

ORIGINAL

RUR

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ATTORNEYS AT LAW
407 NORTH FRONT STREET
HARRISBURG, PENNSYLVANIA 17101

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DAVID H. RADCLIFF
GREGORY R. LYONS

OF COUNSEL
JOHN E. FULLERTON
TELEPHONE: A. C. 717-236-9318

December 21, 1990
File: 1307.0

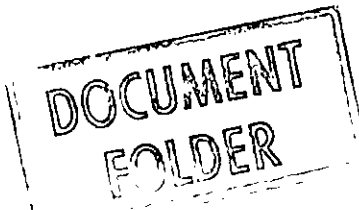
RE: MATTHEW S. SIEBER, t/d/b/a SIEBER TRUCKING, A. 09497 (TA)

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17120

Dear Mr. Rich:

On behalf of the above-captioned applicant we enclose herewith the original and 9 copies of Exceptions to the Tentative Decision entered December 11, 1990.

Copies have been mailed to applicant and to protestants as well as to Barry Ernst in the Bureau of Transportation by First Class U.S. Mail, postage prepaid, this date.



CVG: tcr
Enclosures

cc: Christopher Zettlemyer, Esquire
Reed Smith Shaw & McClay
P.O. Box 11844
Harrisburg, PA 17108

J. Bruce Walter, Esquire
Rhoads & Sinon
Dauphin Bank Building
12th Floor
One South Market Square
P.O. Box 1146
Harrisburg, PA 17108-1146

Barry Ernst, Director
Bureau of Transportation
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

David H. Radcliff, Esquire

Very truly yours,

Christian V. Graf
Christian V. Graf

Matthew S. Sieber,
t/d/b/a Sieber Trucking
203 Licking Street
Mifflin, PA 17058

RECEIVED

DEC 24 1990

SECRETARYS OFFICE
Public Utility Commission

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

In Re: MATTHEW S. SIEBER, t/d/b/a SIEBER TRUCKING,
A. 00109497 (T/A)

EXCEPTIONS TO TENTATIVE DECISION ENTERED DECEMBER 11, 1990

DOCKETED
JAN 04 1991

RECEIVED

DEC 24 1990

SECRETARYS OFFICE
Public Utility Commission

DOCUMENT
FOLDER

GRAF, ANDREWS & RADCLIFF, P.C.
Christian V. Graf, Esquire
David H. Radcliff, Esquire
407 North Front Street
Harrisburg, Pennsylvania 17101

DUE DATE: December 31, 1990

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

In Re: MATTHEW S. SIEBER, t/d/b/a SIEBER TRUCKING,
A. 00109497 (T/A)

EXCEPTIONS TO TENTATIVE DECISION ENTERED DECEMBER 11, 1990

COMES NOW Applicant and files these Exceptions to the Tentative Decision entered December 11, 1990 and respectfully represents:

1. The application in question was supported by the following shippers:

Perry Pallet, Inc.
Treen Box & Pallet Corp.
Ridge View Pallets
and
Truss-tech

2. Protests were filed by Robert G. Hack and Gary L. Ramsey Trucking, Inc.

3. The points of destination mentioned by the supporting shippers were:

1. For Perry Pallet: Harrisburg, York, Lititz and all Pennsylvania points.

2. By Treen: Morrisville, Philadelphia, York and Harrisburg and all other Pennsylvania points.

3. By Ridge View Pallets: Aston, Lampeter, Morrisville, Philadelphia, Thomasville, Tresslertown, Wrightsville and York.

4. By Truss-tech: Harrisburg, State College, Mechanicsburg, Dillsburg, Huntingdon and all areas of Juniata County beginning with Mifflin.

4. The Commission stated that two shippers did not specify any service problems or any existing carriers who have failed to provide service and two shippers cited complaints to interstate points and a third cited a need to the eastern seaboard.

5. We are attaching hereto additional statements from Ridge View Pallets, Treen Pallet and Perry Pallets respectively as Exhibits A, B and C.

6. With respect to Ridge View Pallets, additional destinations were named to those previously mentioned of Bethlehem, Brockway, Berwick, Allentown, Denver, Boyertown, Hazleton, Greencastle, Jersey Shore, Lebanon, Lansdowne, Lewisburg, Lancaster, Hamburg, Laureldale, Mountain Top, New Oxford, Quakertown and Reading (See Exhibit A).

Treen Pallets listed no additional points in its statement except to say they ship "to any points in Pennsylvania." (See Exhibit B).

Perry Pallet listed as additional points Lancaster, Reading, New Cumberland, Morrisville, Philadelphia, Lebanon and Allentown and added that they also ship to other points (Exhibit C).

7. In its original statement Ridge View Pallets had this to say concerning service:

"Ramsey Trucking of Mifflintown has been our primary source of hauling. At different times when Ramsey had no trucks available to haul our loads we have contacted Hack Trucking of Mifflintown and they also had no trucks available and were unable to haul our loads."

On Exhibit A this company lists additionally the following:

"We have problems getting these loads delivered when needed due to the lack of adequate trucking services in this area. Contrary to what they say, the present carriers do not have the trucks available in order to deliver the loads when needed."

8. With respect to Treen Pallets on Exhibit B this supporting shipper had this to say concerning existing carriers:

"We are now finding it difficult to ship loads when they need to be shipped to points in Pennsylvania."

and, again:

"The reason for this is a lack of adequate trucking service in our area.. It is not unusual to find that all of the present trucking firms have all of their trucks loaded and they do not have trucks available when we need them."

9. Concerning Perry Pallet, at Exhibit C they state the following:

"Robert G. Hack Trucking, Mexico, PA, currently hauls for us but they cannot deliver all of the loads when they need to be delivered.

When we contact the other trucking firms in our area we frequently find they are too busy to handle the extra loads."

10. A review of the authority of Gary L. Ramsey Trucking will reveal that it is a contract carrier and can serve only in the handling of wood products, Ridge View Pallets (a supporting shipper here), J. Box and Lumber, Oakland Pallet Company and J & N Pallet Company. Accordingly, this company cannot serve Perry Pallet, Inc.; Treen Box and Pallet Corp.; or Truss-tech, three of the supporting shippers in this application.

11. The authority of Robert G. Hack is limited as to Treen Box and Pallet Corporation to cover only from Huntingdon, Clinton and Blair Counties to the Treen facilities in Mifflin County. It will be observed that the instant application does not contemplate a vice-versa movement so that Treen could not be served by this protestant, either.

For all of these reasons the Exceptions should be adopted and the authority sought granted to Applicant so as to permit it:

"To transport as a common carrier by motor vehicle wood products from points in the counties of Juniata, Mifflin and Perry to points in Pennsylvania."

Respectfully submitted,



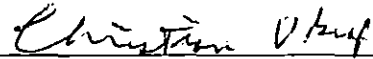
Christian V. Graf, Esquire

Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that three copies of the foregoing Exceptions have been served this date upon counsel for protestants by mailing same copies thereof by U.S. First Class Mail, postage prepaid, at the destinations shown below:

Dated at Harrisburg, Pennsylvania this 21 day of December, 1990.



Christian V. Graf, Esquire

Christopher Zettlemyer, Esquire
Reed, Smith, Shaw & McClay
P.O. Box 11844
Harrisburg, PA 17108

J. Bruce Walter, Esquire
Rhoads & Sinon
Dauphin Bank Building
Twelfth Floor
One South Market Square
P.O. Box 1146
Harrisburg, PA 17108-1146

Barry Ernst, Director
Bureau of Transportation
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17120

Matthew S. Sieber
t/d/b/a Sieber Trucking
203 Locking Street
Mifflin, PA 17058

DECEMBER 18, 1990

RE: Matthew S. SIEBER, t/d/b/a SIEBER TRUCKING, A- 109497 (TA)
Tentative Decision denying temporary authority entered
December 11, 1990

TO THE COMMISSIONERS
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG, PA. 17120

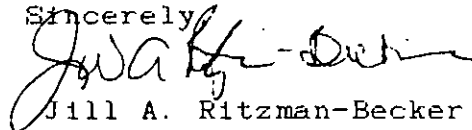
Dear Sirs:

We at Ridge View Pallets of Mifflintown, Pa. ship loads to the following points in Pennsylvania: Thomasville, Wrightsville, Bethlehem, Brockway, Berwick, Aston, Allentown, Danville, Boyertown, Hazleton, Greencastle, Jersey Shore, Lebanon, Landsdown, Lewisberg, Lancaster, Hamburg, Laureldale, Mountain Top, New Oxford, Morrisville, Trexlertown, Quakertown, Reading, and other points as needed.

We have problems getting these loads delivered when needed due to the lack of adequate trucking services in this area. Contrary to what they say, the present carriers do not have the trucks available in order to deliver the loads when needed.

We urge you to grant authority to Sieber Trucking. We need help in order to get our loads delivered on time. Sieber Trucking hauls all of our out of state loads under ICC authority ICCMC223350. We also need his services for Pennsylvania.

Sincerely,



Jill A. Ritzman-Becker
Manager
Ridge View Pallets

DECEMBER 18, 1990

RE; MATTHEW S. SIEBER, t/d/b/a SIEBER TRUCKING, A-109497 (TA)
Tentative Decision denying temporary authority entered
December 11, 1990

TO THE COMMISSIONERS
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG, PA. 17120

Gentlemen:

We ask you to grant authority to Sieber Trucking of Mifflin,
Pa.

Over the years Treen Pallets has grown in size. Our volume of
pallets shipped has also grown. We are now finding it difficult to
ship loads when they need to be shipped to points in Pennsylvania.

The reason for this is a lack of adequate trucking service in
our area. It is not unusual to find that all of the present trucking
firms have all of their trucks loaded and they do not have trucks available
when we need them. We need for the Commission to know that there is a need
for the services of Sieber Trucking now, as soon as possible.

Treen Pallets ships pallets to any point in Pennsylvania when we
receive a call. Prompt trucking service is a must.

Very truly yours,

Robert E. Sheffer *Blk. Mgr.*

Treen Pallets
Mifflintown, Pa.

DECEMBER 18, 1990

RE: MATTHEW S. SIEBER, t/d/b/a SIEBER TRUCKING,
A-109497 (TA) Tentative Decision denying temporary authority
entered December 11, 1990

TO THE COMMISSIONERS
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG, PA. 17120

Dear Sirs,

We urgently need the services of Sieber Trucking for the state of Pennsylvania. We are expanding our business and adding to our production capacity.

Robert G. Hack Trucking, Mexico, Pa. currently hauls for us, but they can not deliver all of the loads when they need to be delivered.

When we contact the other trucking firms in our area, we frequently find they are also too busy to handle the extra loads. Therefore, we have an immediate need for the services of Sieber Trucking of Mifflin, Pa. for timely delivery of loads within Pennsylvania.

We ship loads from Perry County to many points in Pennsylvania. Some of these are Lancaster, Reading, New Cumberland, Morrisville, Philadelphia, Lebanon, and Allentown. We also ship to other points in Pa. as we get calls for the loads. Some of these loads have to go the same day. They cannot wait until tomorrow.

Please reconsider your tentative decision. Thank you.

Sincerely,

Donald J. Sheffer Pres.
for
Perry Pallet
Millerstown, Pa.

DECEMBER 18, 1990

RE: Matthew S. SIEBER, t/d/b/a SIEBER TRUCKING, A- 109497 (TA)
Tentative Decision denying temporary authority entered
December 11, 1990

TO THE COMMISSIONERS
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG, PA. 17120

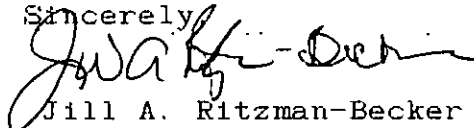
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Sincerely,



Jill A. Ritzman-Becker
Manager
Ridge View Pallets

DECEMBER 18, 1990

RE; MATTHEW S. SIEBER, t/d/b/a SIEBER TRUCKING, A-109497 (TA)
Tentative Decision denying temporary authority entered
December 11, 1990

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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG, PA. 17120

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when we need them. We need for the Commission to know that there is a need
for the services of Sieber Trucking now, as soon as possible.

Treen Pallets ships pallets to any point in Pennsylvania when we
receive a call. Prompt trucking service is a must.

Very truly yours,

Robert E. Sheffer Blt. Mgr.

Treen Pallets
Mifflintown, Pa.

DECEMBER 18, 1990

RE: MATTHEW S. SIEBER, t/d/b/a SIEBER TRUCKING,
A-109497 (TA) Tentative Decision denying temporary authority
entered December 11, 1990

TO THE COMMISSIONERS
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG, PA. 17120

Dear Sirs,

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Please reconsider your tentative decision. Thank you.

Sincerely,

Donald S. Shuffler Pres.
for
Perry Pallet
Millerstown, Pa.

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RHOADS & SINON

ATTORNEYS AT LAW
DAUPHIN BANK BUILDING
TWELFTH FLOOR
ONE SOUTH MARKET SQUARE
P.O. BOX 1146
HARRISBURG, PA 17108-1146
TELEPHONE (717) 233-5731
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OF COUNSEL
FRANK A. SINON

PAUL H. RHOADS
1907-1904
JOHN M. MUSSELMAN
1919-1900
CYLLE R. HENDERSHOT
1922-1900

SUITE 301
299 W. CAMINO GARDENS BLVD
BOCA RATON, FL 33432
TELEPHONE (407) 395-5595
FAX (407) 395-9497

DIRECT DIAL NO.
3084/02
FILE NO.

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JAN P. PADEN
RICHARD B. WOOD
LAWRENCE D. ABRAMS III*
J. BRUCE WALTER
JOHN F. MANBECK
FRANK J. LEBER
R. STEPHEN SHIGLA
CHARLES L. SIECK*
PAUL A. LUNDEEN
JACK F. HURLEY, JR.
HATHAN H. WATERS, JR.
DAVID B. DOWLING
EVELYN S. HARRIS
DAVID F. O'LEARY
ROBERT L. BEALS**

DAVID O. TWADDELL
CHARLES J. FERRY
BRADLEY J. GUNNISON*
STANLEY A. SMITH
JENS H. DAMGAARD*
DRAKE O. NICHOLAS
THOMAS A. FRENCH
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SHAUN C. O TOOLE
PAUL F. WESSELL
KATHLEEN J. HAYNES
SHAWN O. LOCHINGER
JOHN B. CONSEVAGE
TIMOTHY M. ANSTINE
RICHARD H. FRIEDMAN
JESSE H. RUHL

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



Re: Application of Matthew S. Sieber, t/d/b/a, Sieber Trucking,
A.109497 (Temporary Authority) - Protest of Robert G. Hack

January 3, 1991

RECEIVED

JAN 7 1991

SECRETARYS OFFICE
Public Utility Commission

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

Dear Secretary Rich:

Enclosed you will please find an original and nine (9) copies of the Reply to Exceptions to the Tentative Decision.

Copies have been mailed to the applicant, applicant's counsel and to known parties of record by first class U.S. Mail, postage prepaid this date.

Very truly yours,

RHOADS & SINON

By:

J. Bruce Walter
J. Bruce Walter

JBW/dah

Enclosures

cc: Christopher Zettlemyer, Esquire
Christian V. Graf, Esquire
Matthew S. Sieber, t/d/b/a, Sieber Trucking
Robert G. Hack

In Re: Matthew S. Sieber
t/d/b/a/ Sieber Trucking

DOCUMENT
FOLDER

A.109497

RECEIVED

JAN 7 1991

SECRETARY OF TRANSPORTATION
Robert E. Ray

DOCKETED
JAN 9 1991

REPLY TO EXCEPTIONS TO TENTATIVE DECISION
ENTERED DECEMBER 11, 1990

AND NOW comes Robert G. Hack by his counsel, Rhoads & Sinon, in reply to the Exceptions to the Tentative Decision, and in support thereof states, as follows:

Paragraph 11 of the Exceptions confuses the authority of Robert G. Hack. Service for Treen Box and Pallet Corporation is not limited to Huntington, Clinton and Blair Counties to the Treen facilities in Mifflin County. The specific authority is attached to the protest and to this Reply as Exhibit "A".

Rather, the authority at A.108883 permits the transportation of pallets and lumber between points in the Counties of Juniata, Perry, Snyder and Mifflin and from points in said counties to points in Pennsylvania and vice versa, with certain restrictions. As to service from points in the Counties of Clinton, Huntington and Blair, Hack is limited to service for Treen Box to its facilities in Mifflin County.

The fact that the instant temporary authority application does not contemplate a vice versa movement is essentially irrelevant to the denial of the temporary application. Any Treen service originating in Mifflintown can be provided by Robert G. Hack to any point in Pennsylvania. It is only the vice versa traffic that is limited in any fashion and that traffic, originating in Clinton, Huntington and Blair Counties, is

specifically permitted for Treen Box and Pallet to its facilities in Mifflin County.

Even with the additional statement found at Exhibit B to the Reply to the Exceptions, there is no specific evidence which would indicate that Robert G. Hack has not and does not provide service from points in Mifflin County for Treen Pallet to any point in Pennsylvania. In order to find an immediate and urgent need, some specific information from the shipper is required. None is provided.

The only pertinent and material relationship of the Exceptions to the service of Robert G. Hack is paragraph 11 which misreads the authority of Robert G. Hack. It is clear that no factual basis for a Commission finding of an immediate urgent need has been provided and the Exceptions should be denied. As to the new Exhibit C, the sole allegation of Perry Pallet is that "Robert G. Hack cannot haul all loads for us". It is clear that under Commission decisions, the fact that a single carrier cannot provide all the needs of a shipper, an allegation which here is wholly unspecific, is not a basis for finding of an immediate and urgent need.

WHEREFORE, the Exceptions should be denied, the matter referred to an Administrative Law Judge for decision based upon

public testimony of those who are alleged to support this application.

RHOADS & SINON

By: 

J. Bruce Walter
One South Market Square
P.O. Box 1146
Harrisburg, PA 17108-1146
(717) 233-5731

Dated: January 3, 1991

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 10, 1990

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl
David W. Rolka

Application of Robert G. Hack, for the right
to begin to transport, as a common carrier,
by motor vehicle, pallets and lumber, between
points in the counties of Juniata, Perry, Snyder
and Mifflin, and from points in said counties,
to points in Pennsylvania, and vice versa.

A-00108883

J. Bruce Walter for the applicant.
Dwight L. Koerber, Jr. for the protestant, Jordan Trucking, Inc.
John E. Fullerton for the protestants, William C. Confers, Powers Trucking
Co., Lake Erie Trucking Co., and Hiram Wible & Son, Inc.

O R D E R

BY THE COMMISSION:

This application, filed July 20, 1989, is before the Commission for its decision without oral hearing. Public notice of the application was given in the Pennsylvania Bulletin of August 5, 1989. There were five protests which were withdrawn upon restrictive amendment limiting transportation in Blair, Centre, Clearfield, Clinton, Erie, Huntingdon, Lycoming and Union counties. The record, which consists of statements entered by the applicant and seven supporting shippers is now certified to the Commission for its decision without oral hearing.

The application was amended to eliminate service from the five counties of Erie, Clearfield, Center, Lycoming and Union; and to service for Treen Box & Pallet only from the counties of Clinton, Huntingdon and Blair. Upon acceptance of these restrictions the protests were dropped.

Robert G. Hack, an individual is domiciled at P.O. Box 67, R.D. #2, Mifflintown, Juniata County. Applicant's terminal facility is near Mifflintown. Drivers are dispatched from and report for duty at this facility.

11
A

Applicant owns and operates six (6) tractors, one van trailer and ten (10) flatbed trailers. Applicant conducts a comprehensive safety program with vehicles properly equipped and marked to accomplish safe operation of the transportation of commodities involved. Each driver completes a required vehicle inspection report and each vehicle is then run through the shop service line and all deficiencies noted being remedied. Before each vehicle then leaves the shop, it is run through the shop pre-trip inspection line for final check. At least every six months, every vehicle undergoes a complete and thorough check, with wheels pulled and brake linings replaced, with replacement of items subject to periodic wear. Drivers are investigated for driving habits and prior employment experience before hiring and given required company examinations. Understudy to an experienced driver is required before beginning as an employee. Safety materials of state and national industry associations are used, as well as all programs required by state and federal regulatory bodies.

Applicant currently provides, under his interstate rights, service to the supporting shippers. Applicant can provide, under the requested authority, truckload or less than truckload service combined or less than truckload shipments with multiple deliveries in the order required by the shipper by the priority of deliveries. Service can and will be provided on a 24-hour per day, 7-day per week basis. Depending upon time of receipt of the order for transportation, deliveries will be accomplished same day, overnight or next day. A full communication network by telephone and other office facilities are maintained at applicant's terminal location.

Statements of support were entered by six pallet and lumber companies; Wesley W. Parchey, R. D. #2, McVeytown, Mifflin County; John Wengerd, Oakland Mills, Juniata County; Weaver Pallet Co., Rt. #2, Box 120-A, McAlisterville, Juniata County; Meiser Lumber Co., Millerstown, Perry County; Perry Pallet, Inc., R.D. #1, Box 620, Millerstown, Perry County and T & T Pallet, Inc., R.D. #2, Box 275, Mifflintown, Juniata County.

These shippers desire service from their plants to all points in Pennsylvania and between points in the counties of Juniata, Perry, Snyder and Mifflin. The shippers also will use the applicant on inbound shipments of lumber.

A statement in support of the application was also submitted in behalf of Treen Box & Pallet Corp., Bensalem, Bucks County by George P. Geiges, president. He states that, Treen wholesales pallets from other manufacturers and also requires lumber to be picked up throughout the state.

The shippers all attested to a need for personalized service which they are confident will be provided by the applicant.

The record in this proceeding appears to support the grant of the authority requested.

We find:

1. That the applicant has the equipment, experience and fitness necessary to provide the proposed service.
2. That the applicant has shown that a need exists for the service as proposed and amended.
3. That approval of the application as amended is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application as amended be and is hereby approved and that a certificate be issued granting the following right:

To transport, as a Class D carrier, pallets and lumber between points in the counties of Juniata, Perry, Snyder and Mifflin, and from points in said counties to points in Pennsylvania and vice versa;

subject to the following conditions:

That no right, power or privilege is granted to provide service from points in the counties of Clearfield, Erie, Centre, Lycoming and Union;

That no right, power or privilege is granted to provide service from points in the counties of Clinton, Huntingdon and Blair except for Treen Box & Pallet Corp. to its facilities in Mifflin County.

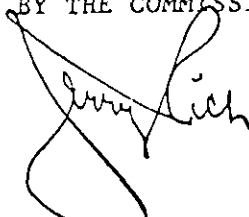
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of insurance and a tariff establishing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

IT IS FURTHER ORDERED: That upon compliance with the requirements as set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

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 cursive script, appearing to read "Jerry Rich", written over a large, stylized flourish or scribble.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: May 10, 1990

ORDER ENTERED: MAY 17 1990

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
January 7, 1991

AMH

In Re: A-00109497

(See attached list)

Application of Matthew S. Sieber, t/a Sieber Trucking
Right to transport, as a common carrier, wood products from points in the
counties of Juniata, Mifflin and Perry, to points in Pennsylvania.

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 Monday, February 4, 1991, 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
Harry Banzhoff. Judge Banzhoff can be contacted at P.O. Box 3265,
Harrisburg, Pennsylvania 17120; 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 Banzhoff
Mr. Bramson
Mrs. Kelly
Mrs. Howell
File Room

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JAN 11 1991

A-00109497 Parties of Record

Christian V. Graf, Esquire
David H. Radcliff, Esquire
Graf, Andrews & Radcliff, P.C.
407 North Front Street
Harrisburg, PA 17101

Matthew S. Sieber
203 Licking Street
Mifflin, PA 17058

J. Bruce Walter, Esquire
Rhoads & Sinon
P.O. Box 1146
Harrisburg, PA 17108

Christopher Zettlemyer, Esquire
P.O. Box 11844
Harrisburg, PA 17108

Dwight L. Koerber, Jr., Esquire
Kriner, Koerber & Kirk
110 North Second Street
P.O. Box 1320
Clearfield, PA 16830

KIR
REED SMITH SHAW & McCLAY

STREET ADDRESS:
213 MARKET STREET
HARRISBURG, PA 17101-2127
FAX 717-236-3777

P.O. BOX 11844
HARRISBURG, PA 17108
717-234-5988

PITTSBURGH, PA
WASHINGTON, DC
PHILADELPHIA, PA
MCLEAN, VA

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January 9, 1991
HAND DELIVERY

JAN 9 1991
SECRETARY'S OFFICE
Public Utility Commission

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

A 109497

Re: Matthew S. Sieber, t/d/b/a Sieber Trucking
A.109497 (Temporary Authority)-Protest of Gary L.
Ramsey Trucking, Inc.

Dear Secretary Rich:

Enclosed herewith please find the original and nine (9) copies of the Reply to Exceptions to the Tentative Decision in the above referenced matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

REED SMITH SHAW & McCLAY

BY:

Christopher Zettlemoyer
Christopher Zettlemoyer

CZ/cgh

Enclosures

cc: Christian Graf, Esquire
Matthew Sieber
J. Bruce Walter, Esquire
Barry Ernst

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JAN 9 1991

BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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JAN 9 1991

SECRETARY'S OFFICE
Public Utility Commission

In Re: Matthew S. Sieber, :
t/d/b/a Sieber : A.109491 (Temporary Authority)
Trucking :

REPLY TO EXCEPTIONS TO TENTATIVE DECISION

ENTERED DECEMBER 11, 1990

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JAN 11 1991

AND NOW comes Gary L. Ramsey Trucking, Inc. ("Ramsey"), by its counsel, Reed Smith Shaw & McClay, in Reply to the Exceptions to the Tentative Decision, entered December 11, 1990 and in support hereof states as follows:

1. The additional statements contained in the letters attached to the Exceptions do not provide sufficient additional evidence to demonstrate an immediate need for the service proposed by the Applicant. More specific information about the shippers' needs then is provided in the materials filed with the Commission in this matter is required before an application for temporary authority can be granted.

2. The Exceptions of the Applicant appear to focus, in part, on the service abilities of only two carriers, both of which happen to be protestants to Applicant's temporary and permanent authority applications. However, very little, if any, specific information is provided about the efforts of the supporting shippers to obtain service from other certificated carriers.

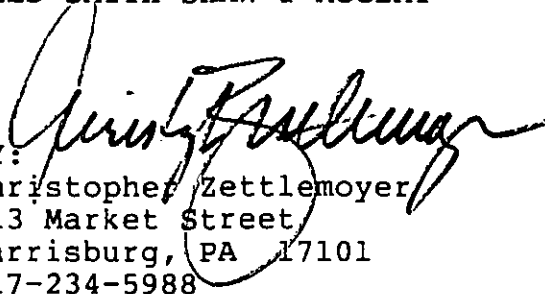
Allegations, such as in this case, which are lacking in sufficient

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JAN 11 1991

specifics cannot be the basis to find an immediate need to grant a temporary authority application under the decisions of this Commission or the Commission's regulations applicable thereto.

WHEREFORE, the Exceptions of the Applicant should be dismissed, the Initial Decision made final and this matter referred to an Administrative Law Judge for consideration.

REED SMITH SHAW & McCLAY


BY:
Christopher Zettlemoyer
213 Market Street
Harrisburg, PA 17101
717-234-5988

DATED: JANUARY 9, 1991

Gary L. Ramsey Trucking, Inc.
No. A.109491(Temporary Authority)

CERTIFICATE OF SERVICE

I hereby certify that three (3) copies of the foregoing Reply to Exceptions have been served on the stated counsel for Applicant by first class mail, postage prepaid, as set forth below:

GRAF, ANDREWS & RADCLIFF, P.C.
Christian V. Graf, Esquire
407 North Front Street
Harrisburg, PA 17101

Matthew S. Sieber, t/d/b/a
Sieber Trucking
203 Locking Street
Mifflin, PA 17058

J. Bruce Walter, Esquire
Rhodes & Sinon
Dauphin Bank Building, 12th Floor
One South Market Square
Harrisburg, PA 17108-1146

Barry Ernst, Director
Bureau of Transportation
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

DATED: JANUARY 9, 1991


Christopher Zettlemyer

ALJ HEARING REPORT

DOCKET NO. A-00109497
 CASE NAME Matthew S. Sieber, t/a
Sieber Trucking
 HEARING LOCATION Harrisburg, PA.
 HEARING DATE February 4, 1991
 ALJ Banzhoff

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES NO
 Testimony taken YES NO
 Hearing concluded YES NO
 Further hearing needed YES NO
 Estimated add'l days 1
 RECORD CLOSED YES NO
 Briefs to be filed YES NO
 BENCH DECISION YES NO

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FEB 05 1991

Office of A. L. J.
 Public Utility Commission

REMARKS: Scheduling of to be
contacted to set up date
for hearing Protestan case

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
 PLEASE PRINT CLEARLY

INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

FEB 11 1991

NAME and TELEPHONE NUMBER	ADDRESS	APPEARING FOR
GRAF, ANDREWS & KAPLITZ By: CHRISTIAN V. GRAF DAVID H. KAPLITZ Telephone No. (717) 236-9318	4207 NORTH FRONT STREET HARRISBURG PA 17110	APPLICANT
Bruce Walter Rhoads & Simon Telephone No. (717) 233531	one S. Market St PO Box 1146 Hanbury PA 17108-1146	Protestant - Robert G. Hack
Christopher Zaremboyan Reed Smith Shaw & McClay Telephone No. (717) 234-5988	P.O. Box 11844 Harrisburg PA 17108	Protestant - Gary L. Ramsey Trucking Inc.

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Phyllis Glass
 Reporter (C.R.C.)

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
February 5, 1991

In Re: A-00109497

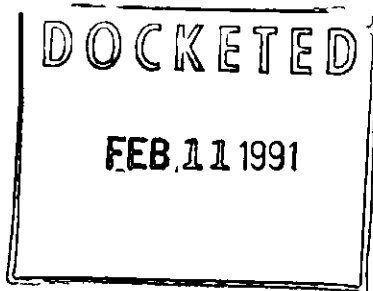
(See letter of 1/7/91)

Application of Matthew S. Sieber, t/a Sieber Trucking
Right to transport, as a common carrier, wood products from points in the
counties of Juniata, Mifflin and Perry, to points in Pennsylvania.

NOTICE

This is to inform you that a further hearing on the above captioned
case will be held Friday, March 1, 1991, at 10:00 a.m., in an available
hearing room, Ground Floor, North Office Building, North Street and
Commonwealth Avenue, Harrisburg, Pennsylvania.

cc: Judge Banzhoff
Mr. Bramson
Mrs. Kelly
Mrs. Howell
Docket Room



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
February 14, 1991

In Re: A-00109497

(See letter of 2/5/91)

Application of Matthew S. Sieber, t/a Sieber Trucking
Right to transport, as a common carrier, wood products from points in the
counties of Juniata, Mifflin and Perry, to points in Pennsylvania.

NOTICE

This is to inform you that the further hearing now scheduled to be held
on Friday, March 1, 1991, in the subject proceeding has been postponed to
Monday, March 4, 1991, at 10:00 a.m., in Harrisburg.

cc: Judge Banzhoff
Mr. Bramson
Mrs. Kelly
Mrs. Howell
Docket Room

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FEB 21 1991

APPEARANCE SHEET

KJR

ALJ HEARING REPORT

DOCKET NO. A-00109497
 CASE NAME Application of Matthew S. Sieber, t/a Sieber Trucking
 HEARING LOCATION Harrisburg
 HEARING DATE March 4, 1991
 ALJ Banzhoff

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES NO
 Testimony taken YES NO
 Hearing concluded YES NO
 Further hearing needed YES NO
 Estimated add'l days _____
 RECORD CLOSED YES NO Date March 20th '91
 Briefs to be filed YES NO Date _____
 BENCH DECISION YES NO

REMARKS: Main brief April 19
Copy April 26

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Office of A. L. J.
 Public Utility Commission

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MAR 13 1991

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
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NAME and TELEPHONE NUMBER	ADDRESS	APPEARING FOR
GRAF, ANDREWS & RADCLIFFE By: CHRISTIAN V. GRAF / Telephone No. (717) 236-8318	407 NORTH FRONT ST. City: HARRISBURG, PA Zip: 17101	APPLICANT FOLDER
Christopher Zattlemeyer Telephone No. (717) 734-5781	P.O. Box 11544 City: HARRISBURG, PA Zip: 17108	Gary L. Ramsay Trucking, Inc. Protestant
Rhoads + Simon by J. Bruce Watten Telephone No. (717) 233573	one south market st PO Box 1146 City: HARRISBURG, PA Zip: 17102-1146	Robert S. Hoch Protestants

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

John A. Kelly CRC Inc.
 Reporter