Pennsylvania, and vice versa;

with right No. 2 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport any shipment weighing less than 10,000 pounds or containing less than 1,000 cubic feet, as applicable, except where the consignor or consignee pays the minimum rate of Kane Freight Lines, Inc. for a 10,000 pound shipment or 1,000 cubic feet shipment, as applicable.
- (b) That no right, power or privilege is granted to perform service on flatbed trailers.
- (c) That no right, power or privilege is granted to perform service between points in the counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia, or from points in said counties to points in the counties of Monroe, Carbon, Schuylkill, Lehigh, Northampton, Dauphin, Lebanon, Berks, York, Lancaster, Franklin and Adams, and vice versa.
- (d) That no right, power or privilege is granted to perform service from points in the counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia, to points in the counties of Allegheny and Lycoming.

TERRITORIAL APPLICATION

2. with right No. 2 subject to the following conditions: (continued)
- (e) That no right, power or privilege is granted to perform service between, from, or to:
 - (1) points in the counties of Erie and York, except to or from points in the counties of Lackawanna, Luzerne, and Wyoming, or
 - (2) points in the counties of Pike, Susquehanna, Venango, Wayne, and the township of Pymatuning, Mercer County.
 - (f) That no right, power or privilege is granted to transport: (1) paper and paper products from points in the county of York, or (2) garments on hangers, and wearing apparel on hangers.
 - (g) That no right, power or privilege is granted to perform service for Fishers Big Wheel, Inc.; Glenshaw Glass Company, Inc.; Thrift Drug Division of J.C. Penney Company, Inc.; OK Grocery, a Division of Giant Eagle, Inc.; A P Parts Company; 84 Lumber Company; The Stackpole Corporation; R.R. Donnelley & Sons Company; Dauphin Distribution Services Co.; Graham Architectural Products Corporation; Appleton Papers, Inc.; Heinz U.S.A. division of H.J. Heinz Company; Penn Tech Corporation; Sonoco Products Company; James River Corporation; Menasha Corporation Acme Sky Lines division of Acme Markets, Inc.; Tetley, Inc.; P.H. Glatfelter Co., and Hammermill Paper Co.
 - (h) That no right, power or privilege is granted to perform service for, or between, from or to the facilities of Atlantic States Cast Iron Pipe Co.; Atlantic Track & Turnout Co.; Shannon Chemical Corp.; Victaulic Company of America, Inc.; Owens-Brockway Glass Container Division of Owens-Illinois, Inc.; J.E. Baker Co.; and Thomasville Stone & Lime Co.
 - (i) That no right, power or privilege is granted to perform service from or to the facilities of (1) G.C. Murphy Company, (2) Giant Eagle Markets, Inc., except for Kraftco Corporation and the subsidiaries of Hershey Foods Corporation, (3) Van de Kamp's Frozen Foods, Zurn Industries, Inc., Hammermill Paper Co., Pet Incorporated, Erie Crate Co., Comtech, Inc., and Plastek, Industries, Inc., in Erie County, (4) Yazoo Mills, Inc., in Adams County, (5) International Paper Co. in the township of Kelley, Union County, (6) American Home Foods Division of American Home Products Corp. in the township of Turbot and the borough of Milton, Northumberland County (7) Huls America, in Fairview Township, Luzerne County, (8) Penox Technologies in the townships of Pittston and Plains, Luzerne County, or (9) Orloski Service Stations, and McCarthy Tire, in the city of Wilkes-Barre, Luzerne County.
 - (j) That no right, power or privilege is granted to perform service from points in the counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia to the facilities of Appleton Papers, Inc., and Duplex Products, in the county of Cumberland, or the facilities of National Starch & Chemical Company in the county of Luzerne, and vice versa.
 - (k) That no right, power or privilege is granted to perform service from points in Pennsylvania on and east of U.S. Highway 15 to the facilities of Dauphin Distribution Services Co. in the townships

TERRITORIAL APPLICATION

- (k) continued
of Hampden and Silver Spring and the borough of Camp Hill, Cumberland County, except from the city of Bethlehem, Northampton County and from the facilities of Nissin Foods Co. in the township of West Hempfield, Lancaster County.
- (l) That no right, power or privilege is granted to transport petroleum products in containers, and materials and supplies used in the production and distribution of petroleum products from or to the facilities owned, leased, or used by Pennzoil Company.
- (m) That no right, power or privilege is granted to transport magazines, periodicals, printed matter, and such merchandise as is usually dealt in by retail department stores from the facilities of Allied Signal Engineered Plastics, in the city of Pottsville, Schuylkill County, James P. Lynette, in the borough of Womelsdorf, Berks County, and MIA Products in the borough of Moosic, Lackawanna County, to points in Luzerne County, and vice versa; except to or from the facilities of Dauphin Distribution Services Company.
- (n) That no right, power or privilege is granted to transport malt beverages, in containers, for The Lion, Inc., from its facilities in the county of Luzerne to other points in Luzerne County and from points in said county to points in Pennsylvania, and empty used containers, and materials and supplies used in the packaging and distribution of malt beverages on return.
- (o) That no right, power or privilege is granted to transport perishable foods (except when frozen) requiring refrigeration, in temperature controlled vehicles: (1) from points in the county of Butler, and (2) from points in the county of Allegheny to points within an airline distance of one hundred fifty (150) statute miles of the City-County Building in the city of Pittsburgh, Allegheny County.
- (p) That no right, power or privilege is granted to transport meat, meat products, meat by-products, dairy products and commodities dealt in by meat-packing houses, except when frozen in refrigerated vehicles, from points in the county of Westmoreland to points in Pennsylvania on and west of U.S. Highway 15.
- (q) That all service for The Procter & Gamble Distributing Company shall be limited to transportation from the township of Washington, Wyoming County.