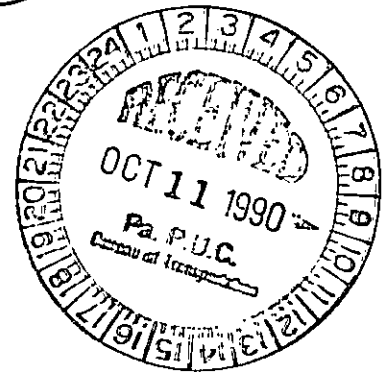




October 8, 1990



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

Re: MATTHEW S. SIEBER t/d/b/a  
SIEBER TRUCKING  
A-00109497

DFM

Dear Mr. Rich:

I am transmitting, herewith, the original and one (1) copy of the Protest of Butler Trucking Company, in opposition to the above application.

I am enclosing an additional copy of this letter of transmittal, and would ask that you affix onto this letter the date which the subject Protest is received, returning the duplicate copy to me in the self-addressed, stamped envelope that has been enclosed for that purpose.

Very Truly Yours,

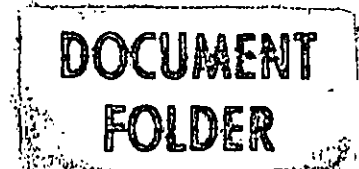
BUTLER TRUCKING COMPANY

David F. McAllister,  
Director of Marketing

DFM/bj1

Enclosures

cc: Applicant  
Christian V. Graf, Esq.  
Dwight L. Koerber, Esq.



P.O. Box 88 WOODLAND, PA 16881 814-857-7644

4620 Witmer Road Niagara Falls, N.Y. 14305 716-285-7343

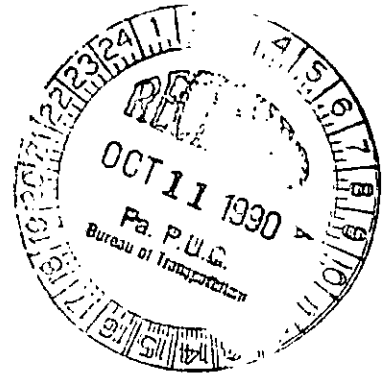
R.D. 2, Box 514 Darlington, PA 16115 412-336-0000

BEFORE THE  
PUBLIC UTILITY COMMISSION

-----  
MATTHEW S. SIEBER t/d/b/a  
SIEBER TRUCKING

A-00109497  
-----

PROTEST OF  
BUTLER TRUCKING COMPANY  
-----



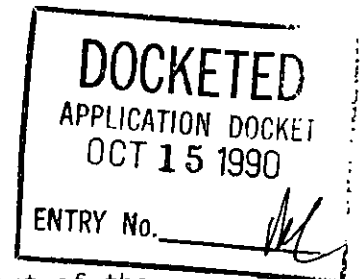
COMES NOW, BUTLER TRUCKING COMPANY, a motor carrier holding operating authority from the Pennsylvania Public Utility Commission, and files this, its Protest to the above application. A copy of the publication of that application is attached hereto as Appendix A.

1. The name and address of Protestant are as follows:

Butler Trucking Company  
P.O. Box 88  
Woodland, PA 16881

2. The name, address and telephone number of Protestant's representative are as follows:

David F. McAllister  
P.O. Box 88  
Woodland, PA 16881  
(814) 857-7644



3. Protestant is ready, willing and able to provide all or part of the services proposed herein, consistent with its operating authority and equipment.

4. In Docket No. A-92978, Folder 1 and Amendments thereto, protestant is authorized to transport property moving on flatbed tractor trailer units between points in Pennsylvania. Attached hereto, as Appendix B, is a copy of protestant's operating authority, which is the authority upon which protestant relies in order to provide the service proposed in this application.



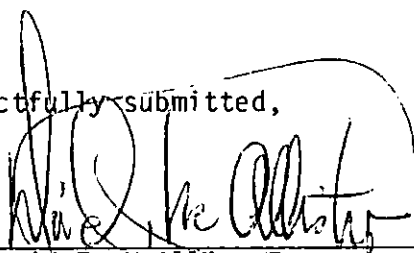
5. It is Protestant's position that granting this application would be contrary to the public interest, as it would have an adverse impact upon the operations of Protestant by depriving it of traffic that would complement its present operations.

6. Protestant would consider withdrawing its opposition if the application were limited to a named shipper or a specific territory, more limited in the present application. In addition, Protestant would consider restrictive amendments that would exclude service for Clearfield County, would exclude the transportation of shipments moving on flatbed tractor trailer units.

7. Protestant requests, pursuant to Section 333(c) of the Public Utility Code, that applicant furnish it with the names of supporting shippers and a summary of their testimony.

Respectfully submitted,

BY:

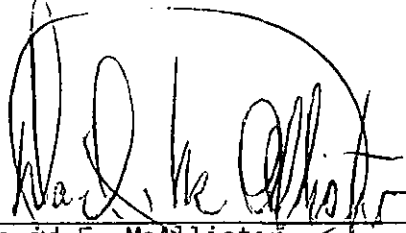
  
\_\_\_\_\_  
David F. McAllister  
Director of Marketing  
Butler Trucking Company

DATED: October 8, 1990

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 1990, I have served a copy of the foregoing Protest upon applicant's representative, by first class mail, at the following name and address:

Christian V. Graf  
407 North Front Street  
Harrisburg, PA 17101

A handwritten signature in black ink, appearing to read "David F. McAllister", written over a horizontal line.

David F. McAllister

APPENDIX A

Attached hereto is a copy of the application of Matthew S. Sieber t/d/b/a Sieber Trucking as it appeared in the Pennsylvania Bulletin of October 6, 1990.

Garden Streets, Philadelphia, when and where all persons in interest may appear and be heard if they so desire.

JERRY RICH,  
Secretary

[Pa.B. Doc. No. 90-2011. Filed October 5, 1990, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without a hearing in the absence of protests to the application. Protests to the applications published herein are due on or before October 29, 1990 and shall conform with the provisions for the content of protests as set forth at 52 Pa. Code § 3.381(c) (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent authority application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for transportation of property as described under each application.

A-00104955, Folder 2, Montgomery Tank Lines, Inc. (3108 Central Drive, Plant City, FL 33567), a corporation of the State of Illinois—chocolate, and materials and supplies used in the manufacture, sale and distribution of chocolate, in bulk in tank vehicles, for R. M. Palmer Company; Wilbur Chocolate Company, Inc.; and Bloomer Chocolate Company, Inc., from the Pennsylvania facilities of said shippers, to points in Pennsylvania, and vice versa. Application for temporary authority has been filed at A-00104955, F.2, seeking the following rights: chocolate, in bulk in tank vehicles, for R. M. Palmer Company, from points in the Boroughs of Lititz and Mt. Joy, Lancaster County, and the Borough of East Greenville, Montgomery County, to the facilities of R. M. Palmer Company located in the Borough of West Reading, Berks County, and the Borough of Wyomissing, Berks County. Attorney: Henry M. Wick, Jr., 1450 Two Chatham Center, Pittsburgh, Pa. 15219.

A-00109222 (2nd Correction), David L. Spear, t/d/b/a D. L. Spear Trucking (P. O. Box 294, Snow Shoe, Centre County, Pa. 16874)—(1) property, for R. S. Carlin, Inc., from points in the township of Karthaus and Covington, Clearfield County and the township of Snow Shoe, Centre County, to points in Pennsylvania, and vice versa; (2) property, for Mountain Top Coal Co., from points in the township of Snow Shoe, Centre County, to points in Pennsylvania, and vice versa; and (3) property, for Lobb Mining Co. from points in the township of Burnside, Centre County, to points in Pennsylvania, and vice versa. Attorney: John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

A-00109238 (2nd Correction), Raymond J. Carlin, t/d/b/a R. J. Carlin Trucking (Thomas Street, P. O. Box 125, Snow Shoe, Centre County, Pa. 16874)—(1) property, for R. S. Carlin, Inc., from points in the townships of Karthaus and Covington, Clearfield County and the township of Snow Shoe, Centre County, to points in

Pennsylvania, and vice versa; (2) property, for Mountain Top Coal Co., from points in the township of Snow Shoe, Centre County, to points in Pennsylvania, and vice versa; and (3) property, for Lobb Mining Co., from points in the township of Burnside, Centre County to points in Pennsylvania, and vice versa. Attorney: John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

A-00109496, William H. Oester, t/d/b/a Oester Trucking (R. D. 1, Box 142A, Salisbury, Somerset County, Pa. 15558)—property (except household goods, common 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. Attorney: David H. Radcliff, 407 North Front Street, Harrisburg, Pa. 17101.

A-00109497, Matthew S. Sieber, t/d/b/a Sieber Trucking (203 Licking Street, Mifflin, Juniata County, Pa. 17058)—wood products from points in the counties of Juniata, Mifflin and Perry, to points in Pennsylvania. Attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101.

A-00109499, Landis Transportation, Inc. (2604 Beltline Avenue, Reading, Berks County, Pa. 19605), a corporation of the Commonwealth of Pennsylvania—property, for Brentwood Industries, Inc.; Car Tech; Columbian Cutlery Co., Inc.; Berk-Tek, Inc.; Heyco Metals, Inc.; NGK Metals Corporation; Quaker Maid Kitchens; R.A.M. Motors & Controls; Stanley G. Flagg & Co., Inc.; and Snap-On-Tools Corporation, from their Pennsylvania facilities, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport commodities in bulk. Attorney: Joseph T. Bambrick, Jr., 529 Reading Avenue, Suite K, Reading, Pa. 19611.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of property as described under each application.

A-00099448, Folder 1, Am-C. Toy Trucking Company (R. D. 1, Box 103, Worthington, Armstrong County, Pa. 16262), a corporation of the Commonwealth of Pennsylvania, *inter alia*—coal, for Amerikohl Mining, Inc., from their facilities in the counties of Butler, Lawrence and Armstrong, to the Bruce Mansfield Station of Ohio Edison Power located in the borough of Shippingport, Beaver County: so as to permit the transportation of coal, from points within 125 statute miles from the borough of Worthington, Armstrong County, to points in Pennsylvania, provided no haul shall exceed 125 statute miles from point of origin to point of destination. Attorney: Blair F. Green, 125 North McKean Street, Kittanning, Pa. 16201-1517.

A-00107772, Folder 2, Am-C. D. Pierce Transportation, Inc. (P. O. Box 453, Murrysville, Westmoreland County, Pa. 15668), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property, for Overhead Door Corporation, between points in Pennsylvania; subject to the following condition: that no right, power or privilege is granted to transport petroleum and petroleum products: so as to permit the transportation of property (except petroleum and petroleum products), for Nextech, between points in Pennsylvania. Attorney: William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00108849, Folder 1, Am-A. Rosselli Trucking, Inc. (R. D. 1, Box 455, Morrisdale, Clearfield County, Pa. 16858), a corporation of the Commonwealth of Pennsylvania,

APPENDIX B

Attached hereto is a copy of Protestant's authority in A-92978 and amendments thereto.

BUTLER TRUCKING COMPANY

Pa. P.U.C. Operating Authority

A-92978

To transport, as a Class D carrier, coal from mines not served by railroad in the Counties of Blair, Bedford, Centre, Clearfield and Cambria, within fifty (50) miles by the usually traveled highways of the City of Altoona, Blair County, to points in the said city and within twenty (20) miles by the usually traveled highways of the limits of the said city.

To transport, as a Class D carrier, products of quarries and sand banks in the Counties of Blair, Bedford, Centre, Huntingdon and Clearfield to points within fifty (50) miles by the usually traveled highways of the point of origin.

To transport, as a Class D carrier, building construction materials, such as are usually transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of destination in the Counties of Blair, Bedford, Huntingdon, Centre, Clearfield and Cambria, provided no haul shall exceed a distance of fifteen (15) miles which parallels the lines of the Huntingdon and Broad Top Mountain Railroad and Coal Company.

To transport, as a Class D carrier, firebrick and firebrick products, for the J. H. France Refractories, from its plants in the Village of Clarence, Snow Shoe Township, Centre County, and the Village of Winburne, Cooper Township, Clearfield County, to points in Pennsylvania, and the return of refused or damaged shipments.

To transport, as a Class D carrier, quarry products, lime and lime products, for Warner Company, from points in the Borough of Bellefonte, Centre County, and within five (5) miles of the limits of said borough to points in Pennsylvania.

To transport, as a Class D carrier, brick and clay products from J. H. France Refractories in the Borough of Snow Shoe, Centre County, to other points in Pennsylvania.

To transport, as a Class D carrier, brick and clay products from H. K. Porter Co. (formerly Patterson Fire Brick Company) in the Borough of Clearfield, Clearfield County, to other points in Pennsylvania, and the return of rejected products.

To transport, as a Class D carrier, clay products and clay for the Williams Grove Clay products Company, a division of North American Refractories, (formerly Williams Grove Clay Products Company), between points in the Village of Bigler, Clearfield County.

To transport, as a Class D carrier, clay products and clay, for the Williams Grove Clay Products Company, a division of North American Refractories, (Formerly Williams Grove Clay Products Company), from points in the Village of Bigler, Clearfield County, to points in Pennsylvania and vice versa.

To transport, as a Class D carrier, brick and terra cotta pipe from points in the Counties of Clearfield, Cambria, Jefferson, Indiana, Armstrong, Clarion, Butler, Northumberland, Beaver and Lawrence to points in the Counties of Lehigh, Northampton, Berks, Bucks and Monroe;

the right immediately above to be subject to the following condition:

That no right, power or privilege is granted to transport brick from the plant of Hanley Company in the Borough of Summerville, Jefferson County.

To transport, as a Class D carrier, empty pallets, from points in the Counties of Lehigh, Northampton, Berks, Bucks and Monroe to points in the Counties of Clearfield, Cambria, Jefferson, Indiana, Armstrong, Clarion, Butler, Northumberland, Beaver and Lawrence.

To transport, as a Class D carrier, brick, and refractory products, from the plants of the General Refractories Company in the Village of Salina, Bell Township, Westmoreland County and in the Township of Perry, Fayette County, to the plants of the Bethlehem Steel Company in the City of Bethlehem, Lehigh and Northampton Counties, and the right to return empty pallets and rejected materials to the point of origin.

A-92978, F.1, Am-Q

To Transport, as a Class D carrier:

(1) Property between points in the County of Clearfield, and from points in said county, to points in Pennsylvania, and vice versa; and

(2) Ammonium nitrate for D. & J Maurer, Inc. from the Borough of Donora, Washington County, to points in Pennsylvania, and vice versa;

All of the authority above being subject to the following conditions:

First: That no right, power or privilege is granted to transport household goods.

Second: That no right, power or privilege is granted to transport property (except in bulk) to and from the facilities of American Home Foods Division of American Home Products Corporation, located in the Township of Turbot and the Borough of Milton, Northumberland County.

Third: That no right, power or privilege is granted to transport limestone and limestone products from York County.

Fourth: That no right, power or privilege is granted to transport sand, in bulk in truckloads, from the Pennsylvania Glass Sand Corporation in the Boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County, to the Boroughs of Donora, Washington County, and Industry, Beaver County.

A-92978, F.1, Am-Q

To Transport, as a Class D carrier:

(1) Property between points in the County of Clearfield, and from points in said county, to points in Pennsylvania, and vice versa; and

(2) Ammonium nitrate for D. & J Maurer, Inc. from the Borough of Donora, Washington County, to points in Pennsylvania, and vice versa;

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A-92978, F.1, Am-Q

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Third: That no right, power or privilege is granted to transport limestone and limestone products from York County.

Fourth: That no right, power or privilege is granted to transport sand, in bulk in truckloads, from the Pennsylvania Glass Sand Corporation in the Boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County, to the Boroughs of Donora, Washington County, and Industry, Beaver County.

A-92978, F.1, Am-R

To transport as a Class D carrier property:

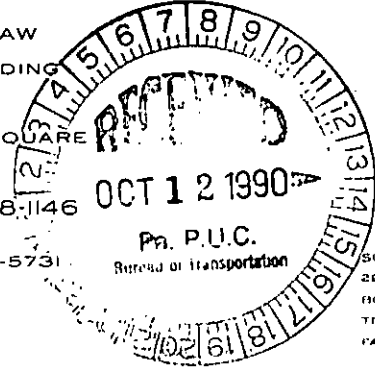
- (1) From points in the Counties of Mercer and Beaver to points in Pennsylvania and vice versa; and
- (2) From points in Pennsylvania, on and west of U. S. Highway 220, to points in Pennsylvania east of U.S. Highway 220, and vice versa, restricted in paragraphs (1) and (2) herein to the transportation of shipments moving on flatbed tractor trailer units.
  - (a) Provided that no right, power or privilege is granted to transport shipments which because of size or weight limitations require the issuance of special permits from the Pennsylvania Department of Transportation;
  - (b) Provided that no right, power or privilege is granted to transport property from the Borough of St. Marys and the Township of Bensinger,

County of Elk; or from points in the Townships of Bensalem, Bristol, Lower Southampton, Middletown, Upper Southampton and Warminster and the Boroughs of Bristol, Hulmeville, Ivyland, Langhorne, Langhorne Manor, Morrisville, Pennel and Tullytown, all in Bucks County;

- (c) Provided that no right, power or privilege is granted to transport refractories, refractory products or materials, equipment and supplies used in the manufacture and installation of refractories and refractory products from the Counties of Allegheny, Clarion and Washington to points in Pennsylvania, and vice versa;
- (d) Provided that no right, power or privilege is granted to transport property, for or from or to the Pennsylvania facilities of Reynolds Manufacturing Company; Amsat Corporation, MonCo Products, Inc.; Freeport Brick company; Associated Ceramics and Technology; Solar Refractories; Dlubak Studios, Inc.; Hussey Metal Division, Copper Range Company; A. P. Green Refractories Company; Jones and Laughlin Steel Corporation; Bethlehem Steel Corporation; H. H. Robertson Company; Amax, Inc.; Climax Molybdenum Corp.; Molycorp, Inc.; General Electric Corporation; Sperry-New Holland Division of Rand Corp.; Zurn Industry Corp.; Copes Vulcan Company; Thalheimer Bros., Inc.; and Owens Corning Fiberglass Corporation;
- (e) Provided that no right, power or privilege is granted to transport property, having a prior or subsequent movement by water, from points in the Counties of Allegheny, Armstrong, Lawrence, Washington and Westmoreland;
- (f) Provided that no right, power or privilege is granted to transport property from, to, or between points in the Counties of Adams, Cambria, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Mifflin, and Somerset;
- (g) Provided that no right, power or privilege is granted to transport limestone and limestone products, in bags and other types of containers, for the J. E. Baker Company, from its plant in the Township of West Manchester, York County, and for the Thomasville Stone and Lime Company, from its plant in the Township of Jackson, York County, to points in Pennsylvania.

**RHOADS & SINON**

ATTORNEYS AT LAW  
DAUPHIN BANK BUILDING  
TWELFTH FLOOR  
ONE SOUTH MARKET SQUARE  
P.O. BOX 1146  
HARRISBURG, PA 17108-1146  
TELEPHONE (717) 233-5731  
FAX: (717) 232-1459



OF COUNSEL  
FRANK A. SINON  
PAUL H. RHOADS  
1907-1934  
JOHN M. MUSSELMAN  
1919-1980  
CLYDE R. HENDERSHOT  
1922-1980

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

DIRECT DIAL NO.  
FILE 3084/02

FILE

HENRY W. RHOADS  
ROBERT H. LONG, JR.\*  
GERALD K. MORRISON  
SHERILL T. MOYER  
JAN P. PADEN  
RICHARD B. WOOD  
LAWRENCE B. ABRAMS III\*  
J. BRUCE WALTER  
JOHN P. MANDECK  
FRANK J. LEBER  
R. STEPHEN SHIHLA  
CHARLES L. SIECK\*  
PAUL A. LUNDEEN  
JACK F. HURLEY, JR.  
NATHAN H. WATERS, JR.  
DAVID B. DOWLING  
EVELYN S. HARRIS  
DAVID F. O'LEARY  
ROBERT L. BEALS\*\*  
DAVID O. TWADDELL  
CHARLES J. FERRY  
BRADLEY J. GUNNISON\*  
STANLEY A. SMITH  
JENS H. DAMGAARD\*  
DRAKE D. NICHOLAS  
THOMAS A. FRENCH  
DEAN H. DUSINBERRE  
DONNA M.J. CLARK  
LUCY E. KNISELEY  
GLORIA J. DAVIS  
SHAUN E. O'TOOLE  
PAUL F. WESSELL  
KATHLEEN J. HAYNES  
SHAWN D. LOCHINGER  
JOHN D. CONSEVAGE  
TIMOTHY M. ANSTINE  
RICHARD H. FRIEDMAN  
JESSE R. RUHL

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

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

October 11, 1990

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

RECEIVED  
OCT 12 1990  
SECRETARY'S OFFICE  
Public Utility Commission

Dear Secretary Rich:

We forward to you herewith the protest of Robert G. Hack to the above application.

Copies have been served upon Applicant and Applicant's Counsel.

Very truly yours,

RHOADS & SINON

By:

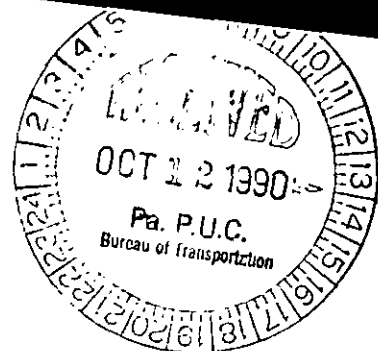
*J. Bruce Walter*  
J. Bruce Walter

JBW/dah

Enclosure

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





Before the  
Pennsylvania Public Utility Commission

A.109497

Application of Matthew S. Sieber, t/d/b/a, Sieber Trucking, 203 Licking Street, Mifflin, Juniata County, Pennsylvania 17058. Wood products from points in the counties of Juniata, Mifflin and Perry, to points in Pennsylvania. Attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pennsylvania 17101. Pennsylvania Bulletin of October 6, 1990, page 5097.

PROTEST OF  
ROBERT G. HACK  
A.108883

RECEIVED

OCT 12 1990

SECRETARY'S OFFICE  
Public Utility Commission

AND NOW, comes Robert G. Hack, R. D. #2, Box 67, Mifflintown, Pennsylvania, 17059 (717) 436-2419, and protests the above application for the following reasons:

1. The approval of said application is not necessary or proper for the accommodation, convenience, service or safety of the public.
2. The facilities of protestant and other authorized carriers are ample to meet all of the requirements of the shipping and receiving public in the territory involved in the above application.
3. The approval of this application will be prejudicial to your protestant since it will authorize additional unnecessary competition, with resulting loss in revenues by protestant. Operations of protestant will be endangered or impaired, a result contrary to the public interest.
4. Protestant is authorized to provide in part the service applied for, inter alia, at A.108883 as per copy attached.
5. This protest will be withdrawn upon an amendment excluding protestant's authority.

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
OCT 15 1990  
ENTRY No.

WHEREFORE, Protestant respectfully prays that the above application be dismissed.

RHOADS & SINON

By: 

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

Counsel for Protestant

Dated: October 11, 1990

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held May 10, 1990

Commissioners Present:

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

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

A-00108883

---

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

---

O R D E R

BY THE COMMISSION:

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

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

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

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

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

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

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

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

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

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

We find:

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

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

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

subject to the following conditions:

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

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

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

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

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

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

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a faint circular stamp.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: May 10, 1990

ORDER ENTERED: MAY 17 1990

REED SMITH SHAW & McCLAY

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

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



October 12, 1990  
HAND DELIVERED

RECEIVED

OCT 12 1990

SECRETARY'S OFFICE  
Public Utility Commission

Honorable Jerry Rich, Secretary  
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
North Office Building  
Harrisburg, PA 17120

RE: Application of Matthew S. Sieber  
t/d/b/a Sieber Trucking, A-00109497

Dear Secretary Rich:

On behalf of Gary L. Ramsey Trucking, Inc., we enclose the original and two copies of a protest to the above-captioned application.

As indicated in the certificate of service, a copy has been served upon the applicant and applicant's representative.

Very truly yours,

REED SMITH SHAW & McCLAY

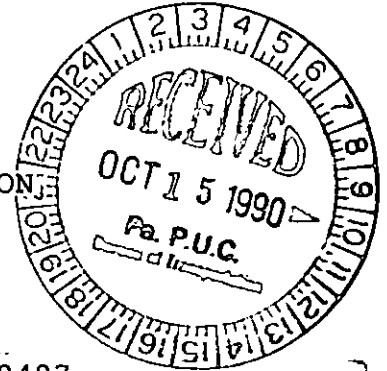
BY: *Christopher Zettlemyer*  
Christopher Zettlemyer

CZ/jee  
Enclosure

cc: Matthew S. Sieber t/d/b/a Sieber Trucking (w/enc.)  
Christian V. Graf, Esq. (w/enc.)  
Gary L. Ramsey Trucking, Inc. (w/enc.)

DOCUMENT  
FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION



In Re:

APPLICATION OF :  
MATTHEW S. SIEBER : Docket No. A-00109497  
t/d/b/a SIEBER TRUCKING :

**RECEIVED**

OCT 12 1990

**SECRETARY'S OFFICE**  
Public Utility Commission

PROTEST OF  
GARY L. RAMSEY TRUCKING, INC.  
A-00108324

In accordance with the rules and regulations of the Pennsylvania Public Utility Commission, Gary L. Ramsey Trucking, Inc. protests the above application and, in support thereof, states as follows:

1. The name, address and telephone number of protestant are:

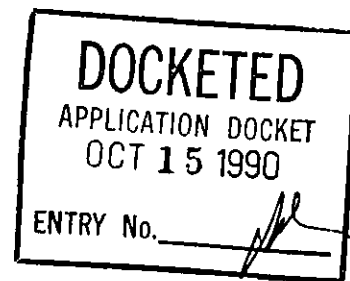
GARY L. RAMSEY TRUCKING, INC. ("Protestant")  
R.D. #1, Box 13  
Mifflintown, PA 17059-9518

Telephone: (717) 436-8684

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

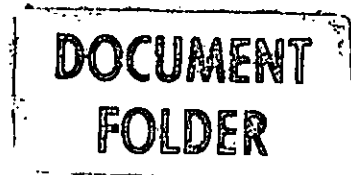
Christopher Zettlemyer, Esq.  
Reed Smith Shaw & McClay  
P.O. Box 11844  
213 Market Street  
Harrisburg, PA 17108

Telephone: (717) 234-5988



3. Protestant holds authority which is in conflict with the authority requested by applicant. A copy of the requested authority as published in the Pennsylvania Bulletin on October 6, 1990, is attached as Exhibit "A". A true and correct copy of the pertinent portion of authority held by protestant is attached hereto as Exhibit "B".

4. Protestant is presently providing service in the application area. Protestant transports a substantial amount of property



covered by the application. To the extent of the protestant's authority, there is no need or demand for additional service and the proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public. Diversion of traffic and loss of revenues to protestant in connection with the transportation proposed by applicant will be so seriously detrimental to the protestant so as to have a substantial adverse impact upon the public.

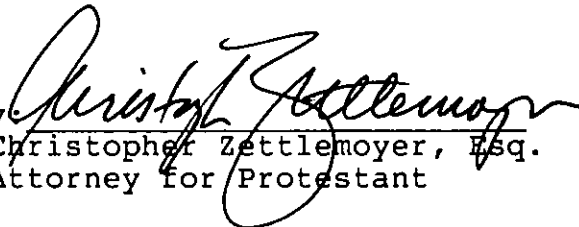
5. This protest also relates to the fitness of the applicant.

6. Without knowing the names of shippers which will support this application, protestant is unable to suggest an amendment which would satisfy its interest. Protestant is willing to discuss this matter with applicant or its counsel.

7. Protestant hereby requests that the application be set for oral hearing. If an oral hearing is held, protestant will appear and present evidence pertinent to the application.

8. Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S.A. §333(c)), protestant requests that it be supplied with the names and addresses of all witnesses expected to testify in this procedure; together with the subject matter of their anticipated testimony and, in particular, any complaints or any evidence pertaining to the service of the protestant.

REED SMITH SHAW & McCLAY

By:   
Christopher Zettlemyer, Esq.  
Attorney for Protestant

Dated: October 12, 1990

EXHIBIT "A"

PENNSYLVANIA BULLETIN, VOL. 20, NO. 40, OCTOBER 6, 1990

**A-00109497. Matthew S. Sieber, 1/d/b/a Sieber Trucking**  
(203 Licking Street, Mifflin, Juniata County, Pa. 17058)—  
wood products from points in the counties of Juniata,  
Mifflin and Perry, to points in Pennsylvania. *Attorney:*  
Christian V. Graf, 407 North Front Street, Harrisburg,  
Pa 17101.

EXHIBIT "B"

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

1. To transport, as a contract carrier by motor vehicle, wood products for Rockland Pallets, Inc.; Ridge View Pallets; J. Box & Lumber; Oakland Pallet Company; and J & N Pallet Co., from the Pennsylvania facilities owned and/or operated by said companies, to points in Pennsylvania, with the right to return refused, rejected or damaged shipments to the point of origin.
2. To transport, as a contract carrier by motor vehicle, nails for Rockland Pallets, Inc.; Ridgeview Pallets; J Box & Lumber; Oakland Pallet Company and J & N Pallet Co., from points in Pennsylvania, to the Pennsylvania facilities owned and/or operated by said companies, with the right to return refused, rejected or damaged shipments to the point of origin.
3. To transport, as a contract carrier by motor vehicle, building materials for Rickenbaugh Building Supply, from the facilities owned and/or operated by said company, to points in Pennsylvania and vice versa.

CERTIFICATE OF SERVICE

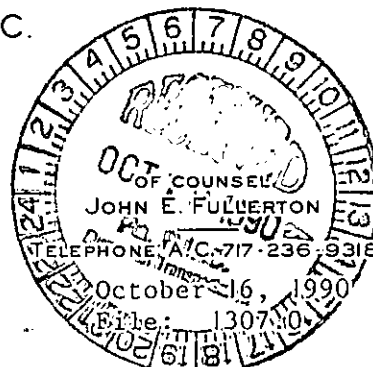
I hereby certify that I have served a copy of the foregoing document upon the applicant, Matthew S. Sieber t/d/b/a Sieber Trucking, P.O. Box 328, Licking St., Mifflin, PA 17058, and applicant's attorney, Christian V. Graf, Graf, Andrews & Radcliff, P.C., 407 North Front Street, Harrisburg, PA 17101, by first class mail, postage prepaid and properly addressed.

  
\_\_\_\_\_  
Christopher Zettlemoyer

Harrisburg, PA

GRAF, ANDREWS & RADCLIFF, P. C.  
ATTORNEYS AT LAW  
407 NORTH FRONT STREET  
HARRISBURG, PENNSYLVANIA 17101

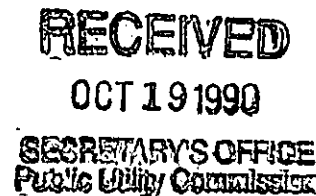
CHRISTIAN V. GRAF  
FREDERICK W. ANDREWS  
DAVID H. RADCLIFF  
GREGORY R. LYONS



RE: MATTHEW S. SIEBER, t/d/b/a SIEBER TRUCKING, A. 109497

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

FILE

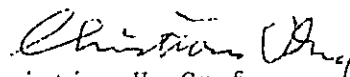


Dear Mr. Rich:

On behalf of the above-captioned applicant I enclose herewith a restrictive amendment.

We understand that this amendment will secure the withdrawal of the protest of Butler Trucking Company and we are requesting Mr. McAllister to so advise your Honorable Commission at the earliest possible date.

Very truly yours,

  
Christian V. Graf

CVG:ter  
Enclosure

cc: David F. McAllister, Director of Marketing  
Butler Trucking Co.  
P.O. Box 88  
Woodland, PA 16881

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

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

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

David H. Radcliff, Esquire

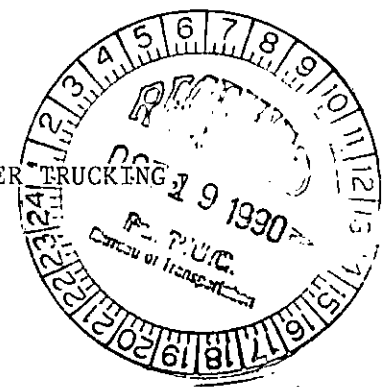


ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

In Re: Application of MATTHEW S. SIEBER, t/d/b/a SIEBER  
A. 109497

AMENDMENT



Applicant hereby amends his application by the addition thereto of the following:

"PROVIDED That no right, power or privilege is granted to perform transportation to points in the county of Clearfield."

**RECEIVED**  
OCT 19 1990  
SECRETARY'S OFFICE  
Public Utility Commission

MATTHEW S. SIEBER, t/d/b/a SIEBER TRUCKING

By: Christian V. Graf  
Christian V. Graf, Esquire  
His Attorney

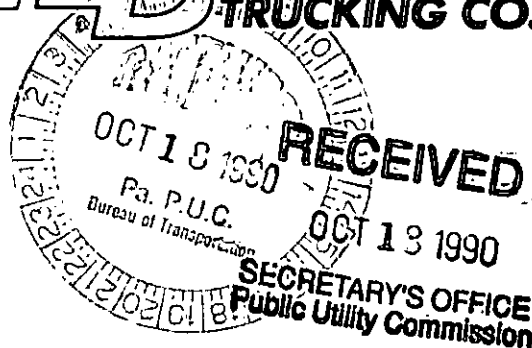
October 16, 1990

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
OCT 22 1990  
ENTRY No.

# BUTLER TRUCKING CO.

October 17, 1990



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

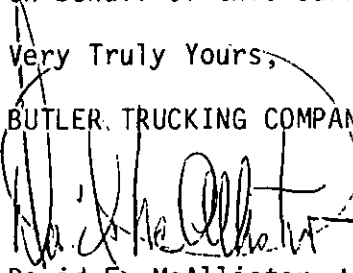
Re: MATTHEW S. SIEBER t/d/b/a **FILE**  
SIEBER TRUCKING  
A-00109497

Dear Mr. Rich:

Please be advised that, in view of the restrictive amendment presented by applicant, as shown by the attached letter dated October 16, 1990, the interest of Butler Trucking Company has been satisfied. Accordingly, I hereby withdraw the protest which I earlier filed on behalf of this carrier.

Very Truly Yours,

BUTLER TRUCKING COMPANY

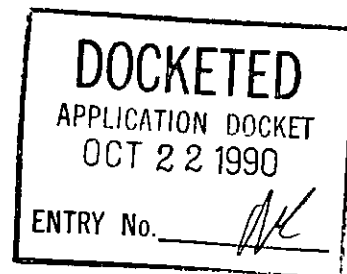
  
David F. McAllister,  
Director of Marketing

DFM/bj1

Enclosures

cc: Applicant  
Christian V. Graf, Esq.  
Dwight L. Koerber, Esq.

**DOCUMENT  
FOLDER**



# RHOADS & SINON

ATTORNEYS AT LAW  
DAUPHIN BANK BUILDING  
TWELFTH FLOOR  
ONE SOUTH MARKET SQUARE  
P.O. BOX 1146  
HARRISBURG, PA 17108-1146  
TELEPHONE (717) 233-5731  
FAX: (717) 232-1459

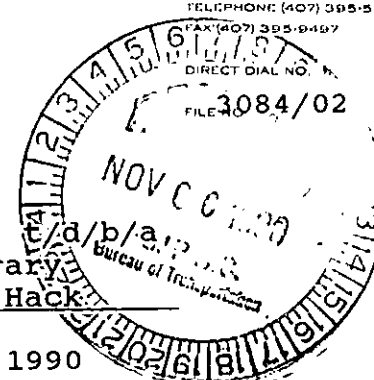
OF COUNSEL  
FRANK A. SINON

PAUL H. RHOADS  
1907-1994  
JOHN M. MUSSELMAN  
1919-1990  
CLYDE R. HENDERSHOT  
1922-1990

HENRY W. RHOADS  
ROBERT H. LONG, JR.\*  
GERALD K. MORRISON  
SHERILL T. MOYER  
JAN P. PADEN  
RICHARD B. WOOD  
LAWRENCE B. ABRAMS III\*  
J. BRUCE WALTER  
JOHN P. MANBECK  
FRANK J. LEBER  
R. STEPHEN SHIBLA  
CHARLES L. SIECK\*  
PAUL A. LUNDEEN  
JACK F. MURLEY, JR.  
NATHAN H. WATERS, JR.  
DAVID B. DOWLING  
EVELYN S. HARRIS  
DAVID F. O'LEARY  
ROBERT L. BEALS\*\*

DAVID O. TWADDLE  
CHARLES J. FERRY  
BRADLEY J. GUNNISON\*  
STANLEY A. SMITH  
JENS H. DAMGAARD\*  
DRAKE D. NICHOLAS  
THOMAS A. FRENCH  
DEAN H. DUBINDERRE  
DONNA M.J. CLARK  
LUCY E. KNISELEY  
GLORIA J. DAVIS  
SHAUN E. O'TOOLE  
PAUL F. WESSELL  
KATHLEEN J. HAYNES  
SHAWN O. LOCHINGER  
JOHN B. CONSEVAGE  
TIMOTHY M. ANSTINE  
RICHARD H. FRIEDMAN  
JESSE R. RUHL

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



FILE

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

Re: Application of Matthew S. Sieber,  
Sieber Trucking, A.109497 - Temporary  
Authority - Protest of Robert G. Hack

November 1, 1990

RECEIVED

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

NOV 2 1990

SECRETARYS OFFICE  
Public Utility Commission

Dear Secretary Rich:

We have previously filed a protest of Robert G. Hack to the above referenced permanent application. We hereby protest the temporary authority application in the above referenced matter and, in support thereof, attach a copy of the permanent authority protest filed on behalf of Robert G. Hack in support of that protest.

We would further point out that there is little, if any, evidence of immediate and urgent need, not only on a generalized basis, but as it applies to my client, Robert G. Hack.

Perry Pallet, Inc., served by Robert G. Hack, provides no evidence of immediate and urgent need.

Treen Box & Pallet Corporation discusses a concern about a specific delivery time in the City of New York, an interstate move involving specific difficulties which have no impact whatsoever on the availability of service within the application area or within the Commonwealth of Pennsylvania generally. No complaint is offered as to the service of Robert G. Hack nor as to the unavailability of any intrastate service.

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
NOV 07 1990  
ENTRY No. \_\_\_\_\_

RHOADS & SINON

Ridgeview Pallets alleges that it has contacted "Hack Trucking of Mifflintown and they also have had no trucks available". Robert G. Hack, when apprised of the aforementioned statement, categorically denies such contact or a representation that his vehicles have been unavailable to serve this shipper.

Truss-Tec has not even tried to obtain the service of another carrier and makes no allegation upon which a finding of immediate and urgent need could be based.

Based upon the foregoing, it appears obvious that there is no immediate and urgent need which would require the granting of the above referenced authority prior to such time as the applicant has the opportunity to submit its public witnesses at a hearing before an Administrative Law Judge.

Very truly yours,

RHOADS & SINON

By: 

J. Bruce Walter

JBW/dah

cc: Christian V. Graf, Esquire  
Robert G. Hack

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held May 10, 1990

Commissioners Present:

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

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

A-00108883

---

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

---

O R D E R

BY THE COMMISSION:

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

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

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

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

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

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

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

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

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

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

We find:

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

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

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

subject to the following conditions:

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

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

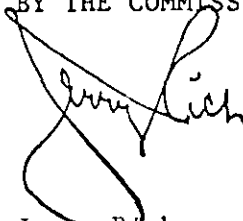
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of insurance and a tariff establishing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

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

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

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

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a large, stylized loop.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: May 10, 1990

ORDER ENTERED: MAY 17 1990



6. If this application is for temporary authority, applicant X does      does not have pending an application for permanent authority to perform the same service as proposed herein. If it has, give docket number, filing date and status. If applicant does not have a pending permanent application currently on file, application for permanent authority must be enclosed.

Filed September 13, 1990.

7. If this application is for emergency temporary authority, and not accompanied by applications for corresponding temporary and permanent authority, state when the applications for temporary and permanent authority will be filed.

Permanent authority application filed September 13, 1990.

8. "Applicant's Statement" shall be prepared by the applicant or authorized representative of the applicant and shall contain the information as stated at Appendix A.

9. "Statements of Supporting Shippers or Witnesses" shall be prepared by the shipper or witness, or an authorized representative of the shipper or witness and shall contain the information as stated at Appendix B.

Applicant further declares that:

10. It is aware that a grant of the requested authority will create no presumption that corresponding permanent authority will be granted.

11. If the requested authority is granted, applicant will comply with the tariff and insurance requirements of the Public Utility Law **before** beginning operation.

MATTHEW S. SIEBER, t/d/b/a SIEBER TRUCKING

By: Matthew S. Sieber  
(Signature)

Owner  
(Corporate Title)

September 13, 1990  
(Date)

**T MUST BE COMPLETED BY NOTARY PUBLIC**

**AFFIDAVIT OF APPLICANT (Natural Person)**

COMMONWEALTH OF PENNSYLVANIA :

DAUPHIN County : ss:

Matthew S. Sieber, being duly sworn (affirmed) according to law, deposes and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

Matthew S. Sieber  
Signature of Affiant

Sworn and subscribed before me this 13th  
day of September 19 90

My Commission Expires \_\_\_\_\_

NOTARIAL SEAL  
TATIANA REID, Notary Public  
Susquehanna Twp., Dauphin County  
My Commission Expires Oct 26, 1990

Tatiana Reid  
Signature of Official Administering Oath

**AFFIDAVIT OF APPLICANT (Corporation)**

COMMONWEALTH OF PENNSYLVANIA :

\_\_\_\_\_ County : ss:

\_\_\_\_\_, being duly sworn (affirmed) according to law, deposes and says that he is \_\_\_\_\_ of \_\_\_\_\_  
(Office of Affiant)

\_\_\_\_\_ ; that he is authorized to and does make this  
(Name of Corporation)

affidavit for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and that he expects the said \_\_\_\_\_ to be able to prove the same  
(Name of Corporation)

at the hearing hereof.

\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this \_\_\_\_\_

day of \_\_\_\_\_ 19 \_\_\_\_\_

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Signature of Official Administering Oath

## APPENDIX A

### Applicant's Statement must include:

- (A) A description of the equipment which will be used to render service, including a statement of whether it is specialized equipment.

See Attachment A

- (B) A description of the applicant's terminal facilities and personnel.

See Attachment B

- (C) A statement of whether the filing of the application resulted from a warning, road check or investigation by the Commission.

No.

- (D) A telephone number at which the applicant or an authorized representative of the applicant may be contacted. Applicant: A.C. 717, 436-6459  
Attorney for Applicant: A.C. 717, 236-9318

- (E) A statement of the proposed rates, fares or charges, and schedule provisions.

\$1.80 per loaded mile subject to a minimum of 73 miles.

- (F) A statement of whether there are under suspension any rates, fares or charges published for its account or whether an application for special permission to file its rates, fares or charges on less than 30 days' notice in connection with another ETA, TA or permanent authority application covering the same territory has been granted or denied.

None.

- (G) Proof of ability to comply with the Commission's insurance requirements, or in the case of an authorized carrier, a statement indicating that it currently has evidence of insurance on file with the Commission. Applicant now maintains insurance with Safeco Insurance Co. on a combined single limit of \$750,000 with expiration date of June 1, 1991 under Policy No. CP-7700011. (See Attachment G attached hereto).

- (H) Names, addresses and telephone numbers of all labor unions which represent, or which within the past 12 months have represented, or which have filed a petition to represent the employees of the applicant with the National Labor Relations Board of the Pennsylvania Labor Relations Board. If the application seeks the temporary approval of a transfer of rights under a certificate of public convenience, this information shall be supplied for the transferor and the transferee.

None.

- (I) Signature of person who prepared statement.

*Matthew S. Sieber*

SIEBER TRUCKING EQUIPMENT LIST

Tractors

1	1977	International
1	1981	International
2	1984	Internationals
1	1985	International
3	1987	Internationals
1	1980	Kenworth

Flat Trailers

1	1984	Fruehauf
1	1982	Raven
1	1984	Raven
4	1985	Ravens
1	1987	Raven
1	1988	Raven
1	1989	Raven

SIEBER TRUCKING TERMINAL FACILITIES

My terminal is located at 203 Licking Street, Mifflin, PA, on one acre of ground. It contains a garage and office measuring 30 x 60 feet. Gas facilities, washing facilities and telephone facilities are maintained on the premises and in the office in the garage where the telephones are located the phone number is AC 717, 436-6459.

The terminal has, in addition to myself, one mechanic and seven drivers.

# CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)  
9/13/90

PRODUCER

SAUSMAN INSURANCE AGENCY INC  
P O BOX 158  
THOMPSONTOWN PA 17094

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

## COMPANIES AFFORDING COVERAGE

- COMPANY LETTER **A** SAFECO INS CO
- COMPANY LETTER **B**
- COMPANY LETTER **C**
- COMPANY LETTER **D**
- COMPANY LETTER **E**

INSURED

MATTHEW S SIEBER  
P O BOX 328  
MIFFLIN PA 17058

### COVERAGE

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH POLICIES.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL LIMITS IN THOUSANDS	
A	<b>GENERAL LIABILITY</b>	CP7700011	6/01/90	6/01/91	GENERAL AGGREGATE	\$
	COMMERCIAL GENERAL LIABILITY				\$	
	<input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCURRING				\$	
	OWNERS & CONTRACTORS PROTECTIVE				\$	
	<b>AUTOMOBILE LIABILITY</b>				\$	
	ANY AUTO				\$ 750	
	ALL OWNED AUTOS				\$	
<input checked="" type="checkbox"/> SCHEDULED AUTOS	\$					
<input type="checkbox"/> HIRED AUTOS	\$					
<input type="checkbox"/> NON-OWNED AUTOS	\$					
<input type="checkbox"/> GARAGE LIABILITY	\$					
<b>EXCESS LIABILITY</b>					\$	\$
<input type="checkbox"/> OTHER THAN UMBRELLA FORM					\$	\$
<b>WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY</b>					\$	\$
<b>OTHER</b>					\$	\$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLE &/RE RESTRICTIONS/SPECIAL ITEMS

### CERTIFICATE HOLDER

### CONCERN

TO WHOM IT MAY CONCERN

ATTACHMENT G

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES AUTHORIZED REPRESENTATIVE

*Thomas Wagner*

PERRY PALLET, INC.  
R.D. #1 Box 620  
Millerstown, Pa. 17062

September 27, 1990

Matthew S. Sieber  
203 Licking Street  
P.O. Box 328  
Mifflin, Penna. 17059-9634

Gentlemen;

Following are questions & answers from appendix B attached, as near as we can get them.

(A) A description of the specific commodity which will be transported if the transportation of property is involved.

A. Specific commodity, Wooden Pallets, assembled or knocked down.

(B) Points or areas to, from or between which the transportation will be provided.

B. From Perry County to Harrisburg, York, Lititz, and all Pa. points.

(C) A statement of the shipper's current and recent needs concerning volume of traffic, frequency of movement and manner of transportation.

C. Volume is not predictable due to customers ordering on as needed basis.

(D) A statement indicating when the service shall be provided.

D. Service shall be provided as needed.

(E) A statement indicating how long the need for service will continue and whether the supporting shipper or witness will support the permanent authority application.

E. Service would continue indefinitely and shipper will support permanent authority application.

(F) An explanation of consequences of not having the service made available.

F. Undoubtedly would lose a customer.

(G) A description of the circumstances which created an immediate need for the requested service.

G. Purchasing a new nailer which will result in the shipping of more loads.

(H) A statement of whether efforts have been made to obtain the service from existing carriers , including the dates and results of these efforts.

H. With extra loads, we would like service available when needed.

(I) Names and addressis of existing carriers who have failed or refused to provide the service, and the reasons given for failure or refusal.

(J) A statement of whether the supporting shipper or witness has supported a recent application for permanent, temporary or emergency temporary authority covering all or part of the requested service the carrier's name, address and docket numbers, if known, and whether the application was granted or denied and the date of the action, if known.

J. Unknown.

(K) Names, addresses and telephone numbers of all labor unions which represent, or which within the past 12 months have represented, or which have filed a petition to represent the employees of the supporting shipper with the National Labor Relations Board or the Penna. Labor Relations Board.

K. None

(L) Signature of person who prepared statement.

PERRY PALLET, INC.

*Mary E. Sheaffer*

Mary E. Sheaffer Sec.

# Treen Box and Pallet Corp.

1950 STREET ROAD — P.O. BOX 368  
BENSALEM, PENNSYLVANIA 19020  
(215) 639-5100

September 27, 1990

Mathew S. Sieber  
203 Licking Street  
P.O. Box 328  
Mifflin, Pa. 17058

Gentlemen:

Following are questions & answers from appendix B attached, as near as we can get them.

(A) A description of the specific commodity which will be transported, if the transportation of property is involved.

A. Specific commodity, Wooden Pallets, assembled or knock down.

(B) Points or areas to, from or between which the transportation will be provided.

B Mifflintown, Perry and Juniata Counties, to points in Morrisville, Philadelphia, York, Harrisburg and all other Penna. points.

(C) A statement of the shipper's current and recent needs concerning volume of traffic, frequency of movement and manner of transportation.

C. Volume is not predictable due to customers ordering on as needed basis.

(D) A statement indicating when the service shall be provided.

D. Service shall be provided as needed.

(E) A statement indicating how long the need for service will continue and whether the supporting shipper or witness will support the permanent authority application.

E. Service would continue indefinitely and shipper will support permanent authority application.

(F) An explanation of the consequences of not having the service made available.

F. Undoubtedly would loose a customer.

(G) A description of the circumstances which crated an immediate need for the requested service.

G. Regular carriers refuse to haul pallets to New York City and deliver at 11:00 A.M. only.

(H) A statement of whether efforts have been made to obtain the service from existing carriers, including the dates and results of these efforts.

H. On July 3rd, 1990 regular carriers refused to deliver in New York City at 11:00 A.M. only.

(I) Names and addresses of existing carriers who have failed or refused to provide the service, and the reasons given for failure or refusal.

I. Robert G. Hack trucking, Mifflintown, Penna. and Ramsey trucking Company, Mifflintown, Penna. refused to provide service advising their drivers would not deliver at 11:00 A.M. as required by our customer. They would only make delivery at 5 to 6 A.M. to eliminate the traffic in New York City.

(J) A statement of whether the supporting shipper or witness has supported a recent application for permanent, temporary or emergency temporary authority covering all or part of the requested service the carrier's name, address and docket numbers, if known, and whether the application was granted or denied and the date of the action, if known.

J. Unknown

(K) Names, addressed and telephone numbers of all labor unions which represent, or which within the past 12 months have represented, or which have filed a petition to represent the employees of the supporting shipper with the National Labor Relations Board or the Penna. Labor Relations Board.

K. None

(L) Signature of person who prepared statement.

Treen Box & Pallet Corporation

*George P. Geiges*

George P. Geiges

RIDGE VIEW PALLETS

Statements of Supporting Shippers or Witnesses must Include:

- (A) A description of the specific commodity which will be transported, if the transportation of property is involved.
  - A) wooden pallets or skids
- (B) Points or areas to, from or between which the transportation will be provided.
  - B) from Juniata County to points on the Eastern Seaboard
- (C) A statement of the shipper's current and recent needs concerning volume of traffic, frequency of movement and manner of transportation.
  - C) We ship about 6 48' trailer loads of pallets per week.
- (D) A statement indicating when the service shall be provided.
  - D) We need immediate daily service into our shop in order for our pallets to be delivered.
- (E) A statement indicating how long the need for service will continue and whether the supporting shipper or witness will support the permanent authority application.
  - E) This shop will need trucking service as long as we are in business. We will support the permanent authority application.
- (F) An explanation of the consequences of not having the service made available.
  - F) If service was not available on a regular bases, our pallets would not be delivered which could result in losing accounts and would seriously jeopardize our business.
- (G) A description of the circumstances which created an immediate need for the requested service.
  - G) Our former trucker refused to deliver a load when they were to be delivered, and due to our ongoing difficulties in dealing with them we needed an alternative hauler. Other truckers that have authority are already hauling for the larger pallet shops in this area which keep them busy. We are a comparitively smaller company, but still need prompt, dependable service which we feel we can get through a smaller trucking company focusing on our needs as its primary source of business.

(H) A statement of whether efforts have been made to obtain the service from existing carriers, including the dates and results of these efforts.

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

(I) Names and addresses of existing carriers who have failed or refused to provide the service, and the reasons given for failure or refusal. NO

I) See (H).

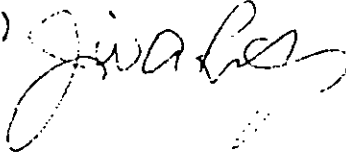
(J) A statement of whether the supporting shipper or witness has supported a recent application for permanent, temporary or emergency temporary authority covering all or part of the requested service the carrier's name, address and docket numbers, if known, and whether the application was granted or denied and the date of the action, if known.

J) None

(K) Names , addresses and telephone numbers of all labor unions which represent, or which within the past 12 months have filed a petition to represent the employees of the supporting shipper with the National Labor Relations Board or the Pennsylvania Labor Relations Board.

K) None

(L) Signatures of person who prepared statement.

L) 

September 18, 1990

Ridge View Pallets  
RD 1 Box 670  
Mifflintown, PA 17059

To Whom It May Concern:

Ramsey's Trucking of Mifflintown had been our principal hauler of pallets from March, 1987 thru June, 1990.

We had a load of pallets to be delivered to Baltimore, MD, on the afternoon of April 27. On April 26th Ramsey called to confirm they were able to take the load. In the morning of April 27th, Ramsey called our office stating they were unable to deliver this load, as their truck drivers refused to haul into Friday afternoon Baltimore traffic. It took several hours of calling every trucker we could locate before we could find someone to haul this load on such short notice.

This was the culmination of an on-going dissatisfaction with Ramsey Trucking leading to our search for a new trucking company to haul our pallets.

At that time Matthew Sieber trucking of Mifflin was approached to do our trucking. After some discussion Sieber was subsequently engaged to haul pallets for our company.

Other reasons for our dissatisfaction with Ramsey's over the years have been Mrs. Ramsey's constant rescheduling of our loads to suit her schedule when she had overbooked with other pallet shops. Pallets have to be delivered when scheduled by the purchasing company! This rescheduling makes for poor relations with these companies.

Ramsey's empty trailers were not back to our shop for loading till late in the afternoon, causing our men to stay and work late in order to get the loads on the truck for next day delivery - resulting in overtime pay. There were times when we needed a trailer and Ramsey had an empty trailer sitting at our neighbors pallet shop and had none "available" for us.

There was no co-operation on Ramsey's truckers part in tying down loads and helping stack pallets in the center of the truck, whereas Sieber's truckers help with anything they can when they are waiting on a load.

Ramsey's tie-down strap ratchets were rusted and the straps were always disorganized in their compartment.

Ramsey's always hauled on old heavy wood decked trailers whereas Sieber's trailers are new light aluminum, resulting in our being able to send more pallets to our purchasers.

Ramsey's constant belligerent attitude toward myself, as the person scheduling our loads, has also contributed to our company's dissatisfaction with them.

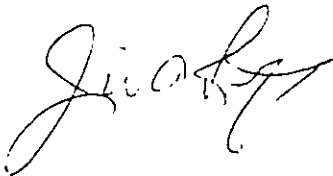
*J. W. G. B.*

(B) Points or areas to, from or between which the transportation will be provided.

From Juniata County to all points in Pennsylvania, including the following specific points:

Aston  
Lampeter  
Morrisville  
Philadelphia  
Thomasville  
Trexlerstown  
Wrightsville  
York

John A. Ritzman



TRUSS-TECH  
504 Railroad Ave., Box Q  
Mifflin, Penna. 17058  
717-436-9778

9/26/90

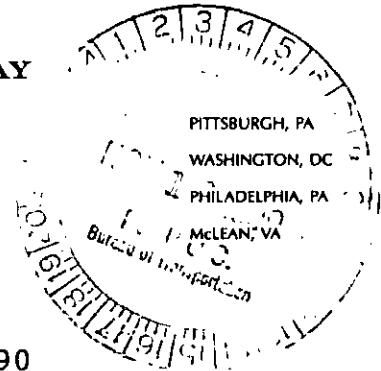
- (A) The specific commodity that will be transported are wooden roof trusses.
- (E) The areas of delivery will include: Harrisburg, St. College, Mechanicsburg, Dillsburg, Huntingdon and all areas of Juniata County, beginning from Mifflin.
- (C) Transportation is needed on one day a week, with the purpose of hauling long trusses.
- (D) Our services are required on a weekly basis.
- (E) As long as the service is adequate the need for service will continue on a yearly basis.
- (F) If the service is not available upon request we will be forced to look for other means of transportation.
- (G) A construction firm becomes ready for their material ahead of their prearranged shipping date.
- (H) We have not tried to obtain the services of other carriers at the present time.
- (I) N/A
- (J) N/A
- (K) N/A
- (L) Randall Pellman

*Randall Pellman*  
Manager

REED SMITH SHAW & McCLAY

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

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



November 9, 1990  
HAND DELIVERED

RECEIVED

NOV 9 1990

SECRETARYS OFFICE  
Public Utility Commission

Honorable Jerry Rich, Secretary  
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
North Office Building  
Harrisburg, PA 17120

RE: Temporary Application of Matthew S. Sieber  
t/d/b/a Sieber Trucking, A-00109497

Dear Secretary Rich:

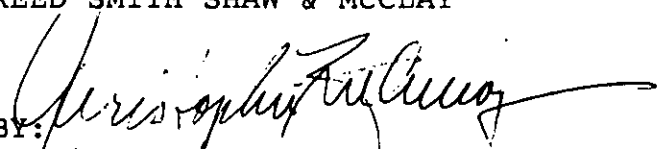
On behalf of Gary L. Ramsey Trucking, Inc., we enclose the original and two copies of a protest to the above-captioned temporary application.

As indicated in the certificate of service, a copy has been served upon the applicant and applicant's representative.

Very truly yours,

REED SMITH SHAW & McCLAY

BY:

  
Christopher Zettlemyer

CZ/jee

Enclosure

cc: Matthew S. Sieber t/d/b/a Sieber Trucking (w/enc.)  
Christian V. Graf, Esq. (w/enc.)  
Gary L. Ramsey Trucking, Inc. (w/enc.)

DOCUMENT  
FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION



In Re:

APPLICATION FOR :  
TEMPORARY AUTHORITY OF :  
MATTHEW S. SIEBER : Docket No. A-00109497  
t/d/b/a SIEBER TRUCKING :

**RECEIVED**

**NOV 9 1990**

PROTEST OF  
GARY L. RAMSEY TRUCKING, INC.  
A-00108324

SECRETARYS OFFICE  
Public Utility Commission  
J.P.L.

In accordance with the rules and regulations of the Pennsylvania Public Utility Commission, Gary L. Ramsey Trucking, Inc. protests the above application for temporary authority and, in support thereof, states as follows:

1. The name, address and telephone number of protestant are:

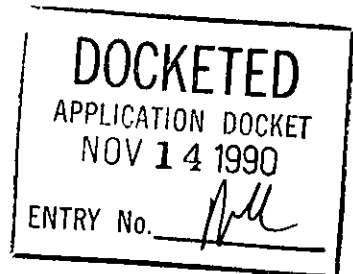
GARY L. RAMSEY TRUCKING, INC. ("Protestant")  
R.D. #1, Box 13  
Mifflintown, PA 17059-9518

Telephone: (717) 436-8684

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

Christopher Zettlemyer, Esq.  
Reed Smith Shaw & McClay  
P.O. Box 11844  
213 Market Street  
Harrisburg, PA 17108

Telephone: (717) 234-5988



3. Protestant holds authority which is in conflict with the temporary authority requested by applicant. A copy of the requested temporary authority as published in the Pennsylvania Bulletin on October 20, 1990, is attached as Exhibit "A". A true and correct copy of the pertinent portion of authority held by protestant is attached hereto as Exhibit "B".

**DOCUMENT  
FOLDER**

4. Protestant is presently providing service in the application area. Protestant transports a substantial amount of property covered by the application. To the extent of the protestant's authority, there is no need or demand for additional service and the proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public. Diversion of traffic and loss of revenues to protestant in connection with the transportation proposed by applicant will be so seriously detrimental to the protestant so as to have a substantial adverse impact upon the public.

5. This protest also relates to the fitness of the applicant.

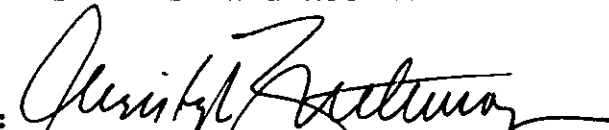
6. Without knowing the names of shippers which will support this application, protestant is unable to suggest an amendment which would satisfy its interest. Protestant is willing to discuss this matter with applicant or its counsel.

7. Protestant hereby requests that the application for temporary authority be set for oral hearing. If an oral hearing is held, protestant will appear and present evidence pertinent to the application.

8. Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S.A. §333(c)), protestant requests that it be supplied with the names and addresses of all witnesses expected to testify in this procedure; together with the subject matter of their anticipated testimony and, in particular, any complaints or any evidence pertaining to the service of the protestant.

REED SMITH SHAW & McCLAY


By:

  
Christopher Zettlemyer, Esq.  
Attorney for Protestant

Dated: November 9, 1990

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the applicant, Matthew S. Sieber t/d/b/a Sieber Trucking, P.O. Box 328, Licking St., Mifflin, PA 17058, and applicant's attorney, Christian V. Graf, Graf, Andrews & Radcliff, P.C., 407 North Front Street, Harrisburg, PA 17101, by first class mail, postage prepaid and properly addressed.

  
\_\_\_\_\_  
Christopher Zettlemoyer

Harrisburg, PA  
November 9, 1990

EXHIBIT "A"

**A-00109497. Matthew S. Sieber, t/d/b/a Sieber Trucking (203 Licking Street, Mifflin, Juniata County, Pa. 17058)—temporary authority—wood products from points in the counties of Juniata, Mifflin and Perry, to points in Pennsylvania. Application for permanent authority appeared in the *Pennsylvania Bulletin*, Volume 20, No. 40, October 6, 1990. Attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101.**

**PENNSYLVANIA BULLETIN, VOL. 20, NO. 42, OCTOBER 20, 1990**

EXHIBIT "B"

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

1. To transport, as a contract carrier by motor vehicle, wood products for Rockland Pallets, Inc.; Ridge View Pallets; J. Box & Lumber; Oakland Pallet Company; and J & N Pallet Co., from the Pennsylvania facilities owned and/or operated by said companies, to points in Pennsylvania, with the right to return refused, rejected or damaged shipments to the point of origin.
2. To transport, as a contract carrier by motor vehicle, nails for Rockland Pallets, Inc.; Ridgeview Pallets; J Box & Lumber; Oakland Pallet Company and J & N Pallet Co., from points in Pennsylvania, to the Pennsylvania facilities owned and/or operated by said companies, with the right to return refused, rejected or damaged shipments to the point of origin.
3. To transport, as a contract carrier by motor vehicle, building materials for Rickenbaugh Building Supply, from the facilities owned and/or operated by said company, to points in Pennsylvania and vice versa.