



Handle all your truckload shipments the Pleasant Way!

P.O. BOX 453 - NORTH PITTSBURGH ST. EXT.
CONNELLSVILLE, PA 15425

March 29, 1993

I.C.C. MC-190202
PA PUC-A-108637

OFFICE 412-628-5347
USA WATS 800-245-2402
PA WATS 800-442-6942
FAX 412-628-5868

RECEIVED

MAR 29 1993

SECRETARY'S OFFICE
Public Utility Commission

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

RE: William H. Oester, t/d/b/a Oester Trucking, A-00109496,
Folder 1, Am-A

Dear Mr. Alford:

Enclosed, please find the original and one (1) copy of the
Protest of Pleasant Trucking, Inc., in opposition to the
above application.

I am enclosing an additional copy of this letter of
transmittal, and would ask that you acknowledge receipt of
this letter by returning the duplicate copy to me in the
self-addressed, stamped envelope that has been enclosed for
that purpose.

Very truly yours,

PLEASANT TRUCKING, INC.

Michael J. Bosilovich
Michael J. Bosilovich
Traffic and Sales Manager

MJB/mf

Enclosures

c: Applicant

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

John A. Pillar, Esquire
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222

DOCUMENT
FOLDER

PROTEST OF
PLEASANT TRUCKING, INC.
A-00108637

COMES NOW PLEASANT TRUCKING, INC., and protests this application representing as follows:

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

Pleasant Trucking, Inc.
P.O. Box 778
North Pittsburgh Street Ext.
Connellsville, PA 15425
Telephone: (412) 628-5347

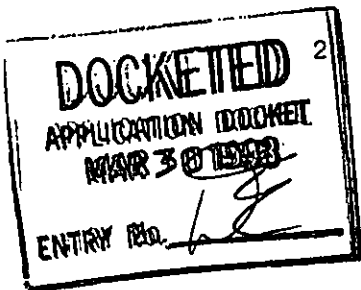
RECEIVED

MAR 29 1993

SECRETARY'S OFFICE
Public Utility Commission

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

Michael J. Bosilovich
Traffic and Sales Manager
P.O. Box 778
North Pittsburgh Street Ext.
Connellsville, PA 15425
Telephone: (412) 628-5347



3. Protestant possesses authority at A-00108637, and Folder 9, Am-B (7) attached as Appendix "A".
4. Protestant provides adequate and satisfactory service within the scope of its authority.
5. To the extent of conflict, there is no need for the proposed service as approval would tend to divert revenues and traffic from Protestant and be contrary to the public interest.
6. The only amendment that will satisfy Protestant is the elimination of the conflicting authority.
7. Protestant requests, pursuant to Section 333 (c) of the Public Utility Code, that applicant furnish it with the names of the supporting shippers and a brief summary of their testimony.


Respectfully submitted,

By: Michael J. Bosilovich
Traffic and Sales Manager
Pleasant Trucking, Inc.

Dated: March 29, 1993

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 (R.D. 1, P. O. Box 142A, Salisbury, Somerset County, PA 15558) and applicant's representative, David H. Radcliff, Esquire, 2216 Walnut Street, Harrisburg, PA 17103, by first class mail, postage prepaid and properly addressed.



Michael J. Bosilovich
Protestant's Representative

Connellsville, PA

March 29, 1993

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

A-00109496, Folder 1, Am-A, William H. Oester, t/d/b/a Oester Trucking (R. D. 1, P. O. Box 142A, Salisbury, Somerset County, PA 15558) - property (except household goods in use and commodities in bulk) for Supervalu Holdings, Inc., Charlie Brothers Division of Supervalu, Incorporated and Wetterau, Incorporated from points in Pennsylvania to the facilities owned, leased or utilized by Supervalu Holdings, Inc., Charlie Brothers Division of Supervalu, Incorporated and Wetterau, Incorporated in the counties of Westmoreland and Fayette.

Applicant's Attorney:

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

Pennsylvania Bulletin Reference:

March 20, 1993
Pages 1416 and 1417

APPENDIX "A"

PLEASANT TRUCKING, INC.
Summary of PA Operating Rights

Certificate No. A-00108637

To transport, as a Class D carrier, by motor vehicle, such products as are dealt in by wholesale or retail grocery stores, excluding commodities in bulk and household goods in use, from points in Pennsylvania to: (1) the warehouse of Wetterau, Inc., located in the Borough of Belle Vernon, Fayette County; the city of Butler, Butler County and the City of Washington, Washington County, and vice versa; (2) the warehouses of Laneco Stores located in the Township of Palmer, Northampton County and the Borough of Temple, Berks County, and vice versa; (3) the warehouses of Charley Brothers located in the Boroughs of New Stanton and Youngwood, Westmoreland County, and vice versa;

Subject to the following restrictions:

- A. That no right, power or privilege is granted to provide service (1) for Proctor & Gamble Distributing Co. to or from its facilities in the Township of Washington, Wyoming County; (2) to or from the facilities of American Home Foods Division of American Home Products Corp. located in Northumberland County; (3) for Hammermill Paper Co. to or from its facilities located in the Counties of Clinton and Erie; (4) to or from the facilities of International Paper Co. located in Union County; (5) for Paper Magic, Inc. to or from its facilities located in Northumberland County; (6) for Tetley, Inc. to or from its facilities located in the counties of Lycoming and Northumberland; (7) from the facilities of Keystone Distribution Center, Inc. and Hanover Terminals, Inc. located in York County; and (8) from the facilities of Van de Kamp Division of Pillsbury Co. located in Erie County.
- B. Provided further that all transportation is restricted to shipments moving in truckload lots, a truckload being defined as an amount of freight that substantially fills the full visible capacity of the trailer and which moves on one bill of lading.

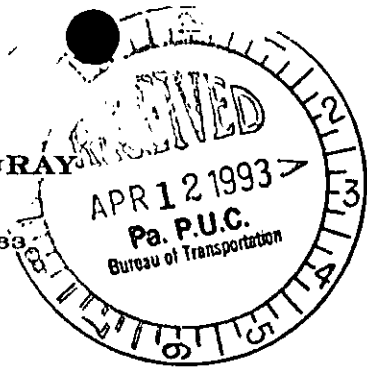
Folder 9, Am-B

- (7) to transport such products as are dealt in by wholesale or retail grocery stores (excluding commodities in bulk and household goods in use), for Wetterau, Inc., from the facilities of Proctor and Gamble Distributing Co. located in the township of Washington, Wyoming County to the facilities of Wetterau, Inc., located in the borough of Belle Vernon, Fayette County; the city of Butler, Butler County; and the city of Washington, Washington County, and vice versa.

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

LAW OFFICES
VUONO, LAVELLE & GRAY
2310 GRANT BUILDING
PITTSBURGH, PA. 15210-2383

April 9, 1993



(412) 471-1800

TELECOPIER
(412) 471-4477

*ALSO MEMBER OF FLORIDA BAR

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

RECEIVED
APR 9 1993
SECRETARY'S OFFICE
Public Utility Commission

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

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,

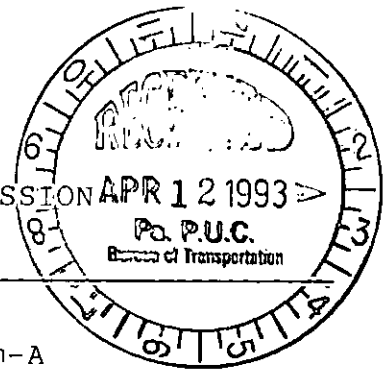
VUONO, LAVELLE & GRAY

William J. Lavelle
William J. Lavelle

pz
Enclosure
cc: David H. Radcliff, Esq.

**DOCUMENT
FOLDER**

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION



DOCKET NO. A-00109496, F. 1, Am-A

WILLIAM H. OESTER t/d/b/a
OESTER TRUCKING

RECEIVED

APR 9 1993

PROTEST AND REQUEST
FOR ORAL HEARING

SECRETARY'S OFFICE
Public Utility Commission

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 DOCKET
APR 12 1993
ENTRY No.

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.

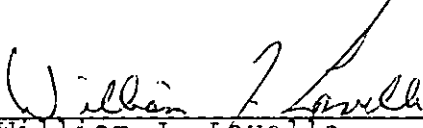
4. Protestants request that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestants will appear and present evidence of protestants' own operations and particular interests 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,

W. F. BURNS TRUCKING, INC.
REID J. CAVANAUGH

By: 

William J. Lavelle
Attorney for Protestants

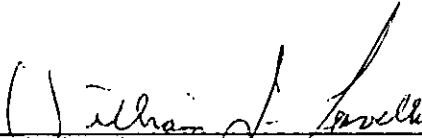
VUONO, LAVELLE & GRAY
2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
Of Counsel

Dated: April 9, 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 9th day of April, 1993.



William J. Lavelle

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

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on March 20, 1993, applicant seeks authority to operate as a common carrier, transporting:

Property (except household goods in use and commodities in bulk) for Supervalu Holdings, Inc., Charlie Brothers Division of Supervalu, Incorporated and Wetterau, Incorporated from points in Pennsylvania to the facilities owned, leased or utilized by Supervalu Holdings, Inc., Charlie Brothers Division of Supervalu, Incorporated and Wetterau, Incorporated in the counties of Westmoreland and Fayette.

INTEREST OF PROTESTANTS:

1. W. F. Burns Trucking, Inc., R. D. #2, Box 674, Ruffs Dale, PA 15679 (412-722-3000) holds operating authority at Docket No. A-00101956. Its pertinent authority is set forth in Folder 1, Am-A; and paragraphs 1-4 of Folder 1, Am-E.

2. Reid J. Cavanaugh, R. D. #1, Box 27, Connellsville, PA 15425 (412-628-9203) holds authority at Docket No. A-00079011. Its pertinent authority is set forth in Folder 1, Am-H; Folder 1, Am-J; Folder 1, Am-K; and Folder 1, Am-M. 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 W. F. Burns Trucking, Inc.,
a corporation of the Commonwealth of
Pennsylvania, for the transfer of all of
the operating rights of Pittsburgh-Phila-
delphia Express, Inc., under the certificate
issued at A-00106455, subject to the same
limitations and conditions.

A-00101956
F. 1
Am-E

William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed May 17, 1988. Public notice of the application was given in the Pennsylvania Bulletin of July 9, 1988. The unopposed application is certified to the Commission for its decision without oral hearing.

W. F. Burns Trucking, Inc., seeks amendment to its common carrier certificate through purchase of all of the authority of Pittsburgh-Philadelphia Express, Inc., at A-00106455. The transferee is currently certificated in Pennsylvania holding several grants of authority to transport specific commodities or property for specific shippers in primarily Western Pennsylvania.

W. F. Burns Trucking, Inc., is purchasing all the authority of the transferor for the total consideration of \$85,000. The purchase price will be paid with \$5,000 deposited into escrow upon signing of the sales agreement, then \$50,000 which includes the escrow amount upon Commission approval of the transfer. The balance of \$35,000 will be paid in thirty equal monthly installments beginning on the first day of the month following

the transfer approval. The remaining \$35,000 obligation is secured by a promissory note.

Pittsburgh-Philadelphia Express, Inc., has filed its annual report for 1987. The insurance of the transferor was canceled May 1, 1988 and its rights were suspended effective August 31, 1988.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 511 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We Find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that the certificate of public convenience issued on June 27, 1980, as amended, be further amended to include the following rights:

1. To transport, as a Class D carrier, property from the city and county of Lancaster to the city of Pittsburgh and points within a radius of thirty-five (35) miles of the City-County Building, and vice versa, excluding intermediate points, via U.S. Highway Routes 30, 230, 11, 22 and the Pennsylvania Turnpike.
2. The certificate holder is hereby authorized to interchange with local certificated motor carriers at Lancaster and Pittsburgh for pickup and delivery of property within the county of Lancaster and within a radius of thirty-five (35) miles of the City-County Building, Pittsburgh; provided that said interchange service shall be rendered only to and from points authorized in the certificates of public convenience of said local carriers.
3. To transport, as a Class D carrier, property from the city of Philadelphia, Philadelphia County, and

points within a radius of thirty-five (35) miles of the City-County Building, Philadelphia, to points in the city of Pittsburgh, Allegheny County, and within a radius of thirty-five (35) miles of the City-County Building, Pittsburgh, and vice versa, excluding intermediate points, via U.S. Highway Routes 30, 230, 11, 22 and the Pennsylvania Turnpike.

4. The certificate holder is hereby authorized to interchange with local certificated motor carriers at Philadelphia for pickup and delivery of property within a radius of thirty-five (35) miles of the City Hall, Philadelphia; provided that said interchange service shall be rendered only to and from points authorized in the certificates of public convenience of said local carriers.
5. To transport, as a Class D carrier, property for J. Halpern and Company and the Lenover Corporation from the borough of Atglen and the village of Lenover, Chester County, to the city of Pittsburgh, Allegheny County, and points within a radius of thirty-five (35) miles of the City-County Building in said city, and vice versa, over the following route:

Beginning in the village of Lenover, Chester County, thence via highway known as Upper Valley Road to the borough of Atglen, Chester County, thence via Highway Route 41 to the intersection of said highway with Highway Route 30, thence over the certificate holder's existing routes to the city of Pittsburgh and points within a radius of thirty-five (35) miles of the City-County Building in said city.

6. To transport, as a Class D carrier, property from the city of Pittsburgh, Allegheny County, and points within thirty-five (35) miles of the City-County Building in said city to points in the city of Reading, Berks County, and points within five (5) miles of the limits of said city, and to the city of Pottsville, Schuylkill County, and points within twenty-five (25) miles of the limits of said city of Pottsville served by Lancaster Transportation Company predecessor to the herein certificate holder, under its certificates as of March 22, 1948, including intermediate points on U.S. Highway Route 122 between the city of Reading and the city of Pottsville, and vice versa, via U.S. Highway Route 22 or the Pennsylvania Turnpike, 422 and 122, with the right to use State Highway Route 83 as an operating route only between the points of its intersection with

U.S. Highway Route 22 and U.S. Highway Route 122.

7. To transport property, over the following route and connecting routes, to be used as operating routes only:

Beginning at the village of Middlesex, Cumberland County, thence via the Eastern Extension of the Pennsylvania Turnpike to the village of King of Prussia, Montgomery County;

Interchange No. 18 known as Harrisburg-West Shore, thence over Highway Route 11 to York and thence via Highway Route 30 to Lancaster;

Interchange No. 19 known as Harrisburg-East Shore, thence via Highway Route 230 to Lancaster;

Interchange No. 20 known as Lebanon-Lancaster, thence via Highway Route 72 to Lancaster;

Interchange No. 21 known as Reading, thence via Highway Route 222 to Reading, and also via Highway Route 222 to Lancaster;

Interchange No. 22 known as Morgantown, thence via Highway Route 122 to Highway Route 30, thence via Highway Route 230 to Philadelphia;

Interchange No. 23 known as Downingtown, thence via Highway Route 100 to Highway Route 202, thence via Highway Route 202 to the Philadelphia area: and

Interchange No. 24 known as Valley Forge.

8. To transport, as a Class D carrier, property from the city of Connellsville and the borough of South Connellsville, Fayette County, to points in the city of Philadelphia and points within an airline distance of thirty-five (35) miles Philadelphia City Hall, and vice versa, including the right to interchange with local certificated Class A and D carriers in Pittsburgh and Philadelphia for pickup and delivery of property in Connellsville and South Connellsville and in the city of Philadelphia and points within an airline distance of thirty-five (35) miles of Philadelphia City Hall with the right to establish through routes and joint rates with such carriers in said territory; provided that said interchange service shall be rendered only to

and from points authorized in the certificates of public convenience of said local carriers.

subject to the following general conditions:

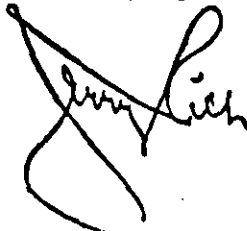
1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That 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, \$85,000, being the amount of the consideration payable by it for the rights and going concern value recorded under condition above.
4. That the operating authority granted herein, or how 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/permit 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 upon compliance with this order, the rights granted the transferor, Pittsburgh-Philadelphia Express, Inc., at A-00106455 be cancelled and the record be marked closed.

BY THE COMMISSION

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a horizontal line.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 29, 1988

ORDER ENTERED: OCT 5 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held August 7, 1978
Harrisburg, PA 17120

Commissioners Present:

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

Application of Reid J. Cavanaugh, for amendment to his common carrier certificate: SO AS TO PERMIT the transportation of livestock, animal and poultry feed and feed ingredients, animal health products and animal health aid products, and packaging materials and supplies: (1) From the plant and warehouse facilities of Allied Mills, Inc., located in the township of Upper Tyrone, Fayette County, to points in Pennsylvania, and vice versa; (2) From the warehouse facilities used by Allied Mills, Inc., located within an airline distance of sixty (60) statute miles of the limits of the township of Upper Tyrone, Fayette County, to points in Pennsylvania, and vice versa, including said area.

A. 79011
F. 1
Am-H

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

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 12, 1977. Public notice of the application was given in the Pennsylvania Bulletin of December 3, 1977. A protest was filed by R. H. Crawford, Inc., but was withdrawn when the applicant restrictively amended the application to read as follows:

To transport livestock, animal and poultry feed and feed ingredients, animal health products and animal health aid products, and packaging materials and supplies,

IT IS ORDERED: That the application, as amended, be and is hereby approved and that the certificate issued October 20, 1952, as amended, be further amended to include the following rights:

To transport, as a Class D carrier, livestock feed, animal and poultry feed and feed ingredients; animal health products and animal health aid products; and packaging materials and supplies, between the plant and warehouse facilities used by Allied Mills, Inc., located in the township of Upper Tyrone, Fayette County, and within an airline distance of sixty (60) statute miles of the limits of said township and from said plant and warehouse facilities to all points in Pennsylvania; and vice versa.

subject to the following conditions:

FIRST: That no right, power or privilege is granted to provide service for the Ehrhart & Conrad Company from its places of business located in the borough of Hanover, York County.

SECOND: That no right, power or privilege is granted to render service from the boroughs of New Freedom and Shrewsbury and the townships of Penn and Shrewsbury, all in York County.


THIRD: That no right, power or privilege is granted to render service from the facilities of Keystone Distribution Center, Inc., in the borough of Hanover, York County (except to points in the borough of Martinsburg, Blair County, and within an airline distance of thirty (30) statute miles thereof and the city of Johnstown, Cambria County, and the boroughs and townships contiguous to said city).

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until he 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 to the extent the authority granted herein duplicates any authority presently held by the applicant, it is considered as one authority and is not severable.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty (30) 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.

BY THE COMMISSION,



C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: August 7, 1978

ORDER ENTERED:

AUG 25 1978 - 13 -

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 13, 1981

Commissioners Present:

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

Application of Reid J. Cavanaugh, for amendment to his common carrier certificate: SO AS TO PERMIT the transportation of livestock feed, animal and poultry feed and feed ingredients, animal health products and animal health aid products, and packaging materials and supplies, between the plant and warehouse facilities used by Allen Products Co., Inc., in the counties of Lehigh and Northampton, and from said plants and warehouses to points in Pennsylvania, and vice versa.

A-00079011
F. 1
Am-J

William J. Lavelle for Reid J. Cavanaugh.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 20, 1980. Public notice of the application was given in the Pennsylvania Bulletin of November 22, 1980. The application is unopposed and the record is now certified to the Commission for its decision without hearing. The record consists of verified statements entered by the applicant and his supporting shipper.

Reid J. Cavanaugh, the applicant herein, set forth in his verified statement that he personally supervises all operations conducted by the applicant and has complete knowledge of all aspects of the company's business. The applicant now holds authority issued by the Commission which permits the transportation of such commodities as coal, coke, reddog, farm products, fertilizer, building materials, clay, sand, amesite, scrap metal, forest products, and as pertinent here animal and

poultry feed, to and from various points in western Pennsylvania. The applicant has specific authority to transport livestock, animal and poultry feed and feed ingredients, animal health products and animal health aid products and packaging materials and supplies, from the plant and warehouse facilities of Allied Mills, Inc., in Fayette County, to points in Pennsylvania, and vice versa.

Cavanaugh operates from an office and garage in Connellsville, Fayette County, which is comprised of a two room office, shop facility and storeroom. The applicant offers a basically call and demand service to customers whose freight moves almost exclusively in truckload quantities. Applicant's service is available upon request 24 hours a day seven days per week. All operations are coordinated at the Connellsville facility and vehicles are dispatched from this one location. The Cavanaugh fleet consists of 13 tractors, four van trailers of 40 foot in length, and 13 van trailers of 45 foot in length. The 45-foot trailers are high cube with oversized rear door openings. Equipment is not now being used to full capacity and Cavanaugh generally has several units idle each day which could be used to provide service for the supporting shipper. It does not at this time appear necessary to obtain additional equipment, facilities or personnel to offer the proposed service.

The applicant does not now provide service to the supporting shipper. The instant application will permit Cavanaugh to transport the same types of commodities as now transported for Allied Mills, Inc. It is hoped that the addition of authority in the counties of Lehigh and Northampton Counties will balance operations between those now conducted extensively in western Pennsylvania and those proposed in eastern Pennsylvania.

With approval of the application, Cavanaugh will provide high cube van trailers for handling of truckload shipments from a single origin to a single destination. However, to the extent it is required, Cavanaugh will handle LTL shipments. It is customary to spot equipment for loading at shipping facilities and this service is routinely provided. Should multiple deliveries of truckload traffic be required Cavanaugh will provide this service.

In support of his financial capacity to maintain the additional service proposed, Cavanaugh entered a personal financial statement setting forth that total assets are \$909,000, with total liabilities of \$184,591, for a net worth of \$724,409. Gross operating revenue of \$552,023, and operating expenses of \$618,955, resulted in a net loss of \$66,932 in 1979.

Glenn A. Petrine, director of distribution for Allen Products Co., Inc. (shipper or Allen Products), set forth in his verified statement that he is responsible for the total distribution of Allen Products including order processing, warehousing and transportation. Allen

Products is actively involved in the manufacture and marketing of dog food which is sold either in cans or in bags. The product is distributed to wholesale distribution centers for ultimate distribution to food retail outlets. The warehouse and distribution facilities operated by Allen Products in Lehigh and Northampton Counties include a canning and dry dog food plant, as well as a distribution center with over 102,000 feet of space. Operations are conducted 24 hours a day. The plant has an annual volume in excess of 280,000,000 pounds.

Allen Products has an outbound volume of 66 percent truckload shipments and 34 percent less-truckload shipments. Shipments range between 2,600 pounds and 44,000 pounds. With respect to inbound shipments, Allen Products receives cartons and miscellaneous packaging material, as well as canned and dry dog food. The inbound shipments are normally delivered on pallets with forklifts available for unloading the equipment. All inbound traffic is truckload in nature averaging 40,000 to 44,000 pounds. Currently, Allen Products receives inbound commodities from such points as Mount Wolf, Dublin, Irwin, and Allentown. Outbound shipments move to such statewide points as Aliquippa, Bradford, Carlisle, Harrisburg, Erie, Philadelphia, Pittsburgh, Scranton, Wilkes-Barre and York, to name a representative few.

Nearly 60 percent of traffic moving within Pennsylvania is handled via private carriage. The remaining 40 percent of traffic is handled through customer pickup. The shipper has experienced an increase in traffic by nearly 15 percent placing additional demand on the private carriage fleet. This increase has resulted in demand for a reliable motor common carrier. Should the application be approved, the shipper will require Cavanaugh to provide high cube vans to transport as large a volume of product as possible at a single time. Often multiple stopoff deliveries are required. The motor carrier should be able to spot equipment at the facility and the majority of its customers require delivery appointments. In order to reduce delays in transit time and minimize damage, Allen Products supports the carrier for statewide single line service.

DISCUSSION AND FINDINGS

Cavanaugh desires to expand his operations to provide service to an additional shipper, Allen Products Co., Inc., transporting animal feed and other allied products between the shipper's facilities in Lehigh and Northampton counties and from those facilities to points in Pennsylvania and vice versa. The applicant now provides this type of transportation service for another shipper, Allied Mills, Inc., in Fayette County. By virtue of this other service, we determine the applicant has the experience necessary to render the proposed service. Cavanaugh now has on hand suitable high cube vans to render service and has the financial capacity to maintain service should the application be granted.

Allen Products now uses private carriage to meet a major portion of its transportation requirements intrastate. Increasing demand through expanded markets has placed a heavy burden on this private carriage operation. Allen Products desires a common carrier with statewide authority be available to alleviate the current overtaxing of its private carriage shipping operations.

It appears from the record that approval of the application will aid the shipper in meeting its requirements by providing the availability of an experienced common carrier. The service should coordinate with the applicant's other intrastate activities making for an efficient and feasible operation.

We find:

1. The applicant has the necessary experience and equipment to render the proposed service.
2. The supporting shipper desires the availability of the applicant to aid it in meeting its Pennsylvania transportation requirements in addition to private carriage now in operation.
3. Approval of the application is an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued October 20, 1952, as amended, be further amended to include the following right:

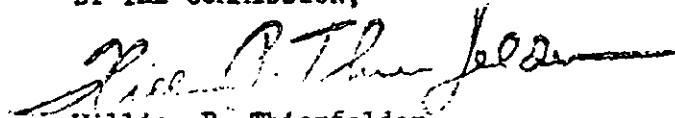
To transport, as a Class D carrier, livestock feed, animal and poultry feed and feed ingredients, animal health products and animal health aid products, and packaging materials and supplies, between the plant and warehouse facilities used by Allen Products Co., Inc., in the counties of Lehigh and Northampton, and from said plant and warehouse facilities to points in Pennsylvania, and vice versa.

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

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

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

BY THE COMMISSION,


William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: March 13, 1981

ORDER ENTERED: MAR 24 1981

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held October 4, 1990

Commissioners Present:

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

Application of Reid J. Cavanaugh, for amendment to his common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, coal, from points in Indiana County to points in the counties of Somerset and Fayette, and vice versa: SO AS TO PERMIT the transportation of property (except household goods and office furniture in use, commodities in bulk, and property which, because of size or weight, requires the use of special equipment), for Charley Brothers Division of Super Valu Stores, Inc. and 7-Up Bottling Company of Southwest Pennsylvania, between points in Pennsylvania.

A-00079011
F. 1
Am-K

Vuono, Lavelle & Gray, by William J. Lavelle for the applicant.
John L. Sheaffer, III, for protestant, W.H. Johns, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on February 5, 1990, and published in the Pennsylvania Bulletin of April 21, 1990. One carrier filed a protest but withdrew upon reconsideration of its interest in the matter. The unopposed record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and two shippers.

Reid J. Cavanaugh (applicant) operates as an individual from facilities located at 719 Garden Street, Connellsville, Fayette County. He has held a common carrier certificate from this Commission since October 20, 1952. He provides service with 14 tractors, 19 trailers and 15 dump trucks, all of which are company-owned. A rigid safety program is maintained which includes periodic safety driver meetings. In total, the applicant has over 40 years experience in the trucking industry.

The applicant's 1989 annual report, incorporated by reference, shows that at year end he had current assets of \$19,857, total assets of \$350,580, and current liabilities of \$16,506, with no long term liabilities, leaving a net worth of \$334,074. The statement of income shows that the applicant realized a net income of \$12,961 from operating revenues of \$1,239,850.

Gregory D. Basinger, traffic manager for Charley Brothers Division of Super Valu Stores, Inc. (or shipper), sets forth in a verified statement that the company is a wholesale grocery distribution center with facilities at New Stanton and Youngwood, both in Westmoreland County. A substantial amount of commodities involving foodstuffs and other items are received inbound at both facilities for storage and distribution to various grocery stores.

The inbound volume amounts to more than 33 million pounds annually which originates from manufacturers and suppliers located at such points as Allentown, York, Mechanicsburg, Chester, Taylor, Milton, Mehoopany, Hanover, Lebanon, Meadville, Butler, Pittsburgh, Hershey, Erie, Chambersburg, etc. In many cases, next day delivery, both inbound and outbound is required. Trailers of 45 and 48 foot length are needed but often difficult to obtain from the existing carriers. The applicant has been used for the last eight months on interstate shipments, and the service has been above average. The intrastate service proposed here will be very beneficial in providing additional service capabilities for the company's anticipated future growth.

Bart Boyd is a warehouse manager for 7-Up Bottling Company of Southwest Pennsylvania located at 770 Commonwealth Drive, Warrendale, Allegheny County. He supports the applicant and states that the primary inbound commodities are soft drinks which in turn are sold to various retail and wholesale outlets in Western Pennsylvania. The shipments originate mostly in Conshohocken, Montgomery County. Approximately three to four intrastate shipments are involved, and the applicant would be used to the maximum extent possible.

The Warrendale warehouse is a distribution facility and shipments are made outbound to the customers. With large volume customers it is sometimes possible to make shipments direct to them from the Conshohocken supplier and thereby bypass the Warrendale warehouse. Also under consideration is the opening of additional regional warehouse and distribution facilities at other Pennsylvania locations. Harrisburg and DuBois are two cities being considered. Truckload shipments will originate in Conshohocken moving to Warrendale, Harrisburg and DuBois with stop-off deliveries to customers enroute.

A substantial volume of soft drinks is shipped to numerous stores and other retail outlets throughout Western Pennsylvania. In many cases, the customers are supermarkets, convenience stores and other food outlets. Deliveries are required at specific times. A responsive carrier is required and it is felt that the applicant is capable of meeting all of the service demands. Approval of this application will increase the number of carriers available to meet increased future growth of the 7-Up Bottling Company of Southwest Pennsylvania.

DISCUSSION AND FINDINGS

Reid J. Cavanaugh seeks to amend his common carrier certificate of long-standing so that it will have the right to transport property (with certain exclusions) for Charley Brothers Division of Super Valu Stores, Inc., and 7-Up Bottling Company of Southwest Pennsylvania, between points in Pennsylvania.

We believe that the applicant is well qualified to provide the additional service. He has been providing uninterrupted service in Pennsylvania as a common carrier since 1952, and his record is good. An ample supply of company-owned equipment is on hand to serve both shippers adequately. The financial position of the applicant is very favorable. Both shippers are anxious to have the applicant's services available, and we believe it to be in the public interest to approve the application.

We find:

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

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued to the applicant on October 20, 1952, as amended, be further amended to include the following right:

To transport as a Class D carrier, property, for Charley Brothers Division of Super Valu Stores, Inc., and 7-Up Bottling Company of Southwest Pennsylvania, between points in Pennsylvania;

subject to the following conditions:

1. That no right, power or privilege is granted to transport household goods and office furniture in use.
2. That no right, power or privilege is granted to transport commodities in bulk.
3. That no right, power or privilege is granted to transport commodities, which because of size or weight, require the use of special equipment.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until he 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 horizontal line.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: October 4, 1990

ORDER ENTERED: OCT 11 1990

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held April 30, 1992

Commissioners Present:

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

Application of Reid J. Cavanaugh, for amendment to his common carrier certificate, which grants the right, inter alia, to transport by motor vehicle, property, for Charley Brothers Division of Super Value Stores, Inc., and 7-Up Bottling Company of Southwest Pennsylvania, 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; and That no right, power or privilege is granted to transport commodities, which, because of size or weight, require the use of special equipment: SO AS TO PERMIT the transportation of property, for Wetterau, Inc.; O.K. Grocery Company, a Division of Giant Eagle, Inc.; Phar-Mor Company and Williamhouse-Regency of Delaware, Inc., between points in Pennsylvania, subject to the following conditions: (1) That no right, power or privilege is granted to transport household goods and office furniture in use; (2) That no right, power or privilege is granted to transport commodities in bulk; and (3) That no right, power or privilege is granted to transport commodities which, because of size or weight, require the use of special equipment.

A-00079011
F. 1
Am-M

Vuono, Lavelle & Gray, by William J. Lavelle for the applicant.
Fred Stier for protestant, W. H. Johns, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on August 8, 1991, and published in the Pennsylvania Bulletin of September 14, 1991. One carrier filed a protest but withdrew upon restrictive amendment which precludes the transportation of scrap or waste paper, for recycling, for Williamhouse-Regency of Delaware, Inc. The unopposed record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and three shippers.

The applicant's verified statement directs attention to the fact that one of the named shippers, Phar-Mor Company, is not in a position to support the application and that it should be removed from consideration. The applicant also submits that the restriction pertaining to scrap or waste paper shipped by Williamhouse-Regency of Delaware, Inc., does not fall under the exemption at 52 Pa. Code §41.16, since the paper has commercial value, and the exclusion thereof is proper.

Reid J. Cavanaugh (applicant) has operated a regulated motor carrier transportation business for more than 40 years as an individual under certificates issued by this Commission and the I.C.C. The Pennsylvania P.U.C. certificate was obtained on October 20, 1952. He is not affiliated with any other carriers.

The applicant operates from a terminal located in Connellsville, Fayette County, which includes offices, a shop facility, a storeroom, and a vehicle parking area. Service is available 24 hours per day, seven days a week. The equipment fleet presently consists of three flatbed trailers, 11 closed van trailers, 22 tractors and 15 dump trucks. A rigid safety program is maintained which includes periodic safety meetings. All of the equipment is inspected daily by the drivers and is subject to regular preventative maintenance. All drivers, mechanics and other personnel are kept advised of the safety regulations, both federal and local.

The applicant's annual report for 1990, incorporated by reference, discloses that he had current assets of \$17,460, total assets of \$248,670 with current liabilities of \$11,223, and no long-term liabilities, leaving a net worth of \$237,456. The statement of income for the year shows a net loss of \$11,863 from operating income of \$1,369,010.

John Conti is traffic coordinator for Wetterau, Inc., a large food distributor headquartered in Hazelwood, Missouri. He supports the applicant stating that as pertinent here, the company has warehouse and distribution facilities in Belle Vernon and Washington, Washington County, which handle a variety of food and non-food products such as dairy products, frozen foods, meats, fresh produce, canned goods, bakery products, health and beauty aids and housewares. Outbound shipments are made regularly to points such as Pittsburgh, Erie, Mercer, Sharon, Scranton, Williamsport, Philadelphia, Chester, Allentown, Harrisburg, Clearfield, Reading, York, Bedford, Lancaster, Altoona, State College, Washington, etc. Inbound shipments are received from suppliers located at places such as Mechanicsburg, Northumberland, Mehoopany,

Mountain Top, Shiremanstown, Chester, New Kingstown, Allentown, Bristol, Peach Glen, Biglerville, etc.

The volume being shipped to and from each warehouse has been steadily increasing. While the company has no problems with existing carriers, it does need to have more carriers available. It has used the applicant for interstate shipments for approximately one year, and the service has been excellent. Approval of this application will permit the applicant to handle a portion of the increased tonnage and will also allow co-loading of the interstate and intrastate traffic.

Dorothy Madarish is assistant traffic manager and fleet manager for Williamhouse-Regency of Delaware, Inc. and supports the applicant. The company is engaged in business as a converter of blank printing paper into a variety of stationery items including cards, envelopes and blank sheets of paper. It has two Pennsylvania facilities; a plant in Scottdale, Westmoreland County and a warehouse in Waynesboro, Franklin County. Shipments move between the two facilities and from both facilities to customers' warehouses and wholesale outlets, and inbound supplies are received at each facility from Pennsylvania vendors.

A representative list of outbound destinations shows that indeed the entire state is covered, including points such as Pittsburgh, Erie, Lancaster, York, Scranton, Harrisburg, Philadelphia, Allentown, Reading, Waynesboro and points in between. The same is true for inbound shipments which originate at points such as Wilkes-Barre, Erie, Pittsburgh, York, Paoli, Wayne, Bristol, Emmaus, Hazleton, Ephrata, Lititz, Pottstown, Conshohocken, etc. Carriers are required to supply 48-foot van trailers and occasionally spot them at the Scottdale plant. It has had problems with carriers arriving late, taking excessive time in transit, and failing to supply sufficient numbers of trailers. The applicant's terminal is conveniently located nearby the plant, enabling it to provide prompt response to the service requests. If this application is approved, the applicant will be given 80 percent of the outbound freight and 10 percent of the inbound freight.

Lorraine Sevich is employed in the traffic services department of O.K. Grocery Company which is a Division of Giant Eagle, Inc., headquartered in Pittsburgh, Allegheny County. She is responsible for arranging for the transportation services for Giant Eagle and its O.K. Grocery Company Division, a wholesale and retail distributor of commodities sold in grocery stores. As relevant here, there are two warehouses located in Crafton and Blawnox, Allegheny County, which ship and receive items such as canned fruits and vegetables, cereal, canned and bottled drinks, dried beans, rice, flour, cake mixes, cleaning products, paper goods, etc.

Outbound shipments are made daily from each warehouse to numerous stores in Pennsylvania at points such as Aliquippa, Bedford, Butler, Coraopolis, Duquesne, Edinboro, Erie, Girard, Indiana, Mercer, New Castle, Oil City, Pittsburgh, Rochester, Somerset, Washington and Waynesburg, to mention a few. A more comprehensive listing of destinations accompanies the verified statement.

In addition, there are occasions when shipments are made between the warehouses, and between the stores themselves.

In addition to the outbound traffic, inbound shipments are received at each warehouse from Pennsylvania suppliers located at Allentown, Altoona, Biglerville, Birdsboro, Chambersburg, Chester, Harmony, Hanover, Meadville, New Castle, Northumberland, Philadelphia, Reading, Shiremanstown, Williamsport, etc.

The equipment required to meet the company's transportation needs include high cube trailers, 45 and 48 foot dry vans, and refrigerated trailers. O.K. Grocery has had problems with late deliveries and carriers not having enough equipment to meet its requirements. The applicant is conversant with the various aspects of the company's distribution process and has expressed a willingness to handle the traffic in an efficient and timely manner. O.K. Grocery supports the application accordingly.

DISCUSSION AND FINDINGS

Reid J. Cavanaugh seeks, by this amended application, the right to transport property for four specifically named shippers, i.e., O.K. Grocery Company, a Division of Giant Eagle, Inc.; Wetterau, Inc.; Phar-Mor Company; and Williamhouse-Regency of Delaware, Inc., between points in Pennsylvania, subject to certain exclusions as more particularly described hereinafter.

One shipper, Phar-Mor Company, has elected not to support the application. Consequently, it is removed from consideration in any authority which may be granted in this order.

Each of the three remaining shippers have supported the application and demonstrated a wide variety of origins and destinations in Pennsylvania that justify the need for service between all areas of the state. They have occasionally experienced some service problems with the existing carriers, primarily in their inability to furnish enough equipment to handle all of the freight available. We believe approval of this application, in its amended and modified form, will serve a useful purpose and improve upon existing conditions.

We find:

1. That the applicant has applied for the right to transport property for four specifically named shippers between points in Pennsylvania.
2. That one shipper, Phar-Mor Company, has not supported the application.
3. That the applicant has shown that a public need for the service as proposed, amended and hereinafter modified does exist.
4. That the applicant is fit, ready, willing and able to provide the proposed service as amended and modified.

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

IT IS ORDERED: That the application be and is hereby approved as amended and modified, and that the certificate issued to the applicant on October 20, 1952, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property for Wetterau, Inc., O.K. Grocery Company, a Division of Giant Eagle, Inc., and Williamhouse-Regency of Delaware, Inc., between points in Pennsylvania;

subject to the following conditions:

- (1) That no right, power or privilege is granted to transport household goods and office furniture, in use.
- (2) That no right, power or privilege is granted to transport commodities in bulk.
- (3) That no right, power or privilege is granted to transport commodities which, because of size or weight, require the use of special equipment.
- (4) That no right, power or privilege is granted to transport scrap or waste paper or scrap or waste paper products, for recycling, for Williamhouse-Regency of Delaware, Inc.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until he 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 the applicant has not, on or before sixty (60) days of 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.

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

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: April 30, 1992

ORDER ENTERED: MAY 05 1992



Handle all your truckload shipments the Pleasant Way!
P.O. BOX 453 - NORTH PITTSBURGH ST. EXT.
CONNELLSVILLE, PA 15425

I.C.C. MC-190202
PA PUC-A-108637
OFFICE 412-628-5347
USA WATS 800-245-2402
PA WATS 800-442-6942
FAX 412-628-5868

April 20, 1993

RECEIVED

APR 22 1993

SECRETARY'S OFFICE
Public Utility Commission

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

Re: William H. Oester, t/d/b/a Oester Trucking, A-00109496,
Folder 1, Am-A

Dear Mr. Alford:

After further consideration, Pleasant Trucking, Inc., a protestant in the above docketed proceeding, has decided to withdraw its opposition to the application of Oester Trucking at the above docket number. Pleasant Trucking, Inc. desires to remain a party of record for receipt of any orders or notices issued by the Commission in this proceeding.

Very truly yours,

PLEASANT TRUCKING, INC.

Michael J. Bosilovich
Michael J. Bosilovich
Traffic and Sales Manager

MJB/mf

c: Oester Trucking

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

John A. Pillar, Esquire
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
APR 23 1993
ENTRY No. MW

ORIGINAL

LAW OFFICES

VUONO, LAVELLE & GRAY

2310 GRANT BUILDING

PITTSBURGH, PA. 15210-2363

(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

RJR

TELECOPIER
(412) 471-4477

May 25, 1993

* ALSO MEMBER OF FLORIDA BAR

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

RECEIVED

MAY 27 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 represent W. F. Burns Trucking, Inc. and Reid J. Cavanaugh, both of which filed protests to the above application. After further consideration they have authorized us to advise the Commission that their protests are being withdrawn and that they will not participate further in this proceeding.

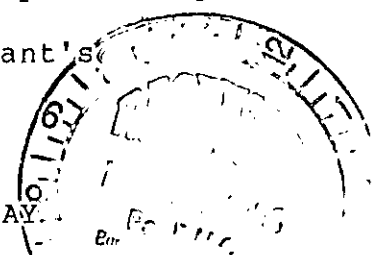
A copy of this letter is being sent to Applicant's representative, David H. Radcliff, Esq.

Sincerely yours,

VUONO, LAVELLE & GRAY

William J. Lavelle
William J. Lavelle

DOCKETED
JUN 14 1993



pz
cc: David H. Radcliff, Esq.
W. F. Burns Trucking, Inc.
Reid J. Cavanaugh

DOCUMENT
FOLDER

ORIGINAL

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

DAVID H. RADCLIFF

(717) 236-9318

May 28, 1993
File: 1306.1

RE: WILLIAM H. OESTER, t/d/b/a OESTER TRUCKING, A.109496, F. 1, Am-A
(Super Value and Wetterau)

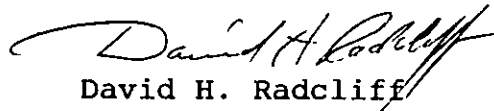
Mr. John G. Alford, Secretary
Pennsylvania Public Utility Commission
North Office Building
P.O. Box 3265
Harrisburg, PA 17105-3265

Dear Mr. Alford:

I am in receipt of a letter from William J. Lavelle, Esquire withdrawing the protest of W.F. Burns Trucking, Inc. and Reid J. Cavanaugh in the above captioned proceeding. Earlier I received a copy of a letter withdrawing the protest of Pleasant Trucking, Inc.

The above application is now unprotested and I request that it be forwarded to the Technical Review Section for handling on modified procedure.

Very truly yours,


David H. Radcliff

RECEIVED
MAY 28 1993

DHR/dtr
e:\letters\oester.ltr
cc: William H. Oester
Oester Trucking
R. D. 1, Box 142-A
Salisbury, PA 15558

DOCKETED
JUN 10 1993

DOCUMENT
FOLDER

SECRETARY'S BUREAU
Information Control Division

lvr



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

June 17, 1993

IN REPLY PLEASE
REFER TO OUR FILE

DAVID H RADCLIFF
ATTORNEY AT LAW
2216 WALNUT STREET
HARRISBURG PA 17103

In re: A-00109496, F.1, Am-A - Application of William H. Oester,
t/d/b/a Oester Trucking

Dear Sir:

The above referenced application has been assigned for review without oral hearing. In order to reach a determination on the application, you are being required to file verified statements in accordance with 52 Pa. Code Section 3:381(e)(1). You will be required to file:

- A. VERIFIED STATEMENT OF APPLICANT
- B. VERIFIED STATEMENT(S) IN SUPPORT OF THE 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 Blue Bird Coach Lines, Inc., [A-00088807, F.2, Am-K] 72 Pa.P.U.C. 262 (1990), 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 JULY 19, 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 the application should be directed to me by telephoning 717-787-4386.

Very truly yours,

Lawrence E. Keener-Farley
Lawrence E. Keener-Farley, Esq.
Technical Review Section
Bureau of Transportation

DOCUMENT
FOLDER

RECEIVED
SECTION
JUN 21 1993
DOCRET
ENTRY No. *lg*

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

RECEIVED
JUL 7 PM 2:16
PA. P. U. C.
TELEPHONE: (717) 236-9318

DAVID H. RADCLIFF

June 28, 1993
File: 1306.1

RE: WILLIAM H. OESTER, t/d/b/a OESTER TRUCKING, A.109496. F.1, Am-A
(Supervalu and Wetterau)

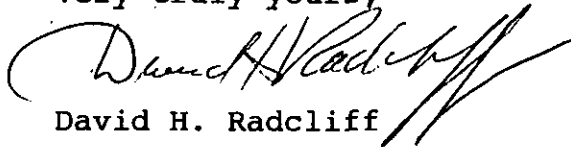
John Alford, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

Dear Secretary Alford:

I enclose the original and one copy of the verified statements in the above application proceeding. These are filed in accordance with the letter of Laurence Keener-Farley in the Technical Review Section.

By copy of this letter, copies of the verified statements are being forwarded to the applicant and the Technical Review Section.

Very truly yours,


David H. Radcliff

DHR/dtr
c:\wp51\forms\vs.1tr

cc: Laurence Keener-Farley
Technical Review Section
Bureau of Transportation
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

William H. Oester
Oester Trucking
R. D. 1, Box 142A
Salisbury, PA 15558

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DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

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VERIFIED STATEMENT OF
WILLIAM OESTER IN SUPPORT OF
APPLICATION

In Re: WILLIAM OESTER, t/d/b/a OESTER TRUCKING
A.00109496, F. 1, Am-A

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DAVID H. RADCLIFF, P.C.
David H. Radcliff, Esquire
2216 Walnut Street
Harrisburg, PA 17103

Date Filed: July 6, 1993

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VERIFIED STATEMENT OF WILLIAM OESTER
FOR
WILLIAM OESTER, t/d/b/a OESTER TRUCKING

1. LEGAL NAME AND DOMICILE OF APPLICANT

WILLIAM OESTER, t/d/b/a OESTER TRUCKING
R. D. 1, Box 142 A
Salisbury, PA 15558
Telephone: (814) 662-2703

2. IDENTITY AND QUALIFICATIONS OF PERSON MAKING STATEMENT FOR APPLICANT

My name is William Oester and I am the applicant in this proceeding. As the owner and operator of this business, I am familiar with facilities, authorities and operations utilized and to be utilized in motor carrier operations by my company. I am the proper person to make this statement.

3. IS THE APPLICANT AFFILIATED WITH OTHER CARRIERS?

I am not affiliated with other Pennsylvania intrastate carriers.

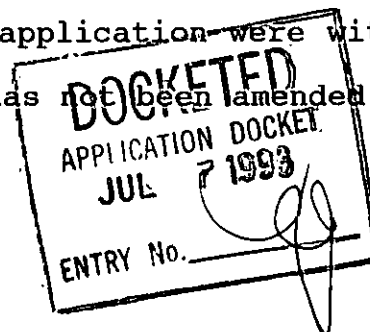
4. AUTHORITY SOUGHT

The applicant seeks the following authority:

To transport, as a common carrier, by motor vehicle, property (except household goods in use and commodities in bulk) for Supervalu Holdings, Inc., Charlie Brothers Division of Supervalu Incorporated and Wetterau Incorporated from points in Pennsylvania to the facilities owned leased or utilized by Supervalu Holdings, Inc., Charlie Brothers Division of Supervalu Incorporated and Wetterau Incorporated in the counties of Westmoreland and Fayette.

All three protests filed to the application were withdrawn.

The application is now unopposed and has not been amended.



5. GENERAL SCOPE OF CURRENTLY AUTHORIZED OPERATIONS

I presently hold authority from this Commission to serve two specific shippers. A copy of my authority at A.109496 is attached as Exhibit 1.

At MC-207057 Sub 0-C I hold common carrier authority from the Interstate Commerce Commission authorizing transportation between all points in the continental United States. See copy of certificate attached as Exhibit 2.

6. DUPLICATING AUTHORITY

There will be no duplication of authority inherent in this application as it relates to my existing authority.

7. DUAL OPERATIONS

No dual operations will result from this grant of authority.

8. PRESENT TERMINAL FACILITIES AND COMMUNICATIONS NETWORK

The garage and office facilities utilized by my company at Salisbury, Pennsylvania are utilized as the base for my Pennsylvania operations. That facility also serves as the base for my interstate operations. We would require no additional terminals in connection with this application. I do not require terminal facilities for my operations as a contract carrier.

Parking at the garage facility is sufficient for all of my equipment. The garage is equipped for routine maintenance.

I have multiple telephone lines which the public may utilize to call with requests for service.

The service to be provided is primarily in truckload quantities so that no terminal facilities are required.

9. PERTINENT EQUIPMENT

I have attached as Exhibit 3 a list of the equipment setting forth the tractors, vans and reefers which I own. All of these units are available for Applicant's Pennsylvania operations.

Additional equipment is available by lease to meet the immediate demands of any of the shippers. I will obtain additional equipment as the traffic requires.

10. SAFETY PROGRAM

I have on file with this Commission insurance sufficient to satisfy the requirements for public liability, property damage and cargo insurance. I am presently a certificated carrier.

All of my equipment is licensed in Pennsylvania and is inspected in accordance with Pennsylvania law. Safety is a priority matter in my operations.

All of my drivers are carefully screened and are tested for familiarity with the D.O.T. regulations. Before a driver is hired, I check driving records with regard to prior violations and also check references from previous employers. Safety training is conducted on a day-to-day basis with each driver. I conduct four safety meetings a year with the drivers to discuss current safety issues. I use pamphlets and safety information provided by my insurance company to supplement safety training.

My program emphasizes safe handling of the vehicles and an effort to increase safety awareness among all employees.

11. TYPE OF SERVICE CURRENTLY PROVIDED TO THE SUPPORTING SHIPPER

No Pennsylvania service is provided to the supporting

shippers. They are not within the scope of my current Pennsylvania authority. The shippers have made occasional use of my service in interstate commerce since my general commodities certificate does authorize service to these shippers.

The verified statements from the supporting shippers set forth their interest in using my service from points in Pennsylvania to their facilities.

12. TYPE OF SERVICE TO BE OFFERED

Upon approval, we would offer the following type service:

1. I will provide truck load and less than-truck load service.
2. I will transport the full range of items sold and distributed by the three supporting shippers.
3. I will handle truck load traffic and outbound shipments at the request of the shippers.
4. I will provide the appropriate type of equipment for the transportation of grocery items in clean, dry van-trailers and refrigerated commodities in appropriate temperature controlled trailers.
5. I will provide scheduled pickup and deliveries by appointment.

13. FINANCIAL DATA

I have attached as Exhibit 4 my financial statement as of March 31, 1993.

I am financially sound and capable of continuing service to the public. I am able to acquire additional equipment should it be

needed to meet the shippers' requirements by either lease or purchase. The inbound service to be provided to the shippers will enable me to make more efficient use of my equipment. I currently have more outbound traffic from shippers served in Southwestern Pennsylvania. The return traffic to the facilities to these supporting shippers will enable me to utilize the equipment for a substantial portion of its return trip to my base in Somerset County.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 6, 1991

Commissioners Present:

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

Application of William H. Oester, t/d/b/a Oester
Trucking, for the right to begin to transport,
as a common carrier by motor vehicle, property
(except household goods, commodities in bulk, and
Classes A and B explosives), for Stanton
Industries of Pennsylvania, Inc., and Berkebile
Oil Company, Inc., from their facilities
located in the county of Somerset, to points in
Pennsylvania, and vice versa.

A-00109496

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

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on September 18, 1990, and published in the Pennsylvania Bulletin of October 6, 1990. The application is unopposed and the record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and two shippers.

William Oester operates as a sole proprietor under the name of Oester Trucking (or applicant) from facilities located at R.D. 1, Salisbury, Somerset County. He holds no other authority from this Commission, but does hold common carrier authority from the I.C.C. at MC-207057. He is not affiliated with other carriers.

The applicant's facility in Salisbury consists of a garage and office which currently serves as the base for interstate operations. Multiple telephone lines are installed and parking at the garage is sufficient for all of the company vehicles. The vehicles consist of 16 tractors, 21 van-type trailers and two refrigerated trailers, all company-owned. Additional

equipment is readily available by lease if necessary. A safety program has been implemented.

An unaudited financial statement discloses that as of October 1, 1990, the applicant had total assets of \$1,741,000 with total liabilities of \$920,199, leaving a net worth of \$820,801. The assets include \$125,000 cash on hand and vehicles valued at \$1,159,000.

Catherine K. Berkebile Poorbaugh is president of Berkebile Oil Company, Inc., located in Somerset, Somerset County. She supports the applicant and states that the company manufactures automotive chemicals, including lubricants, solvents and cleaners, at a facility located in Somerset Industrial Park, Somerset County, which it ships to distributors throughout the United States, including all of Pennsylvania. She further states that of all the areas to which the company ships, the most difficult place to obtain a sufficient amount of service has been Pennsylvania.

The origin for all shipments is the Somerset facility with destinations at points such as Philadelphia, Bridgeport, Stewartstown, Freeland, Frazer, Erie, Beaver, Indiana, Pittsburgh, St. Marys, Bellefonte, Altoona, Scranton, Williamsport, Easton, Harrisburg, Carlisle, Lancaster, Reading, West Chester and Spring City. Service is required in 48-foot dry vans with overnight delivery required in most instances. The applicant has been utilized in interstate commerce with very satisfactory results. The applicant's ability to provide service in Pennsylvania will mean increased revenue for all concerned, especially meaningful to western Pennsylvania which, it states, has been hard hit by unemployment.

William S. Woods is assistant plant manager and traffic manager for Stanton Industries of Pennsylvania, Inc., and states, inter alia, that his support is for outbound service from the company's plant located in Salisbury, Somerset County only. It is a manufacturer of all types of furniture, including chairs, sofas, love seats, rockers, recliners and accessories therefor. The products are shipped to retail furniture dealers located throughout Pennsylvania, and the company is continually seeking new accounts. The applicant has been handling approximately 80 percent of the outbound interstate traffic over the past two years. It has been making Pennsylvania deliveries with its own trucks, but wishes to disband the private carriage operation and use the applicant instead. The applicant's experience in handling the freight will be very valuable in also handling the additional Pennsylvania tonnage.

DISCUSSION AND FINDINGS

William H. Oester, t/d/b/a Oester Trucking seeks a common carrier certificate which would give him the right to transport property, except household goods, commodities in bulk and Classes A and B explosives, for Stanton Industries of Pennsylvania, Inc., and Berkebile Oil Company, Inc., from their facilities located in the county of Somerset, to points in Pennsylvania, and vice versa.

Upon careful review of the transportation needs expressed by both shippers in their verified statements, we find those needs to fall somewhat short of supporting the service proposed by the applicant. The most obvious

shortcoming is the need for "vice versa" service. One shipper, Stanton Industries of Pennsylvania, Inc., states specifically that its support is limited to outbound service only. Berkebile Oil Company, Inc., has shown no need for inbound service of any kind. In response to Staff inquiry in this regard, counsel for the applicant advised by letter of February 6, 1991, that the applicant seeks authority consistent with the shippers' support and that reference to "vice versa" should be deleted.

The shippers' support also falls short of a need for service involving the broad commodity description of "property". One shipper produces and ships automotive chemicals such as cleaners, solvents and lubricants. The other manufactures and ships upholstered furniture such as chairs, sofas, love seats, and various accessories, which are deemed to be more compatible with a new furniture commodity description. Accordingly, any authority conveyed hereinafter will reflect the true needs of each shipper. By limiting the service to the transportation of specific commodities for each shipper, the conditions prohibiting the transportation of household goods and Class A and B explosives are unnecessary.

With further regard to the needs of Stanton Industries involving furniture; at first glance, it would appear that by virtue of the exclusion of transportation of household goods as contained in the captioned authority, any service for this shipper is questionable. We have, however, looked at household goods transportation as the act of moving from one household to another, and not embracing the transportation of new furniture from a manufacturer to its customers.

The applicant is a certificated I.C.C. common carrier and has been serving each shipper under that authority for some time. The evidence of record shows it to be well qualified to serve the shippers in Pennsylvania intrastate traffic. The applicant has facilities located in Somerset County and has the equipment necessary to adequately meet the shippers' needs. Its financial position is good.

We find:

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

IT IS ORDERED: That the application be and is hereby approved as modified and that a certificate be issued granting the applicant the right to operate as follows:

- (1) To transport, as a Class D carrier, automotive chemicals, including lubricants, solvents and cleaners, for Berkebile Oil Company, Inc., from its facilities in Somerset County, to points in Pennsylvania;

- (2) To transport, as a Class D carrier, new furniture and accessories therefor, for Stanton Industries of Pennsylvania, Inc., from its facilities in Somerset County, to points in Pennsylvania;

with both rights subject to the following condition:

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

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until he 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 evidence 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 the 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.

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

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 6, 1991

ORDER ENTERED: MAR 12 1991

SERVICE DATE

JUL 14 1988

PM-26
(Rev. 10/84)

INTERSTATE COMMERCE COMMISSION

EXHIBIT: 2
WITNESS: OESTER

CERTIFICATE

No. MC 207057 (Sub 0-C)

WILLIAM H. OESTER
d/b/a OESTER TRUCKING
SALISBURY, PA

This Certificate is evidence of the carrier's authority to engage in transportation as a common carrier by motor vehicle.

This authority will be effective as long as the carrier maintains compliance with the requirements pertaining to insurance coverage for the protection of the public (49 CFR 1043); the designation of agents upon whom process may be served (49 CFR 1044); and tariffs or schedules (49 CFR 1300 through 1310, revised). The carrier shall also render reasonably continuous and adequate service to the public. Failure to meet these conditions will constitute sufficient grounds for the suspension, change, or revocation of this authority.

This authority is subject to any terms, conditions, and limitations as are now, or may later be, attached to this privilege.

For common carriers with irregular route authority: Any irregular route authority authorized in this Certificate may not be tacked or joined with your other irregular route authority unless joinder is specifically authorized.

The transportation service to be performed is described on the reverse side of this document.

By the Commission.

(SEAL)

NORETA R. MCGEE,
Secretary.

NOTE: If there are any discrepancies regarding this document, please notify the Commission within 30 days.

To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting general commodities (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).



TRACTORS OWNED BY OESTER TRUCKING
As of March 1, 1993

<u>VIN #</u>	<u>YEAR</u>	<u>MAKE</u>	<u>DATE OF PURCHASE</u>	<u>UNIT #</u>
1FUPYDYB3AT276283	1986	FREIGHTLINER	04/30/86	37
1FUP2XYB4JH333806	1988	FREIGHTLINER	03/14/88	51
1FUP2XYB6JH333807	1988	FREIGHTLINER	03/14/88	52
1XP5DB9XOKD271480	1989	PETERBILT	10/26/88	53
1XPCDB9X9LD289257	1990	PETERBILT	09/16/89	54
1XPCDB9XOLD289258	1990	PETERBILT	09/16/89	55
1FUYSYB9LH381189	1990	FREIGHTLINER	12/07/89	56
1FUYSYB5LH381190	1990	FREIGHTLINER	12/07/89	57
1FUYSYB2MH501514	1991	FREIGHTLINER	09/20/92	58
1FUYSYB5MH501515	1991	FREIGHTLINER	09/20/92	59
1FUYSYB5MH507873	1991	FREIGHTLINER	01/23/91	60
1FUPYDYB7GP276285	1986	FREIGHTLINER	04/30/86	61
1FUYSYB7MH507874	1991	FREIGHTLINER	01/23/91	62
1FUYSYB7NH518976	1992	FREIGHTLINER	07/22/91	63
1FUYSYB9NH518977	1992	FREIGHTLINER	07/22/91	64
1FUYSYBONH518978	1992	FREIGHTLINER	07/22/91	65
1FUYSYB5NH480776	1992	FREIGHTLINER	03/20/92	66
1FUYSYB7NH480777	1992	FREIGHTLINER	03/20/92	67
1FUYSYB9NH480778	1992	FREIGHTLINER	03/20/92	68
1FUYSYB3PH496070	1993	FREIGHTLINER	08/25/92	69
1FUYSYB5PH496071	1993	FREIGHTLINER	08/25/92	70
1FUYSYB7PH496072	1993	FREIGHTLINER	08/25/92	71
1FUY3EDBXP426687	1993	FREIGHTLINER	03/01/93	72
1FUY3EDB1PH426688	1993	FREIGHTLINER	03/01/93	73
1FUY3EDB3PH426689	1993	FREIGHTLINER	03/01/93	74

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**OESTER
TRUCKING**
R.D. #1, Box 142-A
Salisbury, PA 15558
Tel. (814) 662-2703
(800) 842-5442
FAX: (814) 662-2906

USED EQUIPMENT PURCHASED BY
OESTER TRUCKING
As of March 1, 1993

<u>VIN #</u>	<u>YEAR</u>	<u>MAKE</u>	<u>DATE OF PURCHASE</u>	<u>UNIT #</u>
1FUPYCYB2HH303401	1987	FREIGHTLINER	01/15/93	50

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**OESTER
TRUCKING**R.D. #1, Box 142-A
Salisbury, PA 15558
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(800) 842-5442
FAX: (814) 662-2906

TRAILERS OWNED BY OESTER TRUCKING

As of March 1, 1993

<u>VIN #</u>	<u>YEAR</u>	<u>MAKE</u>	<u>DATE OF PURCHASE</u>	<u>UNIT #</u>
102801	1989	GREAT DANE	01/12/89	101
1GKAA6923KB129801	1989	GREAT DANE	03/30/89	102
1GKAA6925KB129802	1989	GREAT DANE	03/30/89	103
1GRAA9627KB129803	1989	GREAT DANE	04/28/89	104
1GRAA9629KB129804	1989	GREAT DANE	04/28/89	105
1GRAA9627KB157410	1989	GREAT DANE	06/30/89	106
1GRAA9627KB157411	1989	GREAT DANE	06/30/89	107
1GRAA9627KB157412	1989	GREAT DANE	06/30/89	108
1GRAA9622KB157413	1989	GREAT DANE	06/30/89	109
1GRAA9624KB157414	1989	GREAT DANE	06/30/89	110
1GRAA9620LB100001	1990	GREAT DANE	01/31/90	111
1GRAA9622LB100002	1990	GREAT DANE	01/31/90	112
1GRAA9624LB100003	1990	GREAT DANE	01/31/90	113
1GRAA9626LB100004	1990	GREAT DANE	01/31/90	114
1GRAA9628LB100005	1990	GREAT DANE	01/31/90	115
1GRAA962XMB007701	1991	GREAT DANE	07/26/90	116
1GRAA9621MB007702	1991	GREAT DANE	07/26/90	117
1GRAA9623MB007703	1991	GREAT DANE	07/26/90	118
1GRAA9625MB007704	1991	GREAT DANE	07/26/90	119
1GRAA9627MB007705	1991	GREAT DANE	07/26/90	120
1GRAA9624MB075301	1991	GREAT DANE	01/31/91	121
1GRAA9626MB075302	1991	GREAT DANE	01/31/91	122
1GRAA9628MB075303	1991	GREAT DANE	01/31/91	123
1GRAA962XMB075304	1991	GREAT DANE	01/31/91	124
1GRAA9621MB075305	1991	GREAT DANE	01/31/91	125
1GRAA9623MB075306	1991	GREAT DANE	01/31/91	126
1GRAA9625MB075307	1991	GREAT DANE	01/31/91	127
1GRAA9627MB075308	1991	GREAT DANE	01/31/91	128
1GRAA9629MB075309	1991	GREAT DANE	01/31/91 29	129

TRAILERS OWNED BY OESTER TRUCKING

As of March 1, 1993



<u>VIN #</u>	<u>YEAR</u>	<u>MAKE</u>	<u>DATE OF PURCHASE</u>	<u>UNIT #</u>
1GRAA9625MB075310	1991	GREAT DANE	01/31/91	130
1DW1A4822MS720015	1991	STOUGHTON	12/31/90	131
1DW1A4824MS720016	1991	STOUGHTON	12/31/90	132
1PTO2DAH1K9011125	1989	TRAILMOBILE	02/18/91	133
1PTO2DAH3K9011126	1989	TRAILMOBILE	02/18/91	134
1PTO2DAH5K9011127	1989	TRAILMOBILE	02/18/91	135
1PTO2DAH5K9011128	1989	TRAILMOBILE	02/18/91	136
1PTO2DAH9K9011129	1989	TRAILMOBILE	02/18/91	137
1PTO2DAH5K9011130	1989	TRAILMOBILE	02/18/91	138
1DW1A4825ND763703	1992	STOUGHTON	10/10/91	139
1DW1A4825NS763704	1992	STOUGHTON	10/10/91	140
1DW1A4824NS763711	1992	STOUGHTON	11/13/91	141
1DW1A4826NS763712	1992	STOUGHTON	11/13/91	142
1UYVS248XNC698104	1992	UTILITY	12/27/91	143
1UYVS2487NC698108	1992	UTILITY	12/27/91	144
1GRAA9621MB074803	1991	GREAT DANE	02/28/92	145
1GRAA0624NB113011	1992	GREAT DANE	06/15/92	301
1GRAA0626NB113012	1992	GREAT DANE	06/15/92	302
1GRAA0628NB113013	1992	GREAT DANE	06/15/92	303
1GRAA062XNB113014	1992	GREAT DANE	06/15/92	304
1GRAA0621NB113015	1992	GREAT DANE	06/15/92	305
1GRAA0625PB025801	1993	GREAT DANE	10/30/92	306
1GRAA0627PB025802	1993	GREAT DANE	10/30/92	307
1GRAA0629PB025803	1993	GREAT DANE	10/30/92	308
1GRAA0620PB025804	1993	GREAT DANE	10/30/92	309
1GRAA0622PB025805	1993	GREAT DANE	10/30/92	310
1DW1A4823ES437608	1983	STOUGHTON	04/11/90	201
1DW1A4823ES437611	1983	STOUGHTON	04/11/90	202

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**OESTER
TRUCKING**
R.D. #1, Box 142-A
Salisbury, PA 15558
Tel. (814) 662-2703
(800) 842-5442
FAX: (814) 662-2906

TRAILERS OWNED BY OESTER TRUCKING

As of March 22, 1993

<u>VIN #</u>	<u>YEAR</u>	<u>MAKE</u>	<u>DATE OF PURCHASE</u>	<u>UNIT #</u>
1UYVS2484PC980709	1993	UTILITY	3/22/93	146
1UYVS2480PC980710	1993	UTILITY	3/22/93	147
1UYVS2482PC980711	1993	UTILITY	3/22/93	148

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OESTER TRUCKING

REEFER TRAILERS

<u>Vin #</u>	<u>Year</u>	<u>Make</u>	<u>Purchase Date</u>	<u>Unit #</u>
1UYVS2485MM555201	1991	Utility	2/18/91	2000RX
1UFVS2489JT889507	1988	Utility	10/12/92	
1GRAA9624PB054436	1993	Great Dane	12/30/92	
1GRAA9620KW000505	1989	Great Dane	04/29/93	Repurchased

OESTER TRUCKING
BALANCE SHEET
MARCH 31, 1993

ASSETS

Current Assets		
Cash	\$	41,991
Advances		<u>3,150</u>
Total Current Assets	\$	45,141
Property & Equipment		
Land		25,000
Buildings & improvements		62,825
Trucks		1,868,083
Trailers		1,050,455
Garage equipment		17,150
Office equipment		<u>2,208</u>
		3,025,721
Less accumulated depreciation		<u>(1,139,001)</u>
Total Property & Equipment		<u>1,886,720</u>
Total Assets		\$1,931,861

LIABILITIES AND PROPRIETOR'S CAPITAL

Current Liabilities		
Payroll taxes withheld	\$	3,811
Current portion long-term debt		<u>533,453</u>
Total Current Liabilities	\$	537,264
Long-term debt, net of current portion		955,679
Proprietor's Capital		<u>438,918</u>
Total Liabilities and Proprietor's Capital		\$1,931,861

OESTER TRUCKING
STATEMENT OF REVENUES AND EXPENSES
FOR THE THREE MONTHS ENDED MARCH 31, 1993

Revenues:

Hauling income	\$ 753,938
Interest income	<u>535</u>

Total revenues

\$ 754,473

Expenses:

Salaries & wages	209,024
Contract labor	239
Payroll taxes	17,466
Gas, oil & fuel	163,598
Insurance	108,832
Parts, supplies & repairs	70,551
Licenses	18,600
Tolls	11,366
Rent	1,746
Loading & unloading	3,959
Depreciation	108,992
Interest	38,015
Telephone & utilities	13,044
Office supplies & expenses	1,720
Legal & accounting	293
Advertising	1,667
Claims	505
Pension expense	2,063
Loss on sale of assets	3,658
Other	<u>6,291</u>

Total expenses

781,629

Net Loss

\$(27,156)

VERIFICATION OF STATEMENT

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

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

Dated: June 3, 1993



WILLIAM OESTER

VERIFIED STATEMENT OF
GREGORY D. BASINGER
IN SUPPORT OF
APPLICATION OF WILLIAM H. OESTER
t/d/b/a OESTER TRUCKING
A.109496, F.1, Am-A

RECEIVED
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1. NAME AND ADDRESS OF SUPPORTING GROUP

Supervalu Holdings, Inc., and
Pittsburgh Division of Supervalu, Inc.
400 Paintersville Road
New Stanton, PA 15672
Telephone: (412) 925-6600

Additional freight facilities are located at:

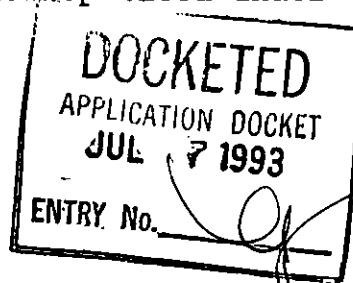
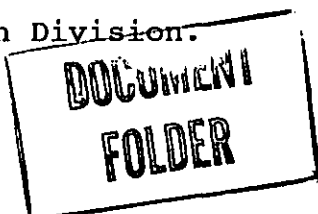
Buncher Industrial Park, Avenue B
Youngwood, PA *Wmld*
and
Finley Road
Belle Vernon, PA *Foy*

2. IDENTITY AND QUALIFICATIONS OF SUPPORTING WITNESS

My name is Gregory D. Basinger and I am Traffic Manager of the Pittsburgh Division of Supervalu, Inc. I have been employed by this company for fifteen years and for the past nine years have been involved in the transportation area.

3. GENERAL DESCRIPTION OF SUPPORTING PARTY

Supervalu Holdings, Inc., is a wholesale grocery distribution company dealing in foodstuffs and/or other items that are generally sold in grocery stores and supermarkets. The company previously operated in Pennsylvania under the names of Supervalu Charley Brothers Division and Wetterau Incorporated. As of June 30, 1993, the two Pennsylvania operations were merged and now operate under the name Pittsburgh Division of Supervalu, Inc. The Wetterau facility on Finley Road at Belle Vernon is now operated under the Pittsburgh Division.



4. FREQUENCY OF INTENDED USE

The Pittsburgh Division of Supervalu, Inc., requires truckload transportation of products averaging approximately eighteen loads per day intrastate. The shipper anticipates tendering to Applicant three truckloads per week in Pennsylvania intrastate commerce.

5. SPECIFIC OR REPRESENTATIVE ORIGINS OR DESTINATIONS, OR BOTH

The Pittsburgh Division of Supervalu, Inc., utilizes, owns or leases facilities in New Stanton and Belle Vernon, Westmoreland County and in Youngwood, Fayette County. Applicant is needed to transport grocery items from the following representative locations to our facilities:

Fogelsville	Shippensburg	Altoona	Biglerville
Mechanicsburg	✓Allentown	✓Erie	Orrtanna
Shiremanstown	Milton	✓Harrisburg	North East
Chester	Temple	Mountain Top	Peach Glen
✓Bloomsburg	✓Pittsburgh	Lancaster	New Kingston
Mehoopany	✓Philadelphia	Aspers	✓York
Chambersburg	✓Reading	Camp Hill	Hanover
Somerset	Lebanon		

6. TYPE OF SERVICE REQUIRED

Applicant needs to provide refrigerated trailers that are 48'x 102" and dry vans that are also 48'x 102". Applicant is needed to pickup and deliver twenty-four hours a day and seven days per week.

7. SIMILAR APPLICATIONS SUPPORTED

Charley Brothers Division supported PUC applications for Pleasant Trucking in July 1989 and R. J. Cavanaugh in August 1990, and is presently supporting the application of E. C. M. Our traffic volumes and receiving schedules require the services of multiple carriers. The Pittsburgh Division, as the merged Pennsylvania operations are known, has not supported any other carrier.

8. ANY OTHER INFORMATION DEEMED PERTINENT.

I request that the applicant be authorized to transport for Supervalu Holdings, Inc., and the Pittsburgh Division of Supervalu, Inc. Currently freight is tendered to carriers under the name Pittsburgh Division of Supervalu, Inc. Experience indicates the Division name is subject to change so the application is supported for the parent's name as well.

VERIFICATION OF STATEMENT

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

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

Dated: June 8, 1993

Gregory D. Basinger
(Signature)

Gregory D. Basinger
(Print name)