

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE:	:	2. BUREAU AGENDA NO.
October 28, 1993	:	DEC-93-T-1002*
3. BUREAU:	:	
Transportation	:	
4. SECTION:	:	5. PUBLIC MEETING DATE:
Technical Review	:	December 2, 1993
6. APPROVED BY:	:	
	:	
Director: Ernst 7-2154	:	
Supervisor: Marzolf 3-5945	:	
7. PERSON IN CHARGE:	:	
Zeigler 3-5946	:	
8. DOCKET NO.:	:	
A-00109487, F. 1, Am-A	:	

DOCKETED
MAR 07 1994

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- 9. (a) **CAPTION** (abbreviate if more than 4 lines)
- (b) Short summary of history & facts, documents & briefs
- (c) Recommendation

(a) Application of George F. DelBaggio, t/d/b/a D & G Trucking, Tyrone, Blair County, for amendment to his common carrier certificate: SO AS TO PERMIT the transportation of sand, gravel, limestone and amesite for New Enterprise Stone and Lime Co., Inc., Interstate Amesite, Inc., IA Construction Corporation, and St. Mary's Paving Company, from their facilities in the counties of Armstrong, Blair, Cambria, Centre, Clarion, Clearfield, Elk, Huntingdon, Indiana and Jefferson, to points in said counties, and vice versa, provided no haul exceeds 100 statute miles from point of origin to point of destination; and property, in bulk, in dump vehicles, for Hoover Concrete, from its facilities in the county of Jefferson, and for Glen Hawbaker, Inc. from its facilities in the county of Centre, to points in Pennsylvania, and vice versa: WHICH IS TO BE IN LIEU OF ITS PRESENT AUTHORITY as more fully described in the application.

(b) The application was opposed by three carriers which later withdrew predicted upon our acceptance of a restrictive amendment. The restrictive amendment excludes service for Hoover Concrete to or from points in Somerset County and restricts service for New Enterprise Stone and Lime. The applicant has the necessary equipment, experience and capacity to render the proposed service. The applicant has the unqualified support of Hoover Concrete for the additional service. The support of New Enterprise Stone and Lime and IA Construction Corporation corrects the name and new ownership of shippers contained in the applicant's current authority. Part 1 of the application is not composed of additional commodities or territory. Approval of the now unopposed application as it has been amended is proper for the accommodation and convenience of the public.

(c) The Bureau of Transportation recommends the Commission adopt the proposed order approving the application, as amended.

10. MOTION BY:	Commissioner Chm. Rolka	Commissioner Quain - Yes
		Commissioner Crutchfield - Yes
SECONDED:	Commissioner Rhodes	Commissioner Hanger - Yes

CONTENT OF MOTION: Staff recommendation adopted.



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

December 15, 1993

IN REPLY PLEASE
REFER TO OUR FILE

Handwritten initials

A-00109487
F.I., Am-A

JAMES D CAMPBELL JR ESQUIRE
3631 N FRONT STREET
HARRISBURG PA 17110

Application of GEORGE F DeIBAGGIO, t/d/b/a D & G TRUCKING

Dear Sir:

Enclosed is the compliance order issued by the Commission in this proceeding.

The application will not be permitted to operate or engage in any transportation granted by the enclosed order until a tariff has been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above requirement will be subject to the penalty provisions of the Public Utility Commission.

Commission regulations require compliance with the above requirements within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of December 2, 1993 and dismiss the application without further proceeding.

Very truly yours,

Handwritten signature of John G. Alford

John G. Alford, Secretary

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JAN 05 1994

smk
Encls.
Cert.Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521

cc:applicant
R.D. #4, Box 201-A
Tyrone PA 16686

MODIFICATION

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held December 2, 1993

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
Lisa Crutchfield
John Hanger

Application of George F. DelBaggio, t/d/b/a D & G Trucking for amendment to his common carrier certificate, this application seeks the right to transport, by motor vehicle, (1) sand, gravel, limestone and amesite for New Enterprise Stone & Lime Co., Inc., Interstate Amesite, Inc., IA Construction Corporation, and St. Mary's Paving Company, from their facilities in the counties of Armstrong, Blair, Cambria, Centre, Clarion, Clearfield, Elk, Huntingdon, Indiana and Jefferson, to points in said counties, and vice versa, provided no haul shall exceed one hundred (100) statute miles from point of origin to point of destination; and, (2) property, in bulk, in dump vehicles, for Hoover Concrete, from its facilities in the county of Jefferson, and for Glen Hawbaker, Inc. from its facilities in the county of Centre, to points in Pennsylvania, and vice versa: WHICH IS TO BE IN LIEU OF PART OF ITS PRESENT AUTHORITY WHICH READS AS FOLLOWS: To transport, as a Class D carrier, sand, gravel, limestone and amesite, for Interstate Amesite, Inc., St. Mary's Paving Company and Warner Company, from the facilities of said companies located in the counties of Armstrong, Blair, Cambria, Centre, Clarion, Clearfield, Elk, Huntingdon, Indiana and Jefferson, to points in said counties, and vice versa, provided no haul shall exceed one hundred (100) statute miles from point of origin to point of destination.

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JAN 05 1994

James D. Campbell, Jr. for the applicant.
David M. O'Boyle for Ollinger Bros., Inc.
William J. Lavelle for Bruce Trent Trucking, Inc. and Bulk Transportation
Services, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 16, 1993. Public notice of the application was given in the Pennsylvania Bulletin of April 17, 1993. Protests were filed by Ollinger Bros., Inc., Bruce Trent Trucking, Inc., and Bulk Transportation Services, Inc.

The protests were withdrawn predicated upon our acceptance of a restrictive amendment which eliminated Warner Company, limited service for New Enterprise Stone & Lime Co., Inc., and excluded service for Hoover Concrete to or from points in Somerset County. The applicant has also eliminated upon reconsideration the requested authority for Glen Hawbaker, Inc.

The now unopposed application, as amended, is certified to the commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and three shippers.

George F. DelBaggio set forth in his verified statement that he is the owner of D & G Trucking which operates as a sole proprietorship domiciled at Tyrone, Blair County. The applicant is not affiliated with any other carriers and does not hold dual authority.

By the instant application, D & G Trucking seeks authority in lieu of authority it now holds. Currently, it holds authority to transport sand, gravel, limestone and amesite for Interstate Amesite, Inc., St. Marys Paving Company and Warner Company in the same territory requested by the instant application. The application seeks a correction in the applicant's present authority to reflect the fact that Interstate Amesite, Inc., has formed a new corporation IA Construction Corporation and to reflect that the facilities of Warner Company have been acquired by New Enterprise Stone and Lime Co., Inc. The applicant is now providing service to both of these shippers within the scope of its operating authority. IA Construction Corporation is a new corporation formed by Interstate Amesite, Inc., with common ownership. Interstate Amesite, Inc., is still an existing corporation and is included in the request for authority. The only truly new authority sought by the instant application is authority to serve Hoover Concrete.

D & G Trucking operates a fleet of equipment suitable to provide service with equipment routinely safety inspected and maintained. The applicant maintains insurance in accordance with Commission regulations and is not subject to any pending enforcement or complaint proceeding.

K. W. Hostler, region manager for IA Construction Corporation, Concordville, set forth in his verified statement that he is thoroughly familiar with the transportation requirements of IA Construction Corporation and is authorized to present a verified statement. From 1924 until the mid 1980's Interstate Amesite Corporation was a bituminous coal producer. In the mid 1980's a new evolution was formed IA Construction Corporation, to reflect the corporate construction from a bituminous producer into a large general contractor doing major highway, highway, residential, commercial, and industrial

construction. D & G Trucking has provided service to the company for at least 15 years under its existing authority which permits service for Interstate Amesite, Inc. It has been transporting commodities between all points in the 10-county territory, provided no haul exceeds 100 miles. It is the desire of the company to continue using the applicant's service for its shipping requirements in the application territory.

John A. Edmunds, general transportation manager for New Enterprise Stone and Lime Co., Inc., set forth in his verified statement that New Enterprise supports the application for the purposes of clarifying the applicant's operating rights to reflect the fact that its former authority to serve Warner Company should be modified to identify New Enterprise Stone and Lime Co., Inc., in lieu of Warner Company. New Enterprise acquired Warner Company in 1984. It was the belief of the applicant and New Enterprise Stone and Lime that it could continue to provide service from the facilities with its existing authority. The service provided by the applicant from those facilities has been reliable and satisfactory and New Enterprise Stone and Lime desires that service to continue.

Todd Hoover, a partner in Hoover Concrete, set forth in his verified statement that the company is engaged in the business of selling concrete products with its plant in Young Township, Jefferson County. It ships on a daily basis to and from its facilities in Jefferson County. It requires dump vehicles. It will ask the applicant to transport stone, sand and gravel. Customers are located throughout Pennsylvania as are vendors supplying materials and supplies. Inbound shipments arrive in Snyder Township, Blair County, Spruce Creek Township, Huntingdon County, Kittanning, Armstrong County and various points in Clearfield County. Sources of supply change from time to time. The shipper has currently certificated carriers available for intrastate traffic, but additional service is needed.

DISCUSSION AND FINDINGS

The applicant seeks to modify its current authority to reflect a change in name and change in ownership of two shippers it now serves. The applicant holds authority to provide service for Interstate Amesite, Inc., St. Marys Paving Company and Warner Company. Interstate Amesite, Inc., has formed a new corporation IA Construction Corporation. Interstate Amesite, Inc. is still a viable corporation and the applicant desires to retain that shipper's name in its authority. Warner Company has been purchased by New Enterprise Stone and Lime Co., Inc., and that company has entered a verified statement indicating its support for continued service. The applicant now holds authority to provide service for St. Marys Paving Company and that shipper has also been included in the request for service. There is no expansion in commodities or territory involved in the first part of this application as it has been filed to clarify existing authority.

The applicant has requested additional authority to provide service for Hoover Concrete and that shipper has entered a verified statement in support. Hoover Concrete desires service from its facilities in Jefferson County to points in Pennsylvania, and vice versa. As a result of protests, the

applicant has agreed to not render transportation to or from points in the county of Somerset.

Additionally, as a result of the protests, the applicant has agreed that transportation for New Enterprise Stone & Lime Co., Inc., shall be limited to shipments originating or terminating at the facilities of New Enterprise Stone & Lime Co., Inc., in Snyder Township, Blair County and Spruce Creek Township, Huntingdon County. This restriction will be incorporated into the authority to issue to the applicant to permit service solely to and from the two named facilities.

The authority requested by the instant application totally encompasses the authority now held by the applicant in the second right granted by our order adopted November 8, 1990, entered November 14, 1990. The authority to issue in this matter will be in lieu of that current authority.

We find:

1. The applicant stands ready, willing and able to render the proposed service for the renamed and new shippers in the territory it currently is authorized to serve.
2. The applicant has the support of a new shipper for service from points in Jefferson County to points in Pennsylvania and vice versa.
3. The applicant has the experience, equipment and fitness to render the proposed service, as amended.
4. Approval of the amended application is proper for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the amended application, be and is hereby approved and that the certificate issued December 13, 1990, be amended so that the second right contained in the order adopted November 8, 1990, entered November 14, 1990, shall now read as follows:

1. To transport, as a Class D carrier, sand, gravel, limestone and amesite, for New Enterprise Stone and Lime Co., Inc., from its facilities in the township of Snyder, Blair County, and the township of Spruce Creek, Huntingdon County, to points in the counties of Armstrong, Blair, Cambria, Centre, Clarion, Clearfield, Elk, Huntingdon, Indiana and Jefferson, and vice versa; provided no haul shall exceed 100 statute miles from point of origin to point of destination.
2. To transport, as a Class D carrier, sand, gravel, limestone and amesite, for Interstate Amesite, Inc., IA Construction Corporation and St. Marys Paving Company, from their facilities in the counties of Armstrong, Blair, Cambria, Centre, Clarion, Clearfield, Elk, Huntingdon, Indiana and Jefferson, to points in said counties, and

vice versa; provided no haul shall exceed 100 statute miles from point of origin to point of destination.

3. To transport, as a Class D carrier, property, in bulk, in dump vehicles, for Hoover Concrete, Inc., from its facilities in the county of Jefferson, to points in Pennsylvania, and vice versa;

right 3 subject to the following condition:

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

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 he shall have complied with the requirements of the Public Utility Code 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 the applicant has not, on or before sixty (60) days from the date of service of the order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: December 2, 1993

ORDER ENTERED: DEC 15 1993