



Rex W. McQuaide

Attorney at Law

1405 Eisenhower Blvd., Richland Square I - Suite 200 • Johnstown, Pennsylvania 15904

Telephone (814) 266-2070

Fax (814) 266-5108

Rex W. McQuaide

Thomas W. Cartwright

C. Susan Mankamyer

October 8, 1993

Mr. John G. Alford, Secretary  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. Box 3265  
Harrisburg, PA 17120

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OCT 12 1993

SECRETARY'S OFFICE  
Public Utility Commission

RE: William H. Oester, t/d/b/a  
Oester Trucking  
A-00109496, Folder 1, Am-B  
Protest of W. C. McQuaide, Inc.

Dear Mr. Alford:

On behalf of W. C. McQuaide, Inc., I enclose herewith the original and two (2) copies of a Protest to the above captioned application. Copies are being forwarded to the Applicant, Applicant's Attorney, and to the Protestant.

Very truly yours,

Rex W. McQuaide  
Attorney at Law

RWM/kl  
Enclosures

cc: Mr. William F. McQuaide  
William H. Oester, t/d/b/a Oester Trucking  
David H. Radcliff, Esquire

DOCUMENT  
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OCT 13 1993  
Pa. P.U.C.  
Bureau of Transportation

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

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SECRETARY'S OFFICE  
Public Utility Commission

A-00109496, Folder 1, Am-B. William H. Oester, t/d/b/a Oester Trucking (R.D. 1, P.O. Box 142A, Salisbury, Somerset County, PA 15558)--inter alia, automotive chemicals, including lubricants, solvents and cleaners for Berkebile Oil Company, Inc., from its facilities in Somerset County, to points in Pennsylvania; subject to the following condition: that no right, power or privilege is granted to transport commodities in bulk; so as to permit the transportation of property (except household goods in use and commodities in bulk) for Laurel Packaging, Incorporated, from its facilities in Cambria County, to points in Pennsylvania, and vice versa.

APPLICANT'S ATTORNEY:

David H. Radcliff, Esquire  
2216 Walnut Street  
Harrisburg, PA 19103

PENNSYLVANIA BULLETIN REFERENCES

September 18, 1993  
Page 4462



DOCUMENT  
FOLDER

RECEIVED  
OCT 13 1993  
ENTRY No. *200*

PROTEST OF  
W.C. MCQUAIDE, INC.  
A. 84290

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AND NOW COMES W. C. MCQUAIDE, INC., and protests this application representing as follows:

1. The name, address and telephone number of Protestant is:

W. C. McQuaide, Inc.  
153 Macridge Avenue  
Johnstown, Pennsylvania 15904

Telephone: A.C. (814) 269-6110

2. The name, address and telephone number of Protestant's attorney is:

Rex W. McQuaide, Esquire  
1405 Eisenhower Boulevard  
Richland Square I, Suite 200  
Johnstown, PA 15904

Telephone: A.C. (814) 266-2070

3. Protestant possesses authority at A. 84290, Folder 7, Am-RR, copy attached as Exhibit A, which permits service between all points in Pennsylvania, and as such Protestant can provide all of the service sought by Applicant.

4. Protestant is adversely affected by this application as it would tend to divert revenues and traffic from W. C. MCQUAIDE, Inc. causing an adverse impact upon the Protestant contrary to the public interest.

5. Protestant challenges the fitness of the Applicant and also challenges the need for the proposed service.

6. Protestant performs an adequate and satisfactory service within the scope of its authority.

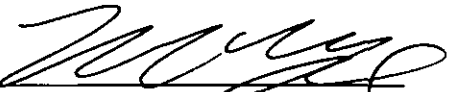
7. Protestant knows of no amendment which will satisfy its interest, but is willing to discuss the matter with Applicant or its representative.

8. Pursuant to Section 333(c) of the Public Utility Code, demand is made upon Applicant to furnish Protestant's Counsel with a list of the names and addresses of the witnesses it intends to call, and a brief summary of their proposed testimony and, in particular, any complaints, if any, against the services of this Protestant.

WHEREFORE, W. C. MCQUAIDE, INC. respectfully prays that this application be dismissed.

AND IT WILL EVER PRAY.

W. C. MCQUAIDE, INC.

By:   
Rex W. McQuaide, Esquire  
Attorney for Protestant

Dated: October 8, 1993

A. 84290

FOLDER 7, Am-RR

To transport, as a Class D carrier, property, between points in Pennsylvania.

Subject to the following conditions:

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

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

That no right, power or privilege is granted to transport mobile homes.

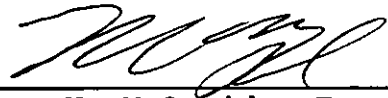
That no right, power or privilege is granted to transport commodities which because of size or weight require the use of special equipment.

That no right, power or privilege is granted to transport commodities requiring the use of mechanically refrigerated equipment.

EXHIBIT A

CERTIFICATE OF SERVICE

I hereby certify that I have, this day, served a copy of the foregoing document upon William H. Oester, t/d/b/a Oester Trucking at R.D. 1, P.O. Box 142A, Salisbury, Somerset County, PA 15558 and Applicant's Representative, David H. Radcliff, 2216 Walnut Street, Harrisburg, PA 19103, by first class mail, postage prepaid and properly addressed.



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Rex W. McQuaide, Esquire  
Attorney for Protestant

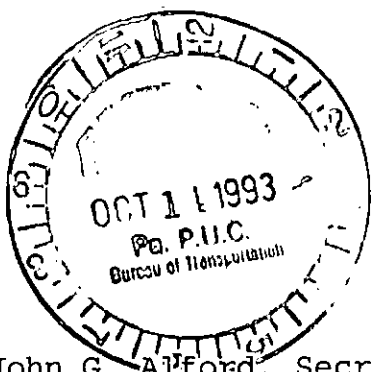
Johnstown, Pennsylvania  
October 8, 1993

SALLY A. DAVOREN

ATTORNEY AT LAW  
201 PILGRIMS BUILDING  
508 ALLEGHENY RIVER BOULEVARD  
OAKMONT, PA 15139-1617

(412) 826-1413  
FAX (412) 826-0620

ORIGINAL



October 12, 1993

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

SECRETARY'S OFFICE  
Public Utility Commission

Re: Application of William H. Oester, t/d/b/a Oester Trucking  
Docket No. A-00109496, F.1, Am-B  
File No. 451

Dear Mr. Alford:

Enclosed, for filing, is a protest to the above application, which is being filed on behalf of Galaxy Trucking, Inc. Pursuant to 52 Pa.Code § 1.11, a United States Postal Service Form 3817 certificate of mailing, showing that this protest was deposited in the United States mail on October 12, 1993, is attached to the protest. A copy of this protest has been served on the applicant's representative in accordance with the Commission's Rules of Practice. Thank you.

Respectfully submitted,

*Sally Davoren*

Sally A. Davoren  
Attorney for  
GALAXY TRUCKING, INC.,  
Protestant

Enclosure

cc: David H. Radcliff, Esq. (w/enc.)  
Galaxy Trucking, Inc. (w/enc.)

PU451PTP.103



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RECEIVED  
OCT 12 1993

SECRETARY'S OFFICE  
Public Utility Commission

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of	)	
	)	
WILLIAM H. OESTER, t/d/b/a	)	Docket No. A-00109496,
OESTER TRUCKING	)	F.1, Am-B
	)	
	)	

PROTEST

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier named herein desires to protest the above application, and, in support thereof, states as follows:

1. The name, address and telephone number of protestant are set forth in Appendix A attached hereto.

2. The name, address and telephone number of protestant's attorney are:

Sally A. Davoren,  
201 Pilgrams Building  
508 Allegheny River Boulevard  
Oakmont, PA 15139  
(412) 826-1413

3. The authority of protestant which is in conflict with the above application is summarized in Appendix A, attached hereto. A true copy of protestant's authority in conflict with the authority sought by the applicant is attached hereto as Appendix B.

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
OCT 14 1993  
ENTRY No. *Jes*

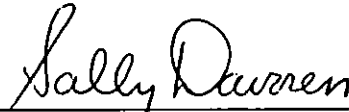
4. Protestant denies that approval of the application will serve a useful public purpose, responsive to a public demand or need.

5. Protestant denies that the above applicant possesses the technical and financial ability to provide the proposed service, and that the applicant has a propensity to operate safely and legally.

6. Protestant avers that entry of a new carrier into the field would endanger or impair the operations of existing common carriers to such an extent that, on balance, the granting of authority would be contrary to the public interest.

7. Protestant is currently providing service in the application area, and/or is willing and able to provide such service.

Respectfully submitted,



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SALLY A. DAVOREN  
Attorney for  
GALAXY TRUCKING, INC.,  
Protestant

Due Date: October 12, 1993

Re: Application of William H.  
Oester, t/d/b/a Oester Trucking  
Docket No. A-00109496, F.1, Am-B

APPENDIX A

The foregoing protest to the above application is filed on  
behalf of:

Galaxy Trucking, Inc.  
R.D. #7, Box 188  
Johnstown, PA 15904  
(814) 288-1450

Galaxy Trucking, Inc., has authority from the Commission,  
at Docket No. A-00109168, to transport, as a contract carrier, food  
and food products, for Laurel Packaging, Inc., between points in  
the county of Cambria, and from points in said county to points in  
Pennsylvania, and vice versa. A summary of the authority of  
protestant Galaxy, which may include other authority in conflict  
with that sought by the applicant, is attached hereto as  
Appendix B.

GALAXY TRUCKING, INC.

PUC AUTHORITY

Docket No. A-00109168

To transport, as a contract carrier by motor vehicle, food and food products for Laurel Packaging, Inc., between points in the counties of Blair and Cambria, and from points in said counties, to points in Pennsylvania, and vice versa.

APPENDIX B

Re: Application of William H.  
Oester, t/d/b/a Oester Trucking  
Docket No. A-00109496, F.1, Am-B

APPENDIX C

Proposed Restrictive Amendment

A Restrictive Amendment excluding transportation of food and food products would satisfy the interest of protestant Galaxy Trucking, Inc., in this application.