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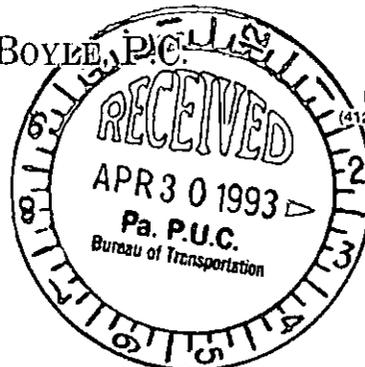
WICK, STREIFF, MEYER, METZ & O'BOYLE, P.C.

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PATRICIA LIPTAK-McGRAIL  
KATHRYN KNEE VENN  
TIMOTHY J. GRICKS  
VICTORIA L. MARUCCI  
ROGER A. ISLA



FACSIMILE  
(412) 261-3783

April 28, 1993

Re: Application of George F. Delbaggio,  
t/d/b/a D & G Trucking  
Docket No. A-000109487, F.1, Am-A  
Our File 3284.502

RECEIVED

APR 30 1993

PUBLIC Utility Commission

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

Dear Mr. Alford:

We enclose for filing the original Protest on Behalf of Ollinger Bros., Inc. with regard to the above captioned application. A copy of the Protest has been served upon Applicant's counsel, James D. Campbell, Jr., Esq.

There is also enclosed U.S. Postal Form 3817 - Certificate of Mailing.

Please acknowledge receipt of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the stamped, self-addressed envelope provided for that purpose.

Very truly yours,

WICK, STREIFF, MEYER,  
METZ & O'BOYLE, P.C.

David M. O'Boyle

tw

Enclosure

cc: James D. Campbell, Jr., Esq. (w/encl.)  
Ollinger Bros., Inc. (w/encl.)



RECEIVED  
APR 30 1993  
OFFICE  
Public Utility Commission

Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET NO. A-000109487, F.1, Am-A  
GEORGE F. DELBAGGIO, t/d/b/a D & G TRUCKING

PROTEST ON BEHALF OF  
OLLINGER BROS., INC.



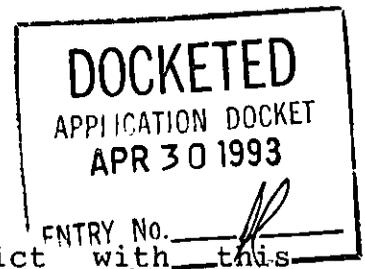
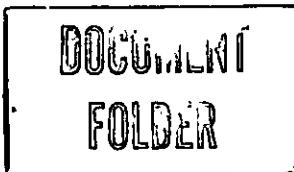
AND NOW, comes Ollinger Bros., Inc. (Protestant) and protests the above application and in support thereof states as follows:

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

Ollinger Bros., Inc.  
827 Pleasant Valley Boulevard  
Altoona, PA 16602-4799  
(814) 943-0321

2. The name, business address and telephone number of Protestant's attorney are as follows:

David M. O'Boyle, Esq.  
WICK, STREIFF, MEYER, METZ  
& O'BOYLE, P.C.  
1450 Two Chatham Center  
Pittsburgh, PA 15219  
(412) 765-1600



3. Protestant holds authority in conflict with this application and a portion of its authority as summarized in Appendix A attached hereto. A copy or summary of the pertinent

portions of authority held by Protestant is attached as Appendix B.

4. Protestant is presently providing service in the application area and is willing and able to provide additional service. To the extent that this application conflicts with the authority of Protestant, there is no need for additional service and the proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public. Diversion of traffic and loss of revenues in connection with the transportation proposed by Applicant will be seriously detrimental to Protestant and will have a substantial adverse impact upon the public.

5. Protestant is not aware of any restrictions which will satisfy its interests in this proceeding, except for a restriction which would exclude all of Protestant's conflicting operating rights from the scope of the application.

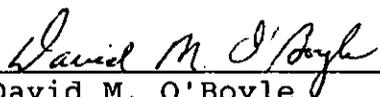
6. Protestant hereby requests that the application be set for oral hearing. If an oral hearing is held, Protestant represents that it will appear and present evidence of Protestant's operations.

7. Pursuant to Section 333(c) of the Public Utility Code (66 Pa.C.S.A. §333(c)), Protestant hereby requests a list of the witnesses expected to testify in the above-entitled proceeding, together with the subject matter of their anticipated testimony and, in particular, any complaints against the service of Protestant.

WHEREFORE, Protestant Ollinger Bros., Inc. respectfully requests that the Commission assign this proceeding for oral hearing and that Applicant be required to present witnesses for examination on all material and relevant facts pertaining to Applicant's burden of proof.

Respectfully submitted,

WICK, STREIFF, MEYER,  
METZ & O'BOYLE, P.C.



---

David M. O'Boyle  
1450 Two Chatham Center  
Pittsburgh, PA 15219  
(412) 765-1600  
Attorneys for Protestant  
Ollinger Bros., Inc.

APPENDIX A

DOCKET NO. A-000109487, F.1, Am-A

GEORGE F. DELBAGGIO, t/d/b/a D & G TRUCKING

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on April 17, 1993, Applicant seeks authority to operate as a motor common carrier transporting:

(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.

SUMMARY OF PROTESTANT'S INTERESTS:

Protestant Ollinger Bros., Inc. holds authority from the Commission at Docket No. A-101008 and various folders and amendments thereto. In particular, Protestant holds operating rights at Folder 1, Am-F, to transport stone, rock, shale, road aggregate, bituminous materials and other materials used in the manufacture of road surfacing materials, from the facilities of the New Enterprise Stone & Lime Co., Inc. and Interstate Amesite Corporation the township of Spruce Creek, Huntingdon County, to the plant of Interstate Amesite Corporation in the township of Winslow, Jefferson County; amesite and other bituminous road

surfacing materials, in bulk, in dump vehicles, from the plant of Interstate Amesite Corporation in the township of Winslow, Jefferson County, to the facilities of New Enterprise Stone & Lime Co., Inc. and Interstate Amesite Corporation in the township of Spruce Creek, Huntingdon County; and crushed limestone and limestone products from the plant of New Enterprise Stone & Lime Co., Inc. in the township of Spruce Creek, Huntingdon County, to points within an airline distance of 250 statute miles of the point of origin. Protestant also holds other operating authority which may be in conflict with the application.

In addition, Protestant has pending an application which seeks authority to transport property (excluding household goods in use) from the Pennsylvania facilities of New Enterprise Stone & Lime Co., Inc. to points in Pennsylvania, and vice versa; and commodities which, because of size or weight, require special handling or equipment, for New Enterprise Stone & Lime Co., Inc., from its Pennsylvania facilities to points in Pennsylvania, and vice versa.

Protestant may hold other authority in conflict with this application.

ITEM	OPERATING AUTHORITY
5	<p style="text-align: center;"><u>A-00101008</u></p> <ol style="list-style-type: none"> <li>1. To transport, as a Class D carrier, stone, rock, shale, road aggregate, bituminous materials and other materials used in the manufacture of road surfacing materials, in bulk in dump vehicles, from points in the counties of Blair, Bedford, Cambria, Centre, Mifflin, Juniata, Franklin, Clearfield, Elk, Warren, Tioga, McKean, Potter, Cameron, Forest and Jefferson, to the plants of the Interstate Amesite Corporation in the borough of Port Allegany, McKean County, and the village of Union Furnace, Morris Township, Huntingdon County, and amesite and other bituminous road surfacing materials from the said plants to points in the said counties.</li> <li>2. To transport, as a Class D carrier, stone, rock, shale, road aggregate, bituminous materials and other materials used in the manufacture of road surfacing materials, in bulk in dump vehicles, from points in the county of Huntingdon to the plant of Interstate Amesite Corporation in the borough of Port Allegany, McKean County, and amesite and other bituminous road surfacing materials from the said plant to points in said county of Huntingdon.</li> <li>3. To transport, as a Class D carrier, coal from mines and stripping operations in the counties of Blair and Cambria to points in the city of Lock Haven, Clinton County, and to the plant of the American Viscose Division FMC Corporation, in Granville Township, Mifflin County.</li> <li>4. To transport, as a Class D carrier, slag, in bulk in dump vehicles, from the plant of the Standard Slag Company in the township of East Conemaugh, Cambria County, to points in the counties of Blair, Cambria, Centre, Huntingdon and Clinton.</li> <li>5. To transport, as a Class D carrier, cinders between points in the counties of Centre, Clearfield, Blair, Cambria and Bedford; subject to the following conditions: <ol style="list-style-type: none"> <li>1. That no right, power or privilege is granted to transport commodities in bulk in tank vehicles.</li> <li>2. That no right, power or privilege is granted to transport sand, in bulk, from the Pennsylvania Glass Sand Corporation in the boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County.</li> </ol> </li> </ol>
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PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held May 15, 1981

Commissioners Present:

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

Application of Ollinger Bros., Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of (1) stone, rock, shale, road aggregate, bituminous materials and other materials used in the manufacture of road surfacing materials, in bulk in dump vehicles, from points in the county of Huntingdon to plants of Interstate Amiesite Corporation, in the borough of Port Allegany, McKean County, and the township of Winslow, Jefferson County, and amesite and other bituminous road surfacing materials from said plants to points in the county of Huntingdon; (2) slag and limestone, in bulk in dump vehicles, from the plant of the Cambria Slag Division, Standard Slag Company, in the township of East Taylor, Cambria County, to points in the counties of Blair, Cambria, Centre, Huntingdon and Clinton, and vice versa; (3) cinders between points in the counties of Centre, Clearfield, Blair, Cambria, Bedford and Indiana; with rights (1), (2) and (3) above subject to the following conditions: That no right, power or privilege is granted to transport commodities in bulk, in tank vehicles; and that no right, power or privilege is granted to transport sand in bulk from the Pennsylvania Glass Sand Corporation in the boroughs of

A-00101008  
F. 1  
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Mapleton, Huntingdon County, and  
McVeytown, Mifflin County; and  
(4) sand, gravel and limestone, in  
bulk in dump vehicles, from the plant  
of Emientown Limestone Company, Inc.,  
in the borough of Sugar Creek,  
Venango County, to the plant of  
Interstate Amiesite Corporation, in  
the township of Winslow, Jefferson  
County, and vice versa.

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Wick, Vuono & Lavelle by David M. O'Boyle for the applicant.  
Christian V. Graf for the protestant, R. T. Merryman Trucking.  
McNees, Wallace & Nurick by Herbert R. Nurick for the protestant,  
Samuel J. Lansberry, Inc.  
Pillar and Mulroy by Thomas M. Mulroy for the protestant, C. L. Feather,  
Inc.  
Ifert and Lukehart by J. Kipp Lukehart for the protestant, George F.  
Delbaggio and Ray E. Golden, copartners, t/d/b/a D & G Trucking.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application  
filed October 24, 1979. Public notice of the application was given in  
the Pennsylvania Bulletin of December 8, 1979. Protests were filed by  
R. T. Merryman Trucking, Samuel J. Lansberry, Inc., C. L. Feather, Inc.,  
and George F. DelBaggio and Ray E. Golden, copartners, t/d/b/a D & G  
Trucking.

A hearing was held in Harrisburg on February 26, 1980, before  
Administrative Law Judge Joseph J. Klovekorn. A restrictive amendment  
was submitted at the hearing which resulted in the withdrawal of the  
protest of Samuel J. Lansberry, Inc. A second restrictive amendment was  
entered on November 17, 1980, which has resulted in the withdrawal of  
the remaining protests. The applicant now seeks the following authority.

- (1) (a) Stone, rock, shale, road aggregate,  
bituminous materials and other materials  
used in the manufacture of road surfacing  
materials, in bulk, in dump vehicles,  
from the facilities of the Warner Company  
and Interstate Amiesite Corporation in  
the township of Spruce Creek, Huntingdon  
County, to the plant of Interstate  
Amiesite Corporation in the township of  
Winslow, Jefferson County;

- (b) Amiesite and other bituminous road surfacing materials, in bulk, in dump vehicles, from the plant of Interstate Amiesite Corporation in the township of Winslow, Jefferson County, to the facilities of the Warner Company and Interstate Amiesite Corporation in the township of Spruce Creek, Huntingdon County.
- (2) Slag and limestone, in bulk in dump vehicles, from the plant of the Cambria Slag Division, Standard Slag Company, in the township of East Taylor, Cambria County, to points in the counties of Blair, Cambria, Centre, Huntingdon and Clinton, and vice versa;
- (3) Cinders between points in the county of Indiana, and from points in the county of Indiana to points in the counties of Centre, Clearfield, Blair, Cambria, and Bedford and vice versa; with rights (1), (2) and (3) above subject to the following conditions:
- That no right, power or privilege is granted to transport sand, in bulk from the Pennsylvania Glass Sand Corporation in the boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County; and
- (4) Sand, gravel and limestone, in bulk in dump vehicles, from the plant of Emlentown Limestone Company, Inc. in the borough of Sugar Creek, Venango County, to the plant of Interstate Amiesite Corporation, in the township of Winslow, Jefferson County, and vice versa.

The record is now unopposed and is certified to the Commission. The record consists of 34 pages of testimony, five exhibits, and verified statements submitted by the applicant and supporting shipper.

Arthur J. Ollinger, Jr., president of Ollinger Bros., Inc. (hereinafter applicant or Ollinger), 827 Pleasant Valley Boulevard, Altoona, Blair County, is responsible for the day-to-day operations of the applicant and is authorized to submit the following information in support of the application. Transportation is being provided from terminal facilities located in Altoona, from which it operates 19 tractors, four tri-axle dump vehicles, eight van trailers and eight dump trailers. All of the tri-axle dump vehicles and dump trailers can be used to provide the proposed transportation.

Pursuant to authority currently held, Ollinger is transporting on a daily basis the same commodities which it proposes to transport herein. It will provide the supporting shipper with service 24 hours per day, seven days a week, schedule pickups and deliveries, with same day or next day delivery. Its employees are thoroughly familiar with loading and unloading of bulk commodities, and with the needs of the supporting shipper. It will attempt to coordinate its present traffic flow with that being proposed herein, so as to reduce empty miles. When necessary, trip leases will be arranged to maximize utilization of its equipment.

As evidence of its financial capacity to provide the proposed transportation, Ollinger submitted an unaudited balance as of December 31, 1979, and an income statement also as of December 31, 1979. The balance sheet lists total current assets of \$55,273, total assets of \$298,242, total current liabilities of \$87,496, long-term debt of \$50,792, and stockholders equity of \$159,954. The income statement denotes that from total revenue of \$2,532,372, Ollinger derived a net income of \$5,638 after taxes.

Robert Farmery, as regional manager of Interstate Amiesite Corporation (hereinafter Interstate Amiesite), R.D. 2, Punxsucawney, Jefferson County, is thoroughly familiar with the transportation needs of Interstate Amiesite and is authorized to provide the following information in support of the application. Interstate Amiesite is engaged in the business of producing materials which are used in blacktopping various types of surfaces for commercial, residential and industrial use. A majority of the production is used in paving highways and parking lots.

Production facilities are located in Winslow Township, Jefferson County, with an additional facility in Spruce Creek Township, Huntingdon County. Inbound to the Winslow facility it will receive such items as sand, limestone, aggregates and other materials. Outbound it will ship road construction materials such as amesite. These materials are destined for such users as commercial and industrial businesses, residential customers and government agencies. The number and size of shipments vary depending upon the type of contract being filled. During peak periods it will ship 10 to 20 loads per day. It foresees tendering the applicant 70 to 80 percent of its traffic moving to and from the Winslow facility.

Inbound shipments of raw materials will be received from the facilities of Warner Company, Spruce Creek Township, Huntingdon County. Also, shipments could be received from the Spruce Creek Interstate Amiesite facility and from the facilities of Emlentown Limestone Company, Inc., in Sugar Creek, Venango County. Outbound shipments of surfacing materials will be destined to these same facilities. Shipments to Emlentown Limestone Company, Inc. will probably consist of raw materials that do not meet specifications.

The applicant and its predecessor have provided International Amiesite with service for 20 years. The applicant is being supported herein for the additional authority so that it will be able to provide a complete transportation service.

Philip V. DeVecchis, president of E. DeVecchis & Sons, Inc. (hereinafter DeVecchis), 11 North Depot Street, Mount Union, sets forth in support of the application that it is a manufacturer of concrete blocks and concrete products, and that at its facility located at McKee, Blair County, it produces 2,000,000 concrete blocks per year.

During production of concrete blocks it uses cinders and cinder aggregates. During peak production periods it will require 100 to 300 tons of stone and cinder aggregates a day. All inbound shipments will be destined for the McKee facility. The source of these shipments will be power plants located in Indiana County. It will also have shipments moving between two points in Indiana County for stockpiling. It will require the applicant to provide tri-axle dump trucks as well as dump trailers, for the transportation of cinder and cinder aggregates in bulk. Service provided in the past by Ollinger has been excellent.

#### DISCUSSION AND FINDINGS

Ollinger Bros., Inc., as a common carrier, has majored in the transportation of bulk commodities such as stone, rock, shale, road aggregates, bituminous materials and other items utilized in the manufacture of road surfacing materials. It is currently transporting these commodities pursuant to its initial grant of authority.

As a result of the protests, the applicant amended its instant application so that pursuant to the first (1) amended right it now seeks to provide transportation of raw materials that are utilized in the manufacture of road surfacing materials from the facilities of Warner Company and the Interstate Amiesite Corporation located in Spruce Creek Township, Huntingdon County, to the plant of Interstate Amiesite Corporation located in Winslow Township, Jefferson County; and in the second portion of the first right to transport the finished road surfacing materials from said facility in Winslow Township to the facilities of the aforementioned companies in Spruce Creek, Huntingdon County. To support this portion of the instant application, as amended, the representative of International Amiesite has stated that it requires the applicant to provide it with a more complete transportation service than can be provided under its present authority. The applicant is thoroughly familiar with the transporting of the commodities involved herein, and has the necessary equipment.

In the second (2) right, which was not amended, the applicant seeks to transport slag and limestone from the plant of the Cambria Slag Division, Standard Slag Company, in the township of East Taylor, Cambria County, to points in the counties of Blair, Cambria, Centre, Huntingdon and Clinton, and vice versa. No evidence has been entered by the applicant, other than the unsubstantiated request for service, that would indicate that any need exists for this proposed service. The applicant has failed to meet its statutory burden of demonstrating that a need exists. This portion of the application is being denied for lack of proof of necessity.

As originally filed, the third (3) right sought authority to transport cinders between points in the counties of Centre, Clearfield, Blair, Cambria, Bedford and Indiana. This right was amended so that the authority as now sought would authorize the transportation of cinders between points in the county of Indiana and from points in said county to points in the counties of Centre, Clearfield, Blair, Cambria, and Bedford, and vice versa. To demonstrate that a need exists for the amended authority, a verified statement was entered by the E. DeVecchis & Sons, Inc. a manufacturer of concrete block, who has production facilities located in Blair County, and has as its major source of cinders power plants located in Indiana County. No additional evidence was entered to indicate the location of its other sources of cinders. It has also expressed a limited need for transportation between two points in Indiana County and for vice versa authority. No evidence has been entered that would indicate that any need exists for authority to transport cinders from the counties of Centre, Clearfield, Cambria, and Bedford. The applicant is being granted authority to transport cinders between points in Indiana County and from points in said county to the facilities of E. DeVecchis & Sons, Inc., McKee, Blair County, and vice versa.

The applicant is being granted the third (3) right, as limited, even though it appears that some of this transportation may be exempted from Commission jurisdiction by Section 102(4), Title 66 Consolidated Statutes, which sets forth that the transportation of ashes, rubbish, excavated and road construction materials in dump vehicles is excluded from the jurisdiction of this Commission. It would appear that cinders would fall within the nomenclature of ashes.

The applicant was granted the right to transport cinders in 1978, with its predecessor (Herbert P. Ollinger and Arthur J. Ollinger, Jr., copartners, t/d/b/a Ollinger Brothers, A-00092930) being granted authority to transport cinders in 1966. No evidence is available to indicate that the question of exempt transportation was ever raised. The authority to transport cinders is being granted to the applicant so as to be consistent with past Commission actions.

By the fourth (4) right, the applicant seeks to transport sand, gravel and limestone from the plant of Emlentown Limestone Company, Inc., in the borough of Sugar Creek, Venango County, to the plant of Interstate Amiesite Corporation, located in the township of Winslow, Jefferson County, and vice versa. No statement of support was entered by Emlentown Limestone, Inc. nor was there any indication that the Interstate Amiesite Corporation has direct control over shipments that originate at Emlentown Limestone, Inc. This portion of the amended application is being denied because the applicant has failed to demonstrate that a need exists.

As originally filed, the first three rights were subject to two conditions that excluded the transportation of commodities in bulk, in tank vehicles, and the transportation of sand in bulk from the

Pennsylvania Glass Sand Corporation in the boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County. The applicant in filing its restrictive amendments, has not included the condition that excludes the transportation of commodities in bulk in tank vehicles as originally filed with the instant application. We have not reinstated this condition since it has no bearing on the first right. The first right is restricted in itself to providing transportation in dump vehicles, thereby negating the need to exclude transportation in tank vehicles. The second restriction pertaining to the transportation of sand from the Pennsylvania Glass and Sand Corporation also has no bearing on the authority granted herein and has also been excluded. The rights granted herein are so circumscribed as to exclude the transportation from the facilities of Pennsylvania Glass Sand Corporation.

We find:

1. That the applicant possesses the necessary equipment, experience and fitness to provide the proposed service as amended and limited.

2. That the applicant has failed to meet its statutory burden of demonstrating that a need exists for the transportation of slag and limestone, from the plant of Cambria Slag Division, Standard Slag Company, in the township of East Taylor, Cambria County, to points in the counties of Blair, Cambria, Centre, Huntingdon and Clinton, and vice versa; and sand, gravel and limestone, from the plant of Emlentown Limestone Company, Inc. in the borough of Sugar Creek, Venango County, to the plant of Interstate Amiesite Corporation, in the township of Winslow, Jefferson County, and vice versa.

3. That a limited need has been demonstrated by the applicant for authority to transport cinders between points in Indiana County, and from points in said county to the facilities of E. DeVecchis & Sons, Inc., McKee, Blair County.

4. That the removal of the condition that excludes the transportation of commodities in bulk in tank vehicles does not expand the authority as originally sought by the instant application.

5. That approval of the application as amended and limited, will be an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application as amended and limited, be and is hereby approved, and that the certificate issued to the applicant on November 28, 1978, be amended to include the following rights:

To transport, as a Class D carrier, in bulk in dump vehicles, stone, rock, shale, road aggregate, bituminous materials and other materials used in the

manufacture of road surfacing materials, from the facilities of the Warner Company and Interstate Amiesite Corporation in the township of Spruce Creek, Huntingdon County, to the plant of Interstate Amiesite Corporation, in the township of Winslow, Jefferson County; amesite and other bituminous road surfacing materials, in bulk, in dump vehicles, from the plant of Interstate Amiesite Corporation in the township of Winslow, Jefferson County, to the facilities of the Warner Company and Interstate Amiesite Corporation in the township of Spruce Creek, Huntingdon County.

To transport, as a Class D carrier, cinders, in bulk in dump vehicles, between points in the county of Indiana, and from points in said county to the facilities of E. DeVecchis & Sons, Inc., in the county of Blair, and vice versa.

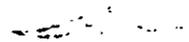
IT IS FURTHER ORDERED: That the application in all other respects be denied for lack of proof of necessity.

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

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

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

BY THE COMMISSION,

  
William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: May 15, 1981

ORDER ENTERED: 

OLLINGER BROS., INC.

Docket No. A-00101008, F.l, Am-B

To transport, as a Class D carrier, crushed limestone and limestone products from the plant of the Warner Company in the township of Spruce Creek, Huntingdon County, to points within an airline distance of two hundred and fifty (250) statute miles of the point of origin.

To transport, as a Class D carrier, asphalt coated crushed aggregate from the plant of the Interstate Amesite Corporation in the township of Spruce Creek, Huntingdon County, to points within an airline distance of two hundred and fifty (250) statute miles of the point of the origin.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held June 18, 1987

Commissioners Present:

Bill Shane, Chairman  
Linda C. Taliaferro  
Frank Fischl

Application of Ollinger Bros., Inc., for approval of the transfer to it of all of the rights held by Raymond J. Gallaher at A-00094623, subject to the same limitations and conditions.

A-00101008  
F. 1  
Am-E

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Wick, Rich, Fluke & Streiff by David M. O'Boyle 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 25, 1986. Public notice of the application was given in the Pennsylvania Bulletin of March 14, 1987. No protests have been filed and the record is certified to the Commission for its decision without an oral hearing.

Ollinger Bros., Inc. (Ollinger or applicant), 827 Pleasant Valley Boulevard, Altoona, seeks by the instant application to acquire all of the common carrier rights of Raymond J. Gallaher (transferor) at A-00094623. The applicant is a currently certificated common carrier since issuance of a certificate of public convenience on November 28, 1978. The applicant is a Pennsylvania corporation which has been authorized to conduct business in Pennsylvania since October 25, 1977. Its officers consist of Arthur J. Ollinger, Jr., president, and Herbert P. Ollinger, secretary/treasurer. Each officer owns 50 percent of the applicant's stock.

Ollinger currently holds authority at Folders 1 and 2, which authorizes the transportation of such commodities as stone, rock, shale, road aggregates, bituminous materials, coal, slag, cinders, crushed limestone and limestone products, asphalt coated crushed aggregate,

sand, gravel, building block, fill, asphalt and scrap metal, all in bulk. Service is authorized all or in part in the counties of Blair, Bedford, Cambria, Cameron, Centre, Clearfield, Elk, Forest, Franklin, Huntingdon, Jefferson, Juniata, McKean, Mifflin, Potter, Tioga, Warren, Indiana, Somerset and Northumberland.

The applicant's 1986 annual report sets forth that it had total current assets of \$179,365, total assets of \$316,582, total current liabilities of \$47,529 and total equity of \$244,938. Total revenue of \$161,031 was generated in 1986, from which the applicant derived a net income of \$12,120.

The sales agreement of February 19, 1987, indicates that through arms-length negotiations, a total consideration of thirty thousand dollars (\$30,000) was determined to be appropriate for all of the operating authority of the transferor. No tangible property is involved in this transfer. The total consideration is to be paid within thirty (30) days of approval of the transfer application.

The transferor is a sole proprietorship who is seeking to discontinue all operations as a common carrier. The annual reports of the transferor indicate that he generated total operating revenue of \$106,513 in 1986; \$368,435 in 1985; and \$284,406 in 1984.

We find:

1. That the applicant is fit to hold additional common carrier authority.
2. That there is a continuing need for the rights herein involved; THEREFORE,

IT IS ORDERED: That the application for transfer of all of the rights held by John J. Gallaher at A-00094623, be and is hereby approved, and that the certificate issued to the applicant on November 28, 1978, be further amended to include the following rights:

To transport, as a Class D carrier, coal, in dump vehicles, for 7-11 Coal Co., Inc., Al and Jack Phillips Coal Co., McGovern Coal Co., Wilbor Coal Co. and Robert L. Wyre, between points in the city of Lock Haven, Clinton County, and within an airline distance of eighty (80) statute miles of the limits of the said city; excluding service from points in the counties of Luzerne and Schuylkill to points in the counties of Sullivan and Lycoming.

To transport, as a Class D carrier, coal, in dump vehicles, for the Empire Coal Co., Wister Coal Co., R. J. Glass, Inc., Williams Coal Co. and Lamp Coal Co., from points in the counties of Blair and Clearfield to points within an airline distance of eighty (80)

statute miles of the limits of the city of Lock Haven, Clinton County, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination.

To transport, as a Class D carrier, cinders, in dump vehicles, between points in the city of Lock Haven, Clinton County, and within an airline distance of eighty (80) statute miles of the limits of the said city.

To transport, as a Class D carrier, coal, in dump vehicles, for Flango Bros. Coal Co., from points in the townships of Jordan, Beccaria, Bigler, Gulich and Woodward, Clearfield County to points within an airline distance of sixty (60) statute miles of the point of origin in the counties of Centre and Clearfield, and to the plant of the Warner Company in the village of Devault in the townships of Charlestown and East Whiteland, Chester County.

To transport, as a Class D carrier, coal for the Gallagher Coal Company at Houtzdale, Clearfield County, Peter Swistock at Sanbourn, Clearfield County, and Cambria Mills Coal Company in Lawrence Township, Clearfield County, between points in Clearfield County, no haul to exceed an airline distance of twenty-five (25) statute miles from point of origin to point of destination.

To transport, as a Class D carrier, coal from the Barnhart Coal Company at Flinton, Cambria County, to points in Clearfield County, no haul to exceed an airline distance of twenty-five (25) statute miles from point of origin to point of destination.

To transport, as a Class D carrier, clay from the facilities of Peter Swistock at Sanbourn, Clearfield County to the Haws Refractories at Kittanning, Armstrong County.

To transport, as a Class D carrier, sand from the Lycoming Silica Sand Company at Montoursville, Lycoming County to E. L. Zimmerman in Lawrence Township, Clearfield County, McGill Lumber and Manufacturing Company at Coalport, Clearfield County, and the Hommer Supply in Reed Township, Cambria County.

To transport, as a Class D carrier, coal, coke and coke breeze from points in the county of Indiana to points in the said county and within an airline

distance of fifty (50) statute miles of the limits of said county.

To transport, as a Class D carrier, coal from points in the county of Indiana to points in Pennsylvania.

To transport, as a Class D carrier, coal from the borough of Irvona, Clearfield County, and within an airline distance of fifteen (15) statute miles of the limits of said borough, to points in Pennsylvania.

subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport coal from mines or facilities of the Bradford Coal Company or Hepburnia Coal Company.

SECOND: That no right, power or privilege is granted to transport coal from the mines or facilities of the Benjamin Coal Company from the borough of Irvona, Clearfield County, and within an airline distance of fifteen (15) statute miles of the limits of said borough except to the facilities of Pennsylvania Power & Light Company at Washingtonville, Montour County and Shamokin Dam, Snyder County.

THIRD: That no right, power or privilege is granted to transport coal from points in the townships of Bell, Greenwood, Gulich, Woodward and Decatur, Clearfield County, to points in the city of Williamsport, Lycoming County, or points within an airline distance of one hundred (100) statute miles of the limits thereof.

To transport, as a Class D carrier, coal, in dump vehicles, for Champion Coal Co., Inc. from its facilities in Oliver Township, Jefferson County, to points in Pennsylvania, excluding points in Berks, Chester, Lancaster, Lehigh, Northampton and York counties.

To transport, as a Class D carrier, coal, in dump vehicles, for Erickson of Johnstown, Inc. from points in Clearfield County to points in the counties of Erie, Warren, Lawrence, Allegheny, Somerset, Beaver and Armstrong.

To transport, as a Class D carrier, coal, in dump vehicles, for Erickson of Johnstown, Inc. from points in Westmoreland County to points in Pennsylvania, excluding points in Allegheny, Bedford, Cambria, Clarion, Indiana, Somerset and Westmoreland counties.

To transport, as a Class D carrier, coal, in dump vehicles, between points in the borough of Irvona, Clearfield County, and within twenty (20) statute miles of the said borough and from points in the said territory to points in Warren and Erie counties.

subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$30,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the certificate holder shall comply with all of the provisions of the Public Utility Code as now existing or as may hereafter be amended, and 52 Pa. Code §31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 Pa. C.S.A. §1102(3).

IT IS FURTHER ORDERED: That the 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 has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1986-87 Assessment of the transferor.

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

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, John J. Gallagher, at A-00094623 be cancelled and the record be marked closed.

BY THE COMMISSION,

  
Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: June 18, 1987

ORDER ENTERED: JUN 29 1987

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held August 30, 1990

Commissioners Present:

William H. Smith, Chairman  
Joseph Rhodes, Jr.  
Frank Fischl  
David W. Rolka

Application of Ollinger Bros., Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, in bulk in dump vehicles, stone, rock, shale, road aggregate, bituminous materials and other materials used in the manufacture of road surfacing materials, from the facilities of the Warner Company and Interstate Amiesite Corporation in the township of Spruce Creek, Huntingdon County, to the plant of Interstate Amiesite Corporation, in the township of Winslow, Jefferson County; amesite and other bituminous road surfacing materials, in bulk, in dump vehicles, from the plant of Interstate Amiesite Corporation in the township of Winslow, Jefferson County, to the facilities of the Warner Company and Interstate Amiesite Corporation in the township of Spruce Creek, Huntingdon County; and crushed limestone and limestone products from the plant of the Warner Company in the township of Spruce Creek, Huntingdon County, to points within an airline distance of two hundred fifty (250) statute miles of the point of origin: SO AS TO PERMIT the substitution of New Enterprise Stone & Lime Co., Inc. for Warner Company.

A-00101008  
F. 1  
Am-F

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Wick, Streif, Meyer, Metz & O'Boyle by David M. O'Boyle 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 November 24, 1989. Public notice of the application was given in the Pennsylvania Bulletin of December 16, 1989. 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 New Enterprise Stone & Lime Co., Inc.

DISCUSSION AND FINDINGS:

Ollinger Bros., Inc. (applicant) is a Pennsylvania corporation domiciled at 827 Pleasant Valley Boulevard, Altoona, Blair County. The applicant was granted a certificate of public convenience on November 28, 1978. Said certificate was subsequently amended. The applicant now seeks to have two of the rights issued to it, amended to have New Enterprise Stone & Lime Co., Inc. substituted for the Warner Company, who's facilities the applicant is currently authorized to serve pursuant to rights granted the applicant at A-00101008, F. 1, Am-A and Am-B.

As a certificated common carrier, the applicant is actively engaged in providing transportation pursuant to its authorized rights. The applicant operates a terminal in Altoona, has available tri-axle dump trucks, tractors, flatbed trailers and dump trailers.

Transportation was conducted from the facilities of the Warner Company as a result of rights granted the applicant in 1980 and 1981. The facilities of the Warner Company were sold in December, 1988, to New Enterprise Stone & Lime Co., Inc. (New Enterprise). It was the belief of the applicant that although ownership of the facilities had changed, the operating authority of the applicant would still authorize the applicant to serve said facilities, ". . . because the facilities continued to operate in the same manner producing the same materials as after the sale took place". The applicant intends to provide the identical services from and to the facilities of New Enterprise that it provided from said facility when owned by the Warner Company.

John A. Edmonds, general transportation manager for New Enterprise stated in support of the pending application that New Enterprise purchased the limestone quarry and crushing plant located in Spruce Creek Township, Huntingdon County, from the Warner Company in December, 1988. The limestone quarry will produce the same commodities which will the require the same transportation previously provided the Warner Company. Transportation provided by the applicant since the purchase, has been satisfactory.

The applicant in this proceeding seeks only a modification of its existing authority, consisting solely of a change in the name of the facility to be served. The applicant has been engaged in serving the facility in

question since 1981, and this experience should permit the applicant to meet the transportation needs of said facility in a satisfactory manner.

It is evident that the applicant has served the Spruce Creek facility since the change of ownership. The service rendered does not fall within the scope of the authority now held by the applicant, and said transportation would therefore have been illegal. After considering the applicant's statement as to the reasons it continued to serve the Spruce Creek facility, we are convinced the applicant rendered the illegal service in good faith.

We find:

1. That the applicant has rendered illegal service in good faith.
2. That the applicant is fit, willing and able to render the proposed service.
3. That the applicant has demonstrated that a public need does exist for the proposed transportation.
4. 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 the certificate issued to the applicant on November 28, 1978, as amended, be further amended so that the FIRST right contained in the order adopted May 15, 1981 and entered June 2, 1981; and the FIRST right contained in the order adopted November 6, 1980, and entered November 20, 1980; shall now read as follows:

To transport, as a Class D carrier, in bulk in dump vehicles, stone, rock, shale, road aggregate, bituminous materials and other materials used in the manufacture of road surfacing materials, from the facilities of the New Enterprise Stone & Lime Co., Inc. and Interstate Amiesite Corporation in the township of Spruce Creek, Huntingdon County, to the plant of Interstate Amiesite Corporation, in the township of Winslow, Jefferson County; amesite and other bituminous road surfacing materials, in bulk, in dump vehicles, from the plant of Interstate Amiesite Corporation in the township of Winslow, Jefferson County, to the facilities of New Enterprise Stone & Lime Co., Inc. and Interstate Amiesite Corporation in the township of Spruce Creek, Huntingdon County.

To transport, as a Class D carrier, crushed limestone, and limestone products from the plant of New Enterprise Stone & Lime Co., Inc. in the township of Spruce Creek, Huntingdon County, to points within an airline distance of two hundred (250) statute miles of the point of origin.

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,

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

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: August 30, 1990

ORDER ENTERED: SEP 06 1990

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held August 1, 1991

Commissioners Present:

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

Application of Ollinger Bros., Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, sand, gravel, building block and fill between points in the counties of Somerset, Bedford and Cambria, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination: SO AS TO PERMIT the transportation of (1) sand, for East Loop Sand Co., from its facilities located in the township of Franks-town, Blair County, to points in Pennsylvania, with the right to return refused, rejected or damaged shipments; (2) property (except household goods and commodities which, because of size or weight require special equipment) for The McCabe Group, Inc., from its facilities located in the township of Greenfield, Blair County, to points in Pennsylvania, and vice versa; (3) property (except household goods and commodities which, because of size or weight, require special equipment), for M. H. H., Inc., from its Pennsylvania facilities, to points in Pennsylvania, and vice versa; and (4) sand, limestone and crushed brick, for Sproul Lime & Stone Co., from its facilities located in the township of Greenfield, Blair County, to points in Pennsylvania, with the right to return refused, rejected or damaged shipments.

A-00101008  
F. 1  
Am-G

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Wick, Streiff, Meyer, Metz & O'Boyle by David M. O'Boyle for the applicant.  
Peter G. Loftus, P.C. for the protestant, Seaboard Tank Lines, Inc.

Pillar and Mulroy, P.C. by John A. Pillar for the protestants, C. L. Feather, Inc. and Rhodes Coal Company.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 18, 1990. Public notice of the application was given in the Pennsylvania Bulletin of November 10, 1990. Protests to the application were filed by Seaboard Tank Lines, Inc., C. L. Feather, Inc. and Rhodes Coal Company.

By restrictive amendment dated March 6, 1991, the applicant has excluded from the proposed service the transportation of paper and paper products, including envelopes, for The McCabe Group, Inc. and for M. H. H., Inc.; and petroleum and petroleum products in bulk, and dry litharge in bulk. As the result of the restrictive amendment, all of the protests were withdrawn.

The now 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 four supporting shippers.

DISCUSSION AND FINDINGS

Ollinger Bros., Inc. (applicant or Ollinger) is a currently certificated common carrier domiciled in Altoona, Blair County. By the instant application, Ollinger sought the right to transport: (1) sand, for East Loop Sand Co., from its facilities located in the township of Frankstown, Blair County, to points in Pennsylvania, with the right to return refused, rejected or damaged shipments; (2) property (except household goods and commodities which, because of size or weight, require special equipment), for The McCabe Group, Inc., from its facilities located in the township of Greenfield, Blair County, to points in Pennsylvania, and vice versa; (3) property (except household goods and commodities which, because of size or weight, require special equipment), for M. H. H., Inc., from its Pennsylvania facilities, to points in Pennsylvania, and vice versa; and (4) sand, limestone and crushed brick, for Sproul Lime & Stone Co., from its facilities located in the township of Greenfield, Blair County, to points in Pennsylvania, with the right to return refused, rejected or damaged shipments. In responding to protests, the applicant restrictively amended the application to exclude the transportation of paper and paper products, including envelopes, for The McCabe Group, Inc. and for M. H. H., Inc.; and petroleum, and petroleum products in bulk or dry litharge in bulk.

The applicant's terminal located in Altoona, houses offices and maintenance facilities. Employees of the applicant total approximately 24, including about 14 drivers, four full-time mechanics with the balance comprised of office and managerial personnel. Dispatched from the Altoona facility are 20 tractors, six tri-axle dump vehicles, 11 flatbed trailers and 14 dump

trailers, all of which are owned by the applicant. Also available are three pieces of equipment which are operated under long-term leases.

Ollinger intends to provide the supporting shippers with the same type of service they are now receiving for their interstate shipments transported by the applicant. The applicant will provide dump vehicles with tarps for transportation of sand, limestone and crushed brick. Scheduled pickup and deliveries are provided. Equipment is provided on short notice, with job site deliveries made when requested.

John W. Gentry, president and owner of East Loop Sand Co., Inc. (East Loop) states in support of the pending application that East Loop mines and sells sand from facilities located in Frankstown Township, Blair County. Once the sand is mined, East Loop screens the sand to various sizes. It is then transported from the quarry to a leased facility where it is bagged in bags weighing 46 to 50 pounds each.

The sand is sold to contractors who utilize it in installing pipelines for gas companies. These bags of sand are used to pad the pipelines. The shipments of sand vary in quantity from as few as one load to as many as 20 loads per day. During the busy season of June through November, East Loop ships a maximum of 17 to 20 loads per day. It is the intention of East Loop to utilize the services of the applicant as a back-up to its private carriage equipment. It is anticipated that the applicant will be tendered approximately one shipment per week.

Shipments will originate at the Frankstown facility and will be destined to such points as Renova, Freeport, Dover, Valencia, Pittsburgh and Spring City. Shipments require flatbed trailers since the sand, once it is bagged, is shipped on pallets. The trailers must be tarped in transit to protect the sand from becoming wet. The supporting shipper anticipates that Ollinger will be able to meet its transportation requirements in delivering sand to customers at job sites.

Paul A. McCabe, president of The McCabe Group, Inc. (McCabe Group), states that McCabe Group is a corporation domiciled in Greenfield Township, Blair County. The McCabe Group is involved in several business ventures, including a 125,000 square-foot public warehouse, a tool and die manufacturer and the grinding of used brick which is then sold to steel mills. At the facility in Greenfield Township, Blair County, the McCabe Group warehouses goods for customers. During the period of December through April, it ships approximately 50 truckloads of gym sets from its facility each week. It also ships 35 less-than-truckload shipments each day and four to five truckload shipments also each day. Three to four inbound shipments of brick are received at the Claysburg (Greenfield Township) facility each month. Upon approval of the application, it is anticipated that the applicant will transport approximately five to 10 truckloads per week.

The gym sets are sold to nationwide toy retail chains with the primary purchasers being Toys R Us and Hills Department Stores. Every city that has these clients is a potential destination. Prior shipments have moved to such points as Pittsburgh, Erie, Scranton, Wilkes-Barre and Harrisburg.

Inbound shipments of brick originate at any source of used brick. Prior shipments of used brick have been received from Snowshoe and have been reshipped after being processed to such points as Pittsburgh and Philadelphia. The applicant will be requested to provide flatbed trailers, dump vehicles and van trailers. The McCabe Group is familiar with the services of the applicant and expect the applicant to be able to meet its transportation requirements.

Donald G. Hamilton, president of M. H. H., Inc. states in support of the pending application that M. H. H., Inc. is engaged in the grinding of firebrick for recycling. Once the used firebrick has been recycled, it is then sold to firebrick manufacturers. The ground up firebrick is referred to as "grog". M. H. H., Inc. also buys sand in large quantities which is then bagged and resold to contractors for use in construction of pipelines.

M. H. H., Inc. also ships aggregate materials, such as ganister rock which is ground up and sized for use in driveways. M. H. H., Inc. ships approximately four to seven truckload shipments of grog each week. The shipping season for sand falls between the months of April and November and M. H. H., Inc. ships approximately 12 loads of sand per day. It receives inbound approximately one load of material per month requiring specialized grinding. It anticipates tendering to the applicant all of the inbound and outbound freight.

The Mount Union facility is both an origin and destination point for the shipments of M. H. H., Inc. The grog is shipped to brick manufacturers at such points as Snowshoe, Clearfield and Irvona. Any firebrick manufacturer is a potential customer and destination for grog shipments.

Sand is purchased from sand pit operators and quarry operators at various points throughout the Commonwealth, including sand suppliers in Wilkes-Barre and in the Delaware River area of Pennsylvania and in the northern sections of the state including the counties of Elk, Cameron and Clinton. Shipments outbound of sand are destined to job sites located throughout the Commonwealth including such points as Pittsburgh, Greensburg, Gettysburg, Chambersburg, Scranton, Wilkes-Barre, Philadelphia and Harrisburg.

The applicant will be requested to provide dump vehicles for the transportation of grog. Those shipments of dry grog require that the vehicle be tarped to prevent the shipment from becoming wet. The sand is bagged and palletized and requires flatbed trailers. M. H. H., Inc. has utilized the applicant to transport shipments in interstate commerce. Satisfactory service has been provided for several years and it is anticipated that the applicant will have no difficulties in meeting the intrastate needs of M. H. H., Inc.

John E. Claar, president and sole stockholder of Sproul Lime & Stone Co. (Sproul Lime), sets forth in support of the pending application that Sproul Lime mines and processes aggregates including sand and limestone. Mining operations are conducted near Claysburg in Greenfield Township, Blair County and in Frankstown which is also located in Greenfield Township. The lime and sand is sold primarily to building contractors for use in construction. These commodities are also sold to concrete block manufacturers. Sproul Lime also is involved in selling crushed brick to firebrick manufacturers which recycle it and use it to produce mortar compounds.

During the busy season of April through November, Sproul Lime ships as many as 75 to 100 truckloads to customers and to job sites. During its offseason, it ships approximately 20 loads per month. Shipments of firebrick are sporadic. Upon approval of the application, it is anticipated that the applicant will be tendered a minimum of five loads per week during the busy season and at least one or two loads during offseason.

Sproul Lime ships to construction projects throughout the state, including such prior destinations as Pittsburgh, Erie, Philadelphia, Allentown, and the Lock Haven area. The block plant customers are located in Portage and the Altoona area. Firebrick manufacturers are located in the eastern portion of the Commonwealth such as Scranton and Philadelphia. All shipments are transported in dump vehicles equipped with tarps. Sproul Lime has used the services of the applicant for interstate shipments and expects the applicant to be able to meet its intrastate requirements.

The applicant in the instant proceeding is an experienced common carrier of both bulk and non-bulk commodities. By the instant application, Ollinger seeks to expand its current operations to include transportation for four named shippers. The evidence of record clearly demonstrates that the applicant has the necessary equipment and experience to meet the needs of the four named shippers.

The evidence of public need for the proposed service, will be reviewed and discussed for each of the four individual rights. The first right proposes transportation of sand for East Loop Sand Co., from its facilities located in the township of Frankstown, Blair County, to points in Pennsylvania. The statement entered in support of this right by East Loop Sand Co. provides sufficient evidence of the existence of a public need for the transportation proposed by the first right. We will modify the first right to eliminate reference to transportation of refused, rejected or damaged shipments, since all common carriers were granted the right to transport these types of shipments on October 28, 1972.

The second right, proposes transportation of property (except household goods and commodities which, because of size or weight, require special equipment), for The McCabe Group, Inc., from its facilities located in the township of Greenfield, Blair County, to points in Pennsylvania, and vice versa. The statement entered on behalf of The McCabe Group, Inc., contains adequate information with which to conclude that there exists a public need for the service proposed by the second right, including the right to render vice versa service.

The third right proposes service for M. H. H., Inc., from its Pennsylvania facilities to points in Pennsylvania, and vice versa. After reviewing the statement of M. H. H., Inc., it was determined that this shipper is engaged in two different business enterprises at facilities located in the borough of Mt. Union, Huntingdon County. The evidence clearly shows that this shipper has only a single location at which it conducts its various businesses, therefore, the authority which will be hereinafter granted will be so modified so as to permit the applicant to render transportation for M. H. H., Inc., from its facilities in the borough of Mt. Union, Huntingdon County, to points in Pennsylvania, and vice versa. This modified grant of authority will meet all the transportation needs of the supporting shipper.

The fourth right proposes transportation of sand, limestone and crushed brick, for Sproul Lime & Stone Co., from its facilities located in the township of Greenfield, Blair County, to points in Pennsylvania. The evidence of support entered by this shipper is sufficient to demonstrate that there exists a public need for the service proposed by the fourth right. We will modify this right by eliminating the reference to refused, rejected or damaged shipments for the reasons set forth previously in our discussion of the first right.

We find:

1. That the applicant has the equipment, experience and fitness to provide the proposed transportation as amended and further modified.
2. That the applicant has demonstrated that a public need exists for the transportation of sand, for East Loop Sand Co., from its facilities located in the township of Frankstown, Blair County, to points in Pennsylvania.
3. That the applicant has demonstrated that a public need exists for the transportation of property (except household goods and commodities which, because of size or weight, require special equipment), for The McCabe Group, Inc., from its facilities located in the township of Greenfield, Blair County, to points in Pennsylvania, and vice versa.
4. That the evidence supports a grant of authority to transport property (except household goods and commodities which, because of size or weight, require special equipment), for M. H. H., Inc., from its facilities located in the borough of Mt. Union, Huntingdon County, to points in Pennsylvania, and vice versa.
5. That the applicant has demonstrated that a public need exists for the transportation of sand, limestone and crushed brick, for Sproul Lime & Stone Co., from its facilities located in the township of Greenfield, Blair County, to points in Pennsylvania.
6. That all common carriers were granted the right to return refused, rejected or damaged shipments to the point of origin, on October 28, 1972, thereby eliminating the need for a reference to these types of shipments from the first and fourth rights.

7. That approval of the application, as amended and further modified, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended and further modified, be and is hereby approved, and that the certificate issued to the applicant on November 28, 1978, as amended, be further amended to include the following rights:

- (1) To transport, as a Class D carrier, sand, for East Loop Sand Co., from its facilities located in the township of Frankstown, Blair County, to points in Pennsylvania;
- (2) To transport, as a Class D carrier, property, for The McCabe Group, Inc., from its facilities located in the township of Greenfield, Blair County, to points in Pennsylvania, and vice versa;
- (3) To transport, as a Class D carrier, property, for M. H. H., Inc., from its facilities located in the borough of Mt. Union, Huntingdon County, to points in Pennsylvania, and vice versa;
- (4) To transport, as a Class D carrier, sand, limestone and crushed brick, for Sproul Lime & Stone Co., from its facilities located in the township of Greenfield, Blair County, to points in Pennsylvania;

with Rights No. 2 and 3 subject to the following conditions:

- (1) That no right, power or privilege is granted to transport household goods and commodities which, because of size or weight, require special equipment.
- (b) That no right, power or privilege is granted to transport paper and paper products, including envelopes;
- (c) That no right, power or privilege is granted to transport petroleum, and petroleum products in bulk or dry litharge in bulk.

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

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

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

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

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large loop at the end.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: August 1, 1991

ORDER ENTERED: AUG 9 - 1991

RECEIVED

APR 30 1993

OFFICE  
Commission

OLLINGER BROS., INC.

Docket No. A-00101008, F.2

Stone, rock, shale and road aggregate, in bulk in dump trucks, as a Class D carrier, from points in the Counties of Blair, Cambria and Clearfield to points within twenty-five (25) miles of the point of origin.

To transport, as a Class D carrier, scrap metals in bulk from points in the borough of Cresson, Cambria County, to points in the borough of Milton, Northumberland County.

To transport, as a Class D carrier, scrap metals in bulk from Abelson Steel and Metal Company in the City of Altoona, Blair County, to points in the borough of Lewistown, Mifflin County, and Milton, Northumberland County.

LAW OFFICES

**VUONO, LAVELLE & GRAY**

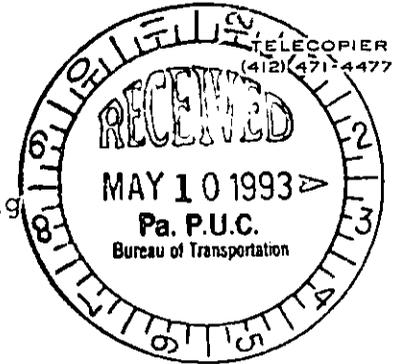
2310 GRANT BUILDING

PITTSBURGH, PA. 15219-2383

(412) 471-1800

JOHN A. VUONO  
WILLIAM J. LAVELLE  
WILLIAM A. GRAY  
MARK T. VUONO  
RICHARD R. WILSON  
DENNIS J. KUSTURISS  
CHRISTINE M. DOLFI  
PETER J. SCANLON

May 10, 1993



• ALSO MEMBER OF FLORIDA BAR

Re: George F. Delbaggio, t/d/b/a D & G Trucking  
Docket No. A-00109487, F. 1, Am-A

MAILED WITH U. S. POSTAL SERVICE  
CERTIFICATE OF MAILING FORM 3817

Mr. John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**RECEIVED**

**MAY 10 1993**

**SECRETARY'S OFFICE**  
**Public Utility Commission**

Dear Mr. Alford:

We enclose for filing with the Commission the signed original of a protest to the above application.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed, stamped envelope provided.

Sincerely yours,

VUONO, LAVELLE & GRAY

*William J. Lavelle*  
William J. Lavelle

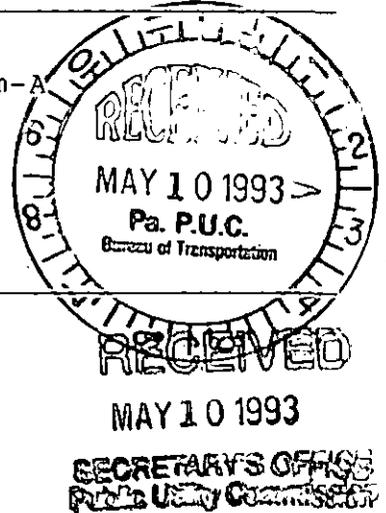
pz  
Enclosure  
cc: James D. Campbell, Jr., Esq.



Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET NO. A-00109487, F. 1, Am-A

GEORGE F. DELBAGGIO, t/d/b/a  
D & G TRUCKING



PROTEST AND REQUEST  
FOR ORAL HEARING

The motor carriers shown on Appendix A hereof (herein called protestants) protest the above application and request that the application be assigned for oral hearing and in support thereof respectfully represent as follows:

1. By this application, notice of which has been published in the Pennsylvania Bulletin, applicant seeks authority as set forth in Appendix A.

2. Protestants hold authority from this Commission at the docket numbers shown in Appendix A and the relevant portions of the authority are attached to the protest. Unless otherwise indicated in Appendix A, protestants will withdraw the protest only in the event an amendment is made which will totally eliminate the conflict between the authority sought by the application and the authority presently held by protestants.

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKETED  
MAY 13 1993  
ENTRY No. MW

3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestants presently hold authority to provide service in the area affected by the application, (b) protestants and other existing carriers are providing adequate service to the shipping public in the areas involved in the application, (c) there is no need for the service proposed by applicant and approval of the application will result in the diversion from existing carriers of tonnage and revenue necessary to sustain their existing operations, and (d) approval of the application will adversely affect protestants and other existing carriers which have a substantial investment in facilities and equipment and are willing and able to provide service in the application area.

4. Protestants request that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestants will appear and present evidence of protestants' own operations and particular interests unless this application is amended so as to eliminate those interests as set forth in this protest.

WHEREFORE, protestants request that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestants to participate fully therein;

and applicant be required to make available at the hearing competent witnesses for examination on all material and relevant facts bearing on the application.

Respectfully submitted,

BRUCE TRENT TRUCKING, INC.  
BULK TRANSPORTATION SERVICES, INC.

By: William J. Lavelle  
William J. Lavelle  
Attorney for Protestants

VUONO, LAVELLE & GRAY  
2310 Grant Building  
Pittsburgh, PA 15219  
(412) 471-1800  
Of Counsel

Dated: May 10, 1993

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the above protest and request for oral hearing upon applicant or upon applicant's attorney or representative as shown in the Pennsylvania Bulletin notice.

Dated at Pittsburgh, Pa. this 10th day of May, 1993.

William J. Lavelle  
William J. Lavelle

Re: George F. Delbaggio, t/d/b/a D & G Trucking  
Docket No. A-00109487, F. 1, Am-A

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on April 17, 1993, applicant seeks authority to operate as a common carrier, transporting:

(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.

INTEREST OF PROTESTANTS:

1. Bruce Trent Trucking, Inc., R. D. #1, Friedens, PA 15541, (814-445-7013) holds authority at Docket No. A-00108190. Its protest is directed to both parts of the application. Its pertinent authority is set forth in paragraphs 1 and 7 of its lead certificate.

2. Bulk Transportation Services, Inc., R. D. #1, Box 88A, Mineral Point, PA 15942 (814-322-1548) holds authority at Docket No. A-00101351. Its protest is directed to part (1) of the application. Its pertinent authority is set forth in its

lead certificate an paragraphs 1, 2 and 4 of the Folder 1, Am-A certificate.

Copies of the operating authorities are attached to the protest.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held September 29, 1988

Commissioners Present:

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

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

A-00108190

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

---

O R D E R

BY THE COMMISSION:

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

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

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

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

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

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

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

We find:

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

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

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

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

with Right No. 7 subject to the following condition:

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

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

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

with all of the above subject to the following conditions:

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

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

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

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

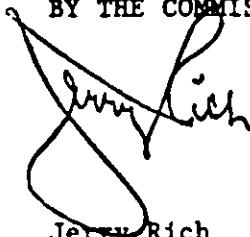
IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

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

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

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

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large, looping initial "J".

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: September 29, 1988

ORDER ENTERED: OCT 5 1988

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held April 25, 1979

Commissioners Present:

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

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

A-00101351

O R D E R

BY THE COMMISSION:

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

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

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

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

subject to the following conditions:

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

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

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

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

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

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

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

BY THE COMMISSION,



William P. Thierfelder  
Acting Secretary

(SEAL)

ORDER ADOPTED: April 25, 1979

ORDER ENTERED: **MAY 7 1979**

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held January 10, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman  
Frank Fischl  
Bill Shane

Application of Bulk Transportation  
Services, Inc. for approval of the  
transfer to it of all of the operating  
rights held by Charles J. Merlo, Inc.  
at A-00085811, F. 2.

A-00101351, F. 1, Am-A

O R D E R

BY THE COMMISSION:

By application docketed January 31, 1985, Bulk Transportation Services, Inc. a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to Charles J. Merlo, Inc. a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00085811, F. 2.

We find the applicant to be fit to be granted the operating authority sought herein and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by Charles J. Merlo, Jr. at A-00085811, F. 2 be approved and that the original report and order at A-00101351 and the certificate issued pursuant thereto, be modified and amended to include the following rights:

1. To transport, as a Class D carrier, building materials, in bulk in dump trucks, coal, sand, bricks and mine supplies between points in the borough of Nanty Glo, Cambria County, and within twenty-five (25) miles of the limits thereof, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, coal from stripping operations, sand, gravel, reddog, soil and brick from points in the borough of Nanty Glo, Cambria County, and within twenty-five (25) miles of the limits of the said borough to points in the said territory;

with right no. 2 above subject to the following condition:

That no right, power or privilege is granted to transport coal for domestic consumption from the mines of Bethlehem Collieries Corporation, located in the borough of Nanty Glo, Cambria County, said mine being known as No. 31, formerly Heisley Mine, except as authorized by the first right hereinbefore set forth.

3. To transport, as a Class D carrier, scrap metals between points in the borough of Nanty Glo, Cambria County, and within twenty-five (25) miles of the limits of the said borough, excluding service from the city of Altoona, Blair County.
4. To transport, as a Class D carrier, coal between points within an airline distance of forty-five (45) statute miles of the limits of the borough of Nanty Glo, Cambria County;

with right no. 4 above subject to the following condition:

That no right, power or privilege is granted to transport coal to the steel plants of the Bethlehem Steel Corporation in the county of Cambria, except as presently authorized.

5. To transport, as a Class D carrier, scrap metal and scrap iron, in bulk, in dump vehicles, from points in Pennsylvania to the facilities of Bethlehem Steel Corporation located in the counties of Cambria and Dauphin;

with right no. 5 above subject to the following conditions:

- (a) That no right, power or privilege is granted to render service from Avis, Clinton County, and points within five (5) miles of the limits of Avis.
- (b) That no right, power or privilege is granted to render service from the Mountain City Junk Company or Charles Caracciola Steel and Metal Yard.
- (c) That no right, power or privilege is granted to render service from Hodes Industries from its facilities in Centre County, the city of Lock Haven, Clinton County, or the city of Tyrone, Blair County.

6. To transport, as a Class D carrier, coal, in bulk, in dump vehicles, for Bethlehem Mines Corporation, from its mines and facilities located in the counties of Butler, Cambria and Washington, to points in that part of Pennsylvania on and west of U.S. Highway Route 15;

with right no. 6 above subject to the following conditions:

- (a) That no right, power or privilege is granted to provide service to or from the Bethlehem Mines Corporation Fawn No. 91 Mine located in Saxonburg, Butler County.
- (b) That no right, power or privilege is granted to transport coal for Bethlehem Mines Corporation, from its mines and facilities located in the county of Washington, to points in the counties of Allegheny, Fayette, Greene, Washington and Westmoreland.

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

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$1,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.

5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

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

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

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor Charles J. Merlo, Inc. a corporation of the Commonwealth of Pennsylvania at A-00085811, F. 2 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: January 10, 1986.

ORDER ENTERED: JAN 23 1986

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
July 2, 1993

REC'D

In Re: A-00109487, F0001, Am-A

(See attached list)

Application of George F. DelBaggio, t/d/b/a D & G Trucking

For amendment to its common carrier certificate, this application seeks the right to transport, by motor vehicle, (1) sand, gravel, limestone and amesite for New Enterprise Stone & Lime Company, 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 on hundred (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.

NOTICE

The Public Utility Code directs that hearings shall be commenced in this case by the Administrative Law Judge within 90 days after the proceeding is initiated.

In compliance with this directive, an initial hearing is hereby scheduled for Tuesday, August 17, 1993 at 10:00 a.m. in an available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, Pennsylvania 17120.

The presiding officer in this proceeding is Administrative Law Judge Herbert S. Cohen. Judge Cohen can be contacted at P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265; telephone (717) 783-5452.

If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

cc: Judge Cohen  
John Frazier - PIO  
Norma Lewis  
Susan Licon  
Beth Plantz  
Docket Room

DOCKETED  
JUL 22 1993

93 JUL - 6 PM 12:09  
PA. P. U. DIV.  
INFO. CO. DIV.

RECEIVED

DOCUMENT  
FOLDER

X George F. Delbaggio  
t/a D & G Trucking  
R.D. #4, Box 201-A  
Tyrone, PA 16686

X James D. Campbell, Jr., Esq.  
3631 N. Front Street  
Harrisburg, PA 17110

X David M. O'Boyle, Esq.  
1450 Two Chatham Center  
Pittsburgh, PA 15219

X William J. Lavelle, Esq.  
2310 Grant Building  
Pittsburgh, PA 15219

CALDWELL & KEARNS

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

3631 NORTH FRONT STREET  
HARRISBURG, PENNSYLVANIA 17110-1533

ORIGINAL

THOMAS D. CALDWELL, JR.  
RICHARD L. KEARNS  
CARL G. WASS  
JAMES R. CLIPPINGER  
CHARLES J. DEHART, III  
JAMES D. CAMPBELL, JR.  
JAMES L. GOLDSMITH  
TIMOTHY I. MARK  
JAMES G. NEALON, III  
MATTHEW R. GOVER  
DEBORAH A. CAVACINI

717-232-7661  
FAX: 717-232-2766

August 5, 1993

John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17110

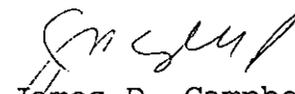
Re: Application of George F. DelBaggio  
t/d/b/a D & G Trucking  
A-00109487, F.1, Am-A

RECEIVED  
SEP 08 -6 PM 1:55  
Pa. P. U. C.  
INFO. CONTROL DIV.

Dear Secretary Alford:

Please find enclosed herewith the original and two (2) copies of a Restrictive Amendment which I have been authorized by Applicant to file in the above captioned matter. Copies have been provided to Judge Cohen as well as counsel for Protestants.

Sincerely,



James D. Campbell, Jr.  
CALDWELL & KEARNS

JDCJr/njd

cc: Hon. Herbert S. Cohen  
William J. Lavelle, Esq.  
David M. O'Boyle, Esq.  
George F. DelBaggio

DOCUMENT  
FOLDER

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of George F. DelBaggio : A-00109487, F.1, Am-A  
t/d/b/a D & G Trucking :

RESTRICTIVE AMENDMENT

AND NOW comes George F. DelBaggio, t/d/b/a D & G Trucking and restrictively amends the subject Application so that the same shall read as follows:

(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 one hundred (100) statute miles from point of origin to point of destination;

Subject to the following condition:

That transportation for New Enterprise Stone & Lime Co., Inc. shall be limited to shipments originating or terminating at the facilities of New Enterprise Stone & Lime Co., Inc. located in the Township of Morris, Blair County and the Township of Warrior's Mark, Huntingdon County;

(2) Property, in bulk vehicle, 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;

Subject to the following condition:

That no right, power or privilege is granted to render transportation to or from points in the county of Somerset.

DOCKET

AUG 25 1993

Dated: 8/5/93

GEORGE F. DELBAGGIO  
t/d/b/a D & G TRUCKING

By: James D. Campbell, Jr., Esq.  
James D. Campbell, Jr., Esq.  
3631 North Front Street  
Harrisburg, PA 17110  
(717) 232-7661

RECEIVED  
PA. P. U. C.  
INFO. CONTROL DIV.  
AUG -6 PM 1:56

DOCUMENT  
FOLDER

ORIGINAL

RJP

LAW OFFICES

**VUONO, LAVELLE & GRAY**

2310 GRANT BUILDING

PITTSBURGH, PA. 15210-2983

JOHN A. VUONO  
WILLIAM J. LAVELLE  
WILLIAM A. GRAY  
MARK T. VUONO  
RICHARD R. WILSON  
DENNIS J. KUSTURISS  
CHRISTINE M. DOLFI  
PETER J. SCANLON

(412) 471-1800

TELECOPIER  
(412) 471-4477

August 9, 1993

\* ALSO MEMBER OF FLORIDA BAR

Re: George F. Delbaggio, t/d/b/a D & G Trucking  
Docket No. A-00109487, F. 1, Am-A

RECEIVED  
AUG 12 1993  
SECRETARY'S OFFICE  
Public Utility Commission

Mr. John G. Alford  
Secretary  
Pennsylvania Public Utility Commission  
North Office Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Dear Mr. Alford:

We enclose for filing with the Commission the signed original of a Stipulation Withdrawing the Protests of Bruce Trent Trucking, Inc. and Bulk Transportation Services, Inc. in connection with the above application. Based on the amendment we will not plan to attend the hearing scheduled for August 17, 1993 in Harrisburg, PA.

Sincerely yours,

VUONO, LAVELLE & GRAY

*William J. Lavelle*  
William J. Lavelle

pz

Enclosure

cc: Honorable Herbert S. Cohen  
James D. Campbell, Jr., Esq.  
David M. O'Boyle, Esq.  
Bruce Trent Trucking, Inc.  
Bulk Transportation Services, Inc.

DOCUMENT  
FOLDER

RECEIVED

AUG 12 1993

SECRETARY'S OFFICE  
Public Utility Commission

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

---

Application of  
GEORGE F. DELBAGGIO t/d/b/a  
D & G TRUCKING

Docket No. A-00109487, F. 1, Am-A

---

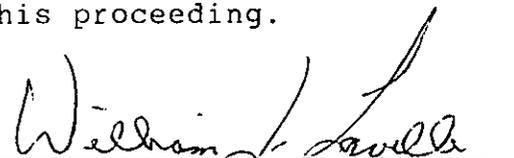
STIPULATION WITHDRAWING PROTESTS

---

Bruce Trent Trucking, Inc. and Bulk Transportation Services, Inc., protestants to the above application, by their attorney, William J. Lavelle, Esq., stipulate that they hereby withdraw their protests based on the Restrictive Amendment dated August 5, 1993, conditioned upon its acceptance by the Commission and any grants of authority in this proceeding being consistent with the Restrictive Amendment. Counsel for the protestants will remain of record for the purpose of receiving all Notices and Orders issued in this proceeding.

Dated: August 9, 1993

By:

  
William J. Lavelle, Esq.  
VUONO, LABELLE & GRAY  
2310 Grant Building  
Pittsburgh, PA 15219  
Attorney for Protestants

**DOCUMENT  
FOLDER**

DOCKETED  
AUG 25 1993

ORIGINAL

CALDWELL & KEARNS

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

3631 NORTH FRONT STREET  
HARRISBURG, PENNSYLVANIA 17110-1533

10/12

THOMAS D. CALDWELL, JR.  
RICHARD L. KEARNS  
CARL G. WASS  
JAMES R. CLIPPINGER  
CHARLES J. DEHART, III  
JAMES D. CAMPBELL, JR.  
JAMES L. GOLDSMITH  
TIMOTHY I. MARK  
JAMES G. NEALON, III  
MATTHEW R. GOVER  
DEBORAH A. CAVACINI

717-232-7661

FAX: 717-232-2766

RECEIVED

AUG 12 1993

SECRETARY'S OFFICE  
Public Utility Commission

August 10, 1993

John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17110

Re: Application of George F. DelBaggio  
t/d/b/a D & G Trucking  
A-00109487, F.1, Am-A

Dear Secretary Alford:

Please find enclosed herewith a corrected Restrictive Amendment which is filed in the above captioned matter. Copies have been provided to Judge Cohen as well as counsel for Protestants.

Sincerely,



James D. Campbell, Jr.  
CALDWELL & KEARNS

JDCJr/njd

cc: Hon. Herbert S. Cohen  
William J. Lavelle, Esq.  
David M. O'Boyle, Esq.  
George F. DelBaggio

DOCUMENT  
FOLDER

RECEIVED

AUG 13 1993

SECRETARY'S OFFICE  
Public Utility Commission

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of George F. DelBaggio : A-00109487, F.1, Am-A  
t/d/b/a D & G Trucking :

CORRECTED

RESTRICTIVE AMENDMENT

AND NOW comes George F. DelBaggio, t/d/b/a D & G Trucking and restrictively amends the subject Application so that the same shall read as follows:

(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 one hundred (100) statute miles from point of origin to point of destination;

Subject to the following condition:

That transportation for New Enterprise Stone & Lime Co., Inc. shall be limited to shipments originating or terminating at the facilities of New Enterprise Stone & Lime Co., Inc. located in the Township of Snyder, Blair County and the Township of Spruce Creek, Huntingdon County;

(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;

Subject to the following condition:

That no right, power or privilege is granted to render transportation to or from points in the county of Somerset.

DOCUMENT  
FOLDER

GEORGE F. DELBAGGIO  
t/d/b/a D & G TRUCKING

*JM 8/25*

REGISTERED BY

James D. Campbell, Jr., Esq.  
3631 North Front Street  
Harrisburg, PA 17110  
(717) 232-7661

Dated: 8/10/93

AUG 25 1993

ORIGINAL

RJR /8

CALDWELL & KEARNS  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

3631 NORTH FRONT STREET  
HARRISBURG, PENNSYLVANIA 17110-1533

717-232-7661  
FAX: 717-232-2766

THOMAS D. CALDWELL, JR.  
RICHARD L. KEARNS  
CARL G. WASS  
JAMES R. CLIPPINGER  
CHARLES J. DEHART, III  
JAMES D. CAMPBELL, JR.  
JAMES L. GOLDSMITH  
TIMOTHY I. MARK  
JAMES G. NEALON, III  
MATTHEW R. GOVER  
DEBORAH A. CAVACINI

August 16, 1993

John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17110

Re: Application of George F. DelBaggio  
t/d/b/a D & G Trucking  
A-00109487, F.1, Am-A

REC'D  
AUG 16 10:05  
INSTR. CONTROL DIV.

Dear Secretary Alford:

Please find enclosed herewith a Final Restrictive Amendment which is filed in the above captioned matter. Copies have been provided to Judge Cohen as well as counsel for Protestants. I have been advised by opposing counsel that all protests will be withdrawn and the case may be referred to the Bureau of Transportation for modified procedure.

Sincerely,

*James D. Campbell, Jr.*  
James D. Campbell, Jr.  
CALDWELL & KEARNS

JDCJr/njd

cc: Hon. Herbert S. Cohen  
William J. Lavelle, Esq.  
David M. O'Boyle, Esq.  
George F. DelBaggio

DOCUMENT  
FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of George F. DelBaggio : A-00109487, F.1, Am-A  
t/d/b/a D & G Trucking :

FINAL  
RESTRICTIVE AMENDMENT

AND NOW comes George F. DelBaggio, t/d/b/a D & G Trucking, and restrictively amends the subject Application so that the same shall read as follows:

(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 one hundred (100) statute miles from point of origin to point of destination;

Subject to the following condition:

That transportation for New Enterprise Stone & Lime Co., Inc. shall be limited to shipments originating or terminating at the facilities of New Enterprise Stone & Lime Co., Inc. located in the Township of Snyder, Blair County and the Township of Spruce Creek, Huntingdon County;

(2) Property, in bulk, in dump vehicles, for Hoover Concrete, from its facilities in the county of Jefferson, to points in Pennsylvania, and vice versa;

Subject to the following condition:

That no right, power or privilege is granted to render transportation to or from points in the county of Somerset.

DOCUMENT  
FOLDER

RECEIVED

AUG 25 1993

GEORGE F. DELBAGGIO  
t/d/b/a D & G TRUCKING

By: J. D. Campbell, Jr.  
James D. Campbell, Jr., Esq.  
3631 North Front Street  
Harrisburg, PA 17110  
(717) 232-7661

Dated: 8/16/93

**ORIGINAL**

LAW OFFICES

WICK, STREIFF, MEYER, METZ & O'BOYLE, P.C.

1450 TWO CHATHAM CENTER  
PITTSBURGH, PA 15219-3427  
(412) 765-1600

FACSIMILE  
(412) 281-3783

HENRY M. WICK, JR.  
CHARLES J. STREIFF  
CARL F. MEYER  
LEROY L. METZ, II  
DAVID M. O'BOYLE  
VINCENT P. SZELIGO  
LUCILLE N. WICK  
PATRICIA LIPTAK-McGRAIL  
KATHRYN KNEE VENN  
TIMOTHY J. GRICKS  
VICTORIA L. MARUCCI  
ROGER A. ISLA

August 16, 1993

Re: Application of George F. DelBaggio,  
t/d/b/a D & G Trucking  
Docket No. A-00109487, F.1, Am-A  
Our File 3284.502

**RECEIVED**  
AUG 18 1993

**SECRETARY'S OFFICE**  
**Public Utility Commission**

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

Dear Mr. Alford:

We represent Protestant Ollinger Bros., Inc. in connection with the above captioned case. We are in receipt of a Corrected Restrictive Amendment, dated August 10, 1993. Our client has authorized us to advise the Commission that this Corrected Restrictive Amendment satisfies its interests in this proceeding. Enclosed is the signed original of Stipulation of Withdrawal of Protest on behalf of Ollinger Bros., Inc.

We have notified Applicant's counsel that we do not intend to appear at the hearing scheduled for August 17, 1993. However, we request that we remain a party of record for purposes of receiving all future orders and notices issued by the Commission in this case.

A copy of this letter and the Stipulation are being served upon Administrative Law Judge Herbert S. Cohen, and Applicant's counsel.

Very truly yours,

WICK, STREIFF, MEYER,  
METZ & O'BOYLE, P.C.

*David M. O'Boyle*  
David M. O'Boyle

**DOCUMENT  
FOLDER**

**RECEIVED**

tw  
Enclosure

cc: Honorable Herbert S. Cohen (w/encl.)  
Office of Administrative Law Judge (w/encl.)  
James D. Campbell, Jr., Esq. (w/encl.)  
Ollinger Bros., Inc. (w/encl.)

7 18

**ORIGINAL**

Before The

PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET NO. A-00109487, F.1, Am-A

APPLICATION OF GEORGE F. DelBAGGIO, t/d/b/a  
D & G TRUCKING

**RECEIVED**

**AUG 18 1993**

**SECRETARY'S OFFICE  
Public Utility Commission**

STIPULATION OF WITHDRAWAL OF PROTEST

Ollinger Bros., Inc., by and through its counsel, hereby stipulates and agrees that the attached Corrected Restrictive Amendment, dated August 10, 1993, satisfies its interests in the above captioned case.

Furthermore, by this Stipulation of Withdrawal of Protest, Ollinger Bros., Inc., hereby acknowledges and agrees that, conditioned upon the Commission's acceptance of the Revised Restrictive Amendment and conditioned upon any grant of authority being consistent with the Corrected Restrictive Amendment, its Protest to the above application is hereby withdrawn.

Counsel for Ollinger Bros., Inc., whose name and address are set forth below, will remain a party of record for the purpose of receiving copies of all future notices and orders issued by the Commission in this proceeding.

**DOCUMENT  
FOLDER**

Date: 8-16-93 **REGISTERED** *David M. O'Boyle*  
David M. O'Boyle, Esq.  
1450 Two Chatham Center  
Pittsburgh, PA 15219  
Attorney for Protestant

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
August 17, 1993

In Re: A-00109487, F0001, Am-A

(See letter of 7/2/93)

Application of George F. DelBacchio, t/d/b/a D & G Trucking

For amendment to its common carrier certificate, this application seeks the right to transport, by motor vehicle, (1) sand, gravel, limestone and amesite for New Enterprise Stone & Lime Company, 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 on hundred (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.

NOTICE

Since all protests against the above captioned application have been withdrawn, the hearing scheduled for Tuesday, August 17, 1993, in Harrisburg, has been cancelled.

The application will be referred to the Bureau of Transportation for review and report to the Commission.

cc: Judge Cohen  
John Frazier - PIO  
Norma Lewis  
Susan Licon  
Beth Plantz  
Docket Room

DOCKETED  
AUG 23 1993

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AUG 19 11 09 AM '93  
PA. P.U.C.  
INFO. CONTROL DIV.

DOCUMENT  
FOLDER



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

IN REPLY PLEASE  
 REFER TO OUR FILE

September 9, 1993

JAMES D CAMPBELL JR  
 ATTORNEY AT LAW  
 3631 NORTH FRONT STREET  
 HARRISBURG PA 17110-1533

In re: A-00109487, F. 1, Am-A - Application of George F.  
 DelBaggio, t/d/b/a D & G Trucking

Dear Mr. Campbell:

The above referenced application has been assigned for review without an oral hearing. In order to reach a determination on the application, you are being required to file verified statements in accordance with §2 Pa. Code §3.381(e)(1). You will be required to file:

- A. VERIFIED STATEMENT OF APPLICANT.
- B. VERIFIED STATEMENTS IN SUPPORT OF APPLICATION.

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

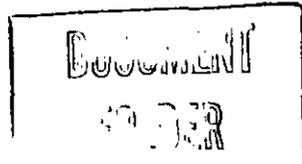
You should be aware of the fact that the verified statements will be reviewed based on the Commission's decision in the Application of Bluebird Coach Lines, Inc. A-00088807, F. 2, Am-K, which indicates: (1) the supporting witnesses must give evidence which is probative and relevant to the application proceeding; (2) the supporting witnesses must identify Pennsylvania origin and destination points between which they require transportation and those points must correspond with the scope of the operating territory specified in the application including requests for vice versa authority; and (3) the number of witnesses which will represent a cross section of the public on the issue of need will vary with the breadth of the intended territory and commodity description.

You are being granted an initial thirty (30) days to file verified statements. They will be due on or before October 11, 1993.

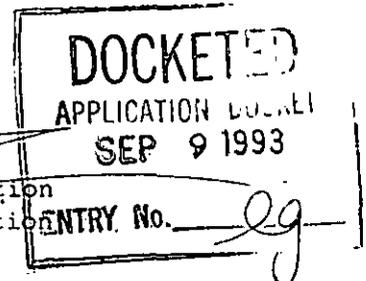
If additional time is required, it may be requested by telephone but must be followed in writing with the reasons for the extension stated.

Questions about your application should be directed to Tim Zeigler, 717-783-5946.

Very truly yours,



*[Signature]*  
 Tim Zeigler  
 Technical Review Section  
 Bureau of Transportation



TZ:lg

MCNEES, WALLACE & NURICK  
ATTORNEYS AT LAW

100 PINE STREET  
P. O. BOX 1166

HARRISBURG, PA 17108-1166

TELEPHONE (717) 232-8000

Fax (717) 236-2665

OF COUNSEL  
GILBERT NURICK  
EDWARD C. FIRST, JR.  
ROBERT H. GRISWOLD  
SAMUEL A. SCHRECKENGAUST, JR.

RECEIVED

93 SEP 23 PM 1:42

BRUCE D. BAGLEY  
MICHAEL G. JARMAN  
GARY JENKOWSKI  
DIANE MITOKARSKY  
BERNARD A. LABUSKES, JR.  
DAVID M. WATTS, JR.  
JAMES L. FRITZ  
STEVEN J. WEINGARTEN  
LAWRENCE R. WIEDER  
GARY A. RITTER  
CATHERINE E. WALTERS  
DONALD B. KAUFMAN  
P. NICHOLAS GUARNESCHELLI  
ROBERT G. HAAS  
HAROLD H. MARTIN  
JAMES W. KUTZ

JONATHAN H. RUDD  
CAROL A. STEINOUR  
GLENN P. HEISEY  
MICHAEL R. KELLEY  
SHARON R. PAXTON  
JAMES P. DOUGHERTY  
ROBERT J. GODUTO  
ERIC N. ATHEY  
SCOTT A. GOULD  
NANCY P. HORN  
JAMES P. DEANGELO  
JONATHAN C. BERRY  
CAMILLE C. MARION  
BRETT D. DAVIS  
KATHLEEN A. DUNST

FRANCIS B. HAAS, JR.  
DONALD R. WASEL  
RICHARD R. LEFEVER  
CLYDE W. MCINTYRE  
S. BERNE SMITH  
ROD J. PERA  
EDWARD W. ROTHMAN  
ROBERT A. MILLS  
W. JEFFRY JAMOUNEAU  
HERBERT R. NURICK  
DAVID E. LEHMAN  
NORMAN J. WHITE  
RICHARD W. STEVENSON  
WILLIAM A. CHESNUTT  
WILLIAM M. YOUNG, JR.  
ROBERT M. CHERRY  
DAVID B. DISNEY  
H. LEE ROUSSEL  
JOHN S. OYLER  
DELANO M. LANTZ  
HARVEY FREEDENBERG  
ERIC L. BROSSMAN  
ROBERT D. STETS  
TERRY R. BOSSERT  
DAVID M. KLEPPINGER  
NEAL S. WEST  
FRANKLIN A. MILES, JR.  
MICHAEL A. DOCTROW  
STEPHEN A. MOORE  
DANA STEVENS SCADOUTG  
ELIZABETH A. DOUGHERTY  
ALAN R. BOYNTON, JR.

September 21, 1993

Direct Dial:  
717-237-5246

In re: Application of George F. Delbaggio  
t/d/b/a D & G Trucking  
A-000109487, Folder 1 Am-A

RECEIVED  
SEP 23 1993

John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

SECRETARY'S OFFICE  
Public Utility Commission

Dear Mr. Alford:

We represent Glenn O. Hawbaker, Inc. ("GOH"). About a month ago, GOH became aware of the application of George F. Delbaggio, t/d/b/a D & G Trucking ("D & G"), Docket No. A000109487, Folder 1, Am-A. Notice of this application appears in the Pennsylvania Bulletin of April 17, 1993, at page 1908. In Part 2 of the application, D & G seeks authority, to transport, as a common carrier:

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.

In the first place, the correct name of GOH is as stated in the first sentence of this letter. Secondly, GOH is concerned that it is named in the application when GOH was never asked to support the application and never consented to it.

DOCUMENT  
FOLDER

RECEIVED  
APPLICATION DOCKET  
SEP 24 1993  
ENTRY No. *[Signature]*

John G. Alford, Secretary  
September 21, 1993  
Page 2

offended by this. It feels that it is improper for an applicant to represent to the public that a shipper supports an application when, in fact, that is not correct.

We brought this matter to the attention of D & G's counsel, James D. Campbell, Jr., on August 16, 1993, and Mr. Campbell has assured us that the application will be amended so that it will no longer seek authority to provide service for GOH. This does not, however, resolve the problem of D & G's representing to the public that GOH supports the application. We respectfully request the Commission to admonish D & G that it should not again represent support by GOH when that representation is not true.

Very truly yours,

McNEES, WALLACE & NURICK

By



Herbert R. Nurick

HRN/jbd

cc: Mr. Robert D. Esposito  
James D. Campell, Jr., Esq.

CALDWELL & KEARNS

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

3631 NORTH FRONT STREET  
HARRISBURG, PENNSYLVANIA 17110-1533

RECEIVED  
93 SEP 28 PM 1:59

PA PUC  
BUREAU OF  
TRANSPORTATION  
232-7661  
232-2766

THOMAS D. CALDWELL, JR.  
RICHARD L. KEARNS  
CARL G. WASS  
JAMES R. CLIPPINGER  
CHARLES J. DEHART, III  
JAMES D. CAMPBELL, JR.  
JAMES L. GOLDSMITH  
TIMOTHY I. MARK  
JAMES G. NEALON, III  
MATTHEW R. GOVER  
DEBORAH A. CAVACINI

September 24, 1993

John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17120

RECEIVED  
SEP 27 1993

SECRETARY'S OFFICE  
Public Utility Commission

Re: Application of George F. Delbaggio  
t/d/b/a D & G Trucking  
A-000109487, F. 1, Am-A

Dear Secretary Alford:

I am in receipt of a copy of a letter sent to you by Berne Smith in connection with the above matter.

Inclusion of Glenn O. Hawbaker, Inc. was based upon a misunderstanding on the part of my client, George F. Delbaggio, t/d/b/a D & G Trucking.

As Mr. Smith notes in his letter, the Application was amended to remove that shipper prior to the referral of this matter to the Bureau of Transportation for modified procedure. By copy of this letter, I am advising Mr. Smith that my client apologizes for any inconvenience in this matter and I trust that this will obviate the need for the Commission to "admonish" my client over such a minor matter.

Sincerely,



James D. Campbell, Jr.  
CALDWELL & KEARNS

JDCJr/njd

Enclosure

cc: George F. Delbaggio

CALDWELL & KEARNS

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

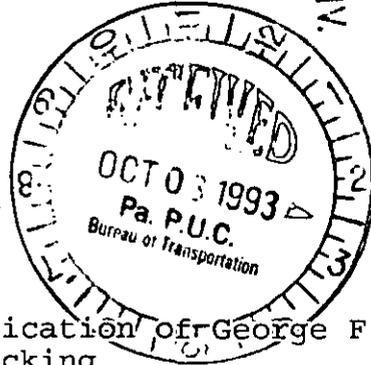
3631 NORTH FRONT STREET  
HARRISBURG, PENNSYLVANIA 17110-1533

THOMAS D. CALDWELL, JR.  
RICHARD L. KEARNS  
CARL G. WASS  
JAMES R. CLIPPINGER  
CHARLES J. DEHART, III  
JAMES D. CAMPBELL, JR.  
JAMES L. GOLDSMITH  
TIMOTHY I. MARK  
JAMES G. NEALON, III  
MATTHEW R. GOVER  
DEBORAH A. CAVACINI

October 6, 1993

RECEIVED  
93 OCT 7 PM 3:31  
PA. P.U.C.  
INFO. CONTROL DIV.  
717-232-6661  
FAX: 717-232-2766

Tim Zeigler  
Technical Review Section  
Bureau of Transportation  
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265



Re: A-00109487, F.1, Am-A - Application of George F. Delbaggio, t/d/b/a D & G Trucking

Dear Mr. Zeigler:

In accordance with the instructions contained in your letter dated September 9, 1993, I enclose herewith, in duplicate, the Verified Statements in the above matter. Should you need anything further, please let me know.

Sincerely,

*James D. Campbell, Jr.*  
James D. Campbell, Jr.  
CALDWELL & KEARNS

JDCJr/njd

Enclosure



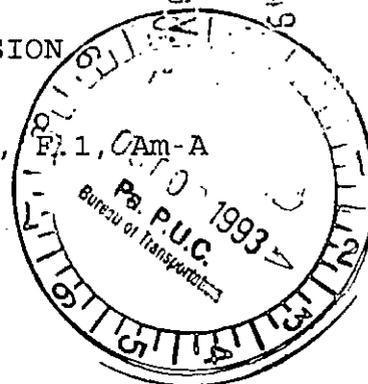
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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: Application of : A-00109487, P. 1, Cam-A  
George F. DelBaggio :  
t/d/b/a D & G Trucking :



**VERIFIED STATEMENT OF  
GEORGE F. DelBAGGIO  
ON BEHALF OF D & G TRUCKING**

1. The Applicant is D & G Trucking, a sole proprietorship owned by George F. DelBaggio, with its principal place of business located at RD#4, P.O. Box 201-A, Tyrone (Blair County), Pennsylvania, 16686.

2. I am the owner of D & G Trucking and as owner I am thoroughly familiar with the company's operations, authorities and facilities. I am authorized to appear on behalf of the Applicant and to submit this verified statement in support of approval of the Application.

3. The Applicant is not affiliated with any other carriers.

4. By this Application, D & G Trucking seeks the following right:

To transport as a Class D carrier:

(1) Sand, gravel, limestone and amesite for New Enterprise Stone & Lime Co., In., 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 one hundred (100) statute miles from point of origin to point of destination;

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**OCT 13 1993**  
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Subject to the following condition:

That transportation for New Enterprise Stone & Lime Co., Inc. shall be limited to shipments originating or terminating at the facilities of New Enterprise Stone & Lime Co., Inc. located in the Township of Snyder, Blair County and the Township of Spruce Creek, Huntingdon County;

(2) Property, in bulk, in dump vehicles, for Hoover Concrete, from its facilities in the County of Jefferson, to points in Pennsylvania, and vice versa;

Subject to the following condition:

That no right, power or privilege is granted to render transportation to or from points in the County of Somerset.

As originally filed, part (1) of the application was not subject to any conditions, and part (2) not only lacked the Somerset County restriction, but also sought the right to serve Glen Hawbaker, Inc. The condition which was added to part (1) of the application is intended to limit the service in question to facilities of New Enterprise Stone & Lime Co., Inc. which were formerly owned by the Warner Company prior to their acquisition by New Enterprise. Part (2) of the application was limited to exclude Somerset County Transportation in response to the protest of Bruce Trent Trucking, Inc. and Bulk Transportation Services, Inc. (Glen Hawbaker, Inc. was eliminated from part (2) of the application since it indicated unwillingness to support the application:

As a result of the conditions, all protests were withdrawn and the application is now unopposed.

5. D & G Trucking, Inc. has been a certificated carrier licensed by this Commission since the late 1970's. It was formerly a partnership owned by George F. DelBaggio and Ray E. Golden. In 1990, the rights were conveyed by the partnership to George F.

DelBaggio individually, and an appropriate fictitious name amendment was filed so that the name D & G Trucking is presently registered to George F. DelBaggio as a sole proprietor. Applicant has been involved in the transportation of property in bulk and dump trucks since its original certification by the Commission.

6. Approval of the present application would result in a duplication of a portion of Applicant's existing authority..

7. No dual operations will result from grant of the Application.

8. The Applicant maintains office and terminal facilities in Tyrone, Pennsylvania. The facilities are equipped with appropriate offices, telephone service, and other necessary equipment for the provision of certificated service.

9. Applicant presently operates a fleet of 4 motor vehicles in the provision of his service. No additional equipment would be necessary if the present Application is approved.

10. Safety is a paramount concern of the company. Vehicles are maintained in top condition and drivers are carefully selected and trained. Emphasis is placed upon compliance with all state and federal safety regulations.

11. As more specifically described in paragraph 15 of this statement, Applicant presently provides service to IA Construction Corporation and New Enterprise Stone and Lime Co., Inc. based upon their acquisition of companies previously served under Applicant's operating rights. No previous service has been provided for Hoover Concrete, which is a new shipper sought to be added to Applicant's certificate.

12. The type of service to be rendered, should the Application be approved, would be the transportation of the various named commodities (including all types of property in the case of Hoover Concrete), in bulk, in dump vehicles.

13. As evidence of Applicant's financial fitness, Applicant incorporates by reference his most recent annual report on file with the Commission.

14. There will be a certain amount of empty miles if the Application is approved, by virtue of the nature of dump truck transportation. However, Applicant will seek to minimize such empty operations and to secure loads within the scope of its authority for back haul movements.

15. Part (1) of the present Application essentially seeks a correction of the wording of Applicant's present operating authority to reflect the fact that Interstate Amesite, Inc. has changed its name to IA Construction Corporation; and to reflect the fact that the facilities of the Warner Company previously served by Applicant under existing authority have been acquired by New Enterprise Stone and Lime Co., Inc. Applicant has provided service to both of these shippers within the scope of its operating authority since the transfer of the operating rights from the partnership to George F. Delbaggio individually. As reflected in the verified statement of IA Construction Corporation, there was no change in ownership of that company but only a change of name. However, when Applicant sought to modify this authority by means of a verified notification to the Commission, Applicant's counsel was advised that the former corporation known as Interstate Amesite,

Inc. was still an existing corporation according to the records of the Corporation Bureau; and for that reason, a regular application would be necessary. Since both corporations continued to exist, the scope of authority seeks to be able to serve both companies although as a practical matter only IA Construction Corporation operates as a shipper in the market place. The New Enterprise Stone and Lime Co., Inc. facilities which are the subject of this Application are the same identical facilities which Applicant has served under its authority to serve the Warner Company; however, the Warner Company was acquired by New Enterprise in 1984 and all business conducted under the name of Warner Company should now be identified as New Enterprise Stone & Lime Co., Inc., as further explained in the verified statement from that shipper.

D & G Trucking has provided service as a carrier for New Enterprise Stone & Lime Co., Inc in good faith from its facilities formerly owned by the Warner Company, and also for IA Construction Corporation since it began operations under that name rather than Interstate Amesite, Inc. There have not been any operations from facilities of New Enterprise Stone & Lime Co., Inc. other than to and from the facilities which were previously served by D & G when they were operated by the Warner Company. The only truly new authority sought by the present Application is the authority to serve Hoover Concrete.

Applicant maintains public liability and property damage insurance in accordance with the Commission's regulations. Applicant is not subject to any pending enforcement or complaint

proceedings. Applicant respectfully requests approval of the subject application.

VERIFICATION OF STATEMENT

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

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

Dated:

Sept. 17, 1993

George F. DelBaggio  
(signature)

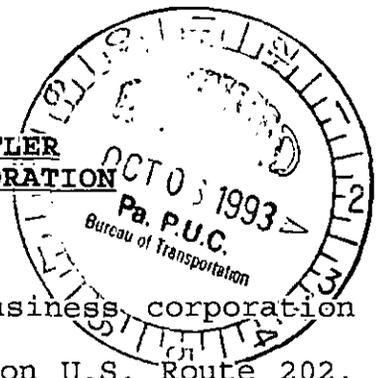
George F. DelBaggio

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: Application of : A-00109487, F.1, Am-A  
George F. DelBaggio :  
t/d/b/a D & G Trucking :

VERIFIED STATEMENT OF K.W. HOSTLER  
IN BEHALF OF IA CONSTRUCTION CORPORATION



1. IA Construction Corporation is a business corporation with its principal executive offices located on U.S. Route 202, P.O. Box 8, Concordville, Pennsylvania 19331.

2. My name is K.W. Hostler and I am the Region Manager for IA Construction Corporation. My office facilities are located at P.O. Box 89, Bigler, PA 16825. As Region Manager, I am thoroughly familiar with the transportation requirements of IA Construction Corporation within the scope of the present Application of D & G Trucking and I am authorized to present this verified statement in support of the Application.

3. IA Construction Corporation has been in business since 1924. From 1924 until the mid 1980's, the name was "the Interstate Amesite Corporation". Since then, we have operated under the name IA Construction Corporation and the company has evolved from a bituminous producer into a large general contractor doing major highway, airport, residential, commercial, and industrial

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6. The type of service we require is the type which we presently receive from the Applicant, which is the transportation of the named commodities in bulk, in dump vehicles.

7. We have not supported any similar applications in recent years.

8. By the present Application, all that we seek is to be able to receive the same service under our present name, IA Construction Corporation, that we have received over the past years under the name Interstate Amesite, Inc.

VERIFICATION OF STATEMENT

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

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

Dated: Sept. 20, 1993

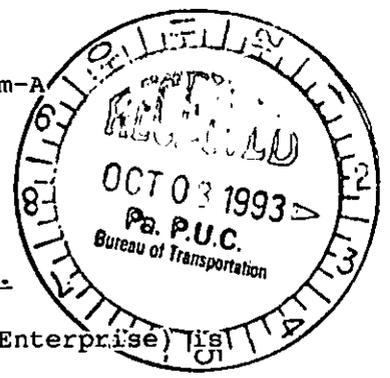
K. W. Hostler  
(signature)

K.W. Hostler

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: Application of : A-00109487, F.1, Am-A  
George F. DelBaggio :  
t/d/b/a D & G Trucking :



VERIFIED STATEMENT OF JOHN A. EDMONDS  
IN BEHALF OF NEW ENTERPRISE STONE AND LIME CO., INC.

1. New Enterprise Stone and Lime Co., Inc. (New Enterprise) is a business corporation with its principal office and place of business located at PO box 77, New Enterprise, Pennsylvania 16664.

2. My name is John A. Edmonds, and I am the General Transportation Manager for New Enterprise. In that capacity, I am thoroughly familiar with our transportation requirements.

3. New Enterprise supports the present application for the purpose of clarifying Applicant's operating rights to reflect the fact that its former authority to serve the Warner Company should be modified to identify New Enterprise, in lieu of the Warner Company, since we acquired that corporation in 1984.

4. It was the belief of both the Applicant and ourselves that its former authority to serve the Warner Company would continue subsequent to our acquisition of the facilities because the facilities continue to operate in the same manner, producing the same materials as before the acquisition took place. We have been using the service of D & G Trucking on a regular basis ever since our acquisition of the Warner Company. Service has been reliable and satisfactory.

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5. All of the transportation in question originates or terminates at our facilities located in Snyder Township, Blair County, and Spruce Creek Township, Huntingdon County. It is not our intention to expand Applicant's authority to include any facilities in addition to those that were previously served when they were owned by the Warner Company. The Commodities in question and the application territory are identical in scope to Applicant's previous authority to serve the Warner Company. The Application has simply been clarified to correct the name and to make clear that the New Enterprise facilities here involved are those that were acquired from the Warner Company and have not been expanded to include other New Enterprise locations.

6. The type of service we require is transportation in bulk in dump trucks.

7. We are presently supporting an application of Ollinger Bros., Inc. to provide expanded service to our company; however, our support for that application does not affect our support for the present Application of D & G Trucking, which is a carrier we have relied upon in the past and will continue to rely upon in the future for service from our facilities in Spruce Creek Township, Huntingdon County, and Snyder Township, Blair County.

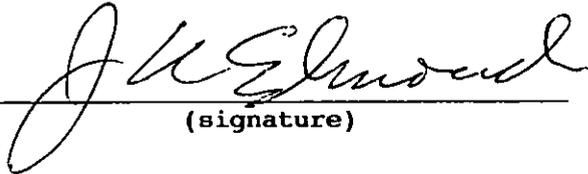
8. We respectfully request that the Application be approved so that we will be able to continue to use the Applicant's service with the necessary corrections to its operating authority to conform to the present ownership of the facilities in question.

VERIFICATION OF STATEMENT

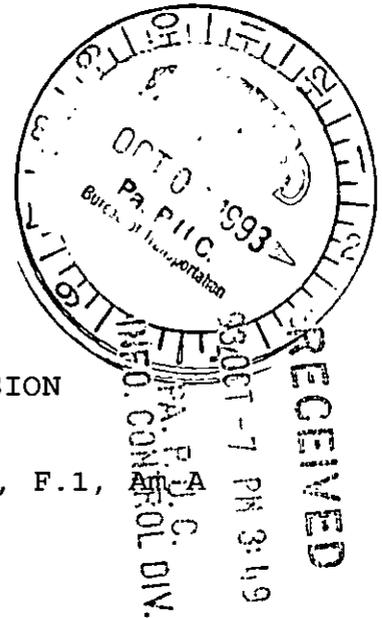
The undersigned deposes and says that he/she is the person who signed the Statement for the above-captioned applicant/application and that he/she is authorized to and does make this verification and that the facts set forth therein are true and correct to the best of his/her knowledge, information and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

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

Dated: 9-27-93

  
\_\_\_\_\_  
(signature)

\_\_\_\_\_  
John A. Edmonds



BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: Application of : A-00109487, F.1, A.P.U.C.  
George F. DelBaggio :  
t/d/b/a D & G Trucking :

VERIFIED STATEMENT OF TODD HOOVER  
IN BEHALF OF HOOVER CONCRETE

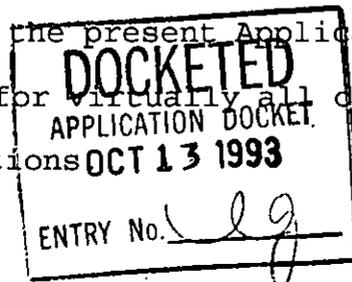
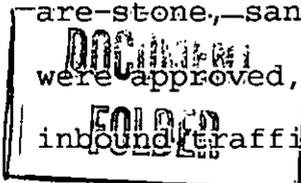
1. Hoover Concrete is a partnership with its principal office and place of business located at R.D. #1, Box 440, Punxsutawney, (Jefferson County) Pennsylvania 15767.

2. My name is Todd Hoover and I am a partner of the company. In that capacity, I am familiar with our transportation needs and I am fully authorized to provide this supporting statement.

3. Our company is engaged in the business of selling concrete products. Our shipping location is our concrete plant in Young Township, Punxsutawney, Pennsylvania.

4. We ship on a daily basis to and from our facilities in Jefferson County, and the type of service we require is transportation of various commodities in bulk in dump vehicles. The specific commodities for which we support Applicant's service

are stone, sand, and gravel. In the event the present Application were approved, we would use the Applicant for virtually all of our inbound traffic from Pennsylvania originations



5. Our customers are located throughout the state of Pennsylvania. However, we are supporting Applicant's service for inbound transportation of the commodities described from suppliers of these commodities. Our present inbound shipments arise in Snyder Township, Blair County, Spruce Creek Township, Huntingdon County, Kittanning, Armstrong County, and various points in Clearfield County. However, our suppliers may change from time to time, since we need to seek the best price for the commodities we need to make our concrete products. For this reason, we would request that Applicant be granted authority to bring in the described commodities from all points in Pennsylvania to our location in Jefferson County.

6. The type of service we require is the transportation of bulk commodities in dump vehicles.

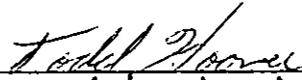
7. We presently use other certificated carriers for our intrastate traffic, but we have a need for additional service. We are familiar with the types of equipment operated by Applicant and believe that there is a need for the service which he proposes to render for our company. We believe that the approval of this Application would be an asset to the continued growth of our business and we will definitely use the Applicant's service if the Application is approved.

VERIFICATION OF STATEMENT

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

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

Dated: September 24, 1993

  
\_\_\_\_\_  
(signature)

Todd Hoover  
\_\_\_\_\_



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

IN REPLY PLEASE  
REFER TO OUR FILE

October 13, 1993

JAMES D CAMPBELL JR  
ATTORNEY AT LAW  
3631 NORTH FRONT STREET  
HARRISBURG PA 17110-1533

In re: A-00109487, F. 1, Am-A - Application of George F.  
Delbaggio, t/d/b/a D & G Trucking

Dear Mr. Campbell:

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

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

Very truly yours,

By Tim Zeigler  
For Peter S. Marzolf, Supervisor  
Technical Review Section  
Bureau of Transportation

TZ:lg

