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October 15, 1991

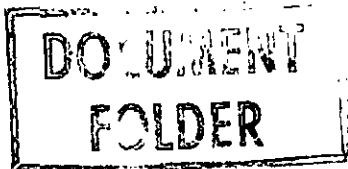
In re: Application of Evergreen Express Lines, Inc.  
A-00109494

Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
Post Office Box 3265  
Harrisburg, PA 17120

Dear Mr. Rich:

We have enclosed, for filing in the above-captioned matter, the original and two copies of a petition to extend the time to comply with the requirements of the order approving the application. Inasmuch as the compliance due date is now November 28, 1991, we respectfully request expedited action on this petition. We shall be grateful for the cooperation of the Commission in this matter.

If there are any questions, or if anything further is required, please contact the undersigned.



Very truly yours,

McNEES, WALLACE & NURICK

By

Herbert R. Nurick

HRN/ec

Enclosures

cc: H. Kirk House, Esquire (w/enc.)  
Ms. Elzalena McConnell Ditzler (w/enc.)  
Mr. Timothy Teagan (w/enc.)

RECEIVED  
OCT 15 1991  
SECRETARYS OFFICE  
Public Utility Commission

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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In re:

APPLICATION OF

EVERGREEN EXPRESS LINES, INC.

A-00109494

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DUCKETED  
OCT 21 1991

RECEIVED  
OCT 15 1991  
SECRETARYS OFFICE  
Public Utility Commission

PETITION TO EXTEND TIME TO COMPLY WITH  
REQUIREMENTS OF ORDER APPROVING TRANSFER

COMES NOW Evergreen Express Lines, Inc. ("applicant"), by its attorneys, and files this petition to extend time to comply with requirements of order approving transfer, in the above-captioned matter, respectfully representing as follows:

1. On or about September 6, 1990, applicant filed the above-captioned application with the Pennsylvania Public Utility Commission ("Commission") seeking approval of the transfer to applicant of all the rights authorized to Clark Transfer, Inc. ("Clark"), subject to the same limitations and conditions.

2. Notice of the application appeared in the Pennsylvania Bulletin of Saturday, October 6, 1990, at pages 5098 and 5099.

3. No protests were filed to the application.

4. By order adopted November 21, 1990 and entered November 28, 1990, the Commission approved the application and ordered as follows on page 7:

DOCUMENT  
FOLDER

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 the Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

The Commission further ordered that applicant has sixty days from November 28, 1990 to comply with the requirements just set forth.

5. Based on the request of the applicant, applicant was granted an extension of time to November 28, 1991, to comply with the tariff and insurance requirements. A copy of the January 8, 1990 (should be 1991) letter from Secretary Jerry Rich, to applicant's counsel, granting the request, is attached hereto as Appendix "A."

6. In his January 4, 1991, letter requesting the extension of time, counsel for the applicant noted that applicant

. . . must coordinate operations under the Pa. PUC order with matters before other governmental agencies, and it may take a year before total operations as Evergreen can commence.

7. Applicant's projection of one year, from the date the order was entered, is no longer realistic in view of delays that have occurred.

Applicant submits that the transfer of authority in the instant matter will take place; however, it will not be able to effect the change in operations from Clark to applicant by November 28, 1991. Instead, it appears that the operational takeover will not occur until somewhere between January 1, 1992 and April 1, 1992.

8. Clark will continue to conduct operations until the authority is officially transferred to applicant; therefore, there will be no gap in service pending the effective date of the transfer.

9. Because (1) it is crucial for applicant to obtain the instant authority and, at the same time, coordinate its Pennsylvania operation with its total operation, including service pursuant to applications pending before the Interstate Commerce Commission, and (2) it is obvious that applicant will not be able to have its total operation structured to commence service on November 28, 1991, it is filing this petition seeking an extension of time to April 1, 1992 to comply with the Commission's requirements set forth in paragraph 4 above. If applicant is in a position to comply before April 1, 1992, it will do so.

WHEREFORE, for the foregoing reasons, Clark Transfer, Inc., respectfully requests the Commission to grant this petition and extend its compliance due date to April 1, 1992.

Respectfully submitted,

McNEES, WALLACE & NURICK

By *Herbert R. Nurick*  
Herbert R. Nurick, Esquire  
100 Pine Street  
P. O. Box 1166  
Harrisburg, PA 17108-1166  
(717) 232-8000

Counsel for Evergreen Express Lines, Inc.

Dated: October 14, 1991



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

January 8, 1990

IN REPLY PLEASE  
REFER TO OUR FILE

A. 00109494

Herbert R. Nurick, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166

A. 00084200  
Fs. 2,3,5 & 6

Application of EVERGREEN EXPRESS LINES, INC., a corporation of the  
Commonwealth of Pennsylvania

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Dear Sir:

Please be advised that after conferring with the Law Bureau,  
your request for an extension of time until November 28, 1991  
has been granted.

However, it is required that the transferor, Clark Transfer, Inc.  
at A. 00084200, Fs. 2,3,5 and 6 continue to do business until  
the transfer is completed.

Very truly yours

Jerry Rich, Secretary

EMD  
Certified Mail

cc: EVERGREEN EXPRESS LINES, INC.  
121 New York Avenue  
Trenton, NJ 08603