

1. <u>REPORT DATE:</u>	August 3, 1992	2. <u>BUREAU AGENDA NO.</u>	AUG-92-T-759*
3. <u>BUREAU:</u>	Transportation	5. <u>PUBLIC MEETING DATE:</u>	August 20, 1992
4. <u>SECTION</u>	Technical Review	6. <u>APPROVED BY:</u>	
		Director: Ernst 7-2154	
		Supervisor: Bigelow/Marzolf 3-5945	
7. <u>PERSON IN CHARGE:</u>	Pike 3-5947	8. <u>DOCKET NO.:</u>	A-00109698, F. 1, Am-B
9. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)			
(b) Short summary of history & facts, documents & briefs			
(c) Recommendation			

(a) Application of Bill Snoddy Construction Co., Inc., Uniontown, Fayette County, a corporation of the Commonwealth of Pennsylvania, for temporary authority to transport crushed and sized stone and aggregate, asphalt oils and kerosene, cement and sand and gravel, in bulk in dump trucks, and in bulk in tank vehicles or packaged in bags as more fully described in the order.

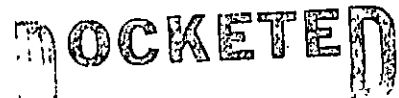
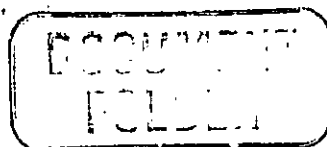
(b) Applicant seeks temporary authority as a common carrier. Corresponding application for permanent authority was also filed. Evidence submitted establishes a situation that creates an immediate need for the proposed service.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving temporary authority.

DP:np

10. MOTION BY:	Commissioner Chm. Rolka	Commissioner Holland - Yes
SECONDED:	Commissioner Rhodes	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



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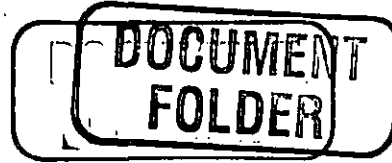
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

August 21, 1992

IN REPLY PLEASE
REFER TO OUR FILE

A-00109698
F.1, Am-B

GREGG M ROSEN ESQUIRE
SEVENTH FLOOR
FRICK BUILDING
PITTSBURGH PA 15219



Application of Bill Snoddy Construction Co., Inc.
a corporation of the Commonwealth of Pennsylvania

To Whom It May Concern:

This is to advise you that a Tentative Decision has been adopted by the Commission in Public Meeting on August 20, 1992 in the above entitled proceeding.

A copy of this Tentative Decision has been enclosed for your records.

Very truly yours,

John G. Alford, Secretary

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Cert.Mail

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DOCUMENT
FOLDER

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held August 20, 1992

Commissioners Present:

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

Application of Bill Snoddy Construction Co., Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, coal for domestic consumption between points in the county of Fayette, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination: SO AS TO PERMIT the transportation of crushed and sized stone and aggregate, in bulk in dump trucks, for Coolspring Stone Supply, Inc. from the township of North Union, Fayette County, to points in Pennsylvania within an airline distance of one hundred (100) statute miles of the limits of said township; crushed and sized stone and aggregate, in bulk in dump trucks, for Marsh Asphalt, Inc. from the borough of Belle Vernon and the township of North Union, Fayette County, the borough of Carmichaels, Greene County, the borough of Dravosburg, and the township of North Versailles, Allegheny County, and the city of Washington, Washington County, to points in Pennsylvania within an airline distance of one hundred (100) statute miles of the limits of said townships, boroughs and city; asphalt oils and kerosene, in bulk in tank vehicles, for Coolspring Stone Supply, Inc. and Marsh Asphalt, Inc., from points in the boroughs of West Elizabeth and Dravosburg, Allegheny County, the borough of Mercer, Mercer County, and the borough of North Charleroi, Washington County, to points in the borough of Belle Vernon and the township of North Union, Fayette County, the borough of Dravosburg, and the township of North Versailles, Allegheny County, the borough

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of Carmichaels, Greene County, and the city of Washington, Washington County; cement, in bulk in tank vehicles or packaged in bags on flatbed trailers from points in the counties of Allegheny, Beaver and Lawrence, to the facilities of Uniontown Builders Supply Company located in the city of Uniontown, Fayette County and the city of Washington, Washington County; sand and gravel, in bulk in dump vehicles, from points in Pennsylvania within an airline distance of one hundred (100) statute miles of the limits of the cities of Uniontown, Fayette County and Washington, Washington County to the facilities of Uniontown Builders Supply Company located in said cities; and crushed and sized stone and aggregates for Marsh Asphalt, Inc. from points in Pennsylvania located within an airline distance of one hundred (100) statute miles of the limits of the borough of Belle Vernon and the township of North Union, Fayette County, the borough of Dravosburg and the township of North Versailles, Allegheny County, the borough of Carmichaels, Greene County, and the city of Washington, Washington County, to its facilities located in said townships, boroughs and city. APPLICATION FOR TEMPORARY AUTHORITY HAS BEEN FILED AT A-00109698, F. 1, AM-B, SEEKING THE RIGHTS CITED ABOVE.

Greg M. Rosen for the applicant.
S. Berne Smith for the protestant, Schwerman Trucking Company.
John A. Pillar for the protestant, Wayne W. Sell Corporation.
Peter G. Loftus for the protestant, Seaboard Tank Lines, Inc.

TENTATIVE DECISION

BY THE COMMISSION:

This application for temporary authority filed May 4, 1992, is before the Commission for its decision without oral hearing. Application for permanent authority was also filed. The record consists of statements entered by the applicant and three supporting shippers.

Bill Snoddy Construction Co., Inc. (Snoddy or applicant) is a Pennsylvania corporation domiciled at Old Route 119 North, Uniontown, Fayette County. William R. Snoddy, Jr., president submitted a verified statement

along with James P. Kanar, accountant for the firm. Snoddy obtained a certificate of public convenience effective May 24, 1991 from this Commission and operates as a common carrier. Applicant's terminal facilities are located on a five acre tract at the above address. These facilities include a garage for equipment maintenance and repair. Communications with shippers and drivers is by commercial telephone system. Applicant operates four tri-axle dump trucks, four tractors, four dump trailers, one cement tanker and five asphalt tankers. The applicant submitted an unaudited financial statement which shows total assets of \$994,692 with total liabilities of \$732,923 leaving stockholders' equity of \$261,769.

Louis Agostini, vice president of Uniontown Builders Supply Company (Uniontown) entered a statement in support of the application. Uniontown is a building supply firm dealing mainly in cement and construction supplies. Delivery of cement, in bulk in tank vehicles and in bags, on flatbed trailers is required from points in Allegheny, Beaver and Lawrence Counties to its plant in Uniontown and to a proposed site in Washington County. Sand and gravel is also received at Uniontown.

William R. Snoddy, Sr., president of Marsh Asphalt, Inc. (Marsh) submitted a statement in support of the application. Marsh has asphalt plants in the borough of Belle Vernon and North Union Township, Fayette County, the borough of Carmichaels, Greene County, the borough of Dravosburg, Allegheny County and owns land and intends to build plants at North Versailles, Allegheny County and Washington, Washington County. Marsh requires transportation of asphalt oil, kerosene and stone or aggregate as raw materials for its plants. Asphalt and kerosene is purchased from West Elizabeth and Dravosburg, Allegheny County, Mercer, Mercer County and North Charleroi, Washington County which is then delivered to any of its plants. Stone is purchased from quarries in Coolspring, Connellsville and Belle Vernon, Fayette County and from terminals located along the Monongahela River. Stone and aggregate is also resold and distributed from any of its plant sites.

William R. Snoddy, Sr., president of Coolspring Stone Supply, Inc. (Coolspring) submitted a verified statement in support of the application. Coolspring operates a stone quarry and an asphalt plant in Coolspring, Fayette County. Coolspring ships stone and aggregate from this facility to points within 100 miles from the quarry site. Coolspring also requires the delivery to its facilities of three to four tankers per day of asphalt oil and kerosene from points such as West Elizabeth and Dravosburg, Allegheny County and Mercer, Mercer County.

DISCUSSION AND FINDINGS

There were two protests to the temporary authority; by Schwerman Trucking Company, and by Wayne W. Sell Corporation, both of which attest to an ability to serve Uniontown Builders Supply Company. Both carriers state that they have ample equipment with which to serve the shipper for the transportation of cement. The shipper did not show a need for transportation of sand or gravel other than to state that it receives shipments of these materials at its Uniontown facility.

The Public Utility Code at 52 Pa. Code §3.384(2) sets forth that a grant of TA will be made where it is established that there is or soon will be an immediate transportation need. A showing of immediate need may involve failures of existing carriers to provide service or comparable situations which require new carrier service before an application for permanent authority can be processed. An immediate need will not normally be found to exist where there are other carriers capable of rendering service (Emphasis added) unless it is determined there is substantial benefit to be derived from initiation of competitive service.

The applicant has failed to prove that such an immediate need exists to provide transportation to Uniontown Builders Supply Company and this portion of the application will be denied.

There was a third protest to the application by Seaboard Tank Lines, Inc. Seaboard alleges that the request for "property" authority would have adverse impacts on it, Seaboard. The instant application does not request authority for property, but for named materials. Commission regulations require that protests shall contain "a statement of any adverse impact which approval of the application can be expected to have on the protestant." 52 Pa. Code §3.381(c)(1)(iv). Seaboard has given no details as to how it will be adversely effected by approval of this application. We shall not restrict the remaining authority requested based on this weak and incorrect protest. Therefore the temporary authority requested for Coolspring Stone Supply, Inc. and Marsh Asphalt, Inc. is supported by evidence submitted and it is our determination that the applicant has provided sufficient evidence to warrant a grant of temporary authority; THEREFORE,

IT IS ORDERED: That the application for temporary authority be and is hereby approved granting the following right:

1. To transport, as a Class D carrier crushed and sized stone and aggregate, in bulk in dump trucks, for Coolspring Stone Supply, Inc. from the township of North Union, Fayette County, to points in Pennsylvania within an airline distance of one hundred (100) statute miles of the limits of said township;
2. To transport, as a Class D carrier crushed and sized stone and aggregate, in bulk in dump trucks, for Marsh Asphalt, Inc., from the borough of Belle Vernon and the township of North Union, Fayette County, the borough of Carmichaels, Greene County, the borough of Dravosburg, and the township of North Versailles, Allegheny County, and the city of Washington, Washington County, to points in Pennsylvania within an airline distance of one hundred (100) statute miles of the limits of said townships, boroughs and city;

3. To transport, as a Class D carrier asphalt oils and kerosene, in bulk in tank vehicles, for Coolspring Stone Supply, Inc. and Marsh Asphalt, Inc., from points in the boroughs of West Elizabeth and Dravosburg, Allegheny County, the borough of Mercer, Mercer County, and the borough of North Charleroi, Washington County, to points in the borough of Belle Vernon and the township of North Union, Fayette County, the borough of Dravosburg, and the township of North Versailles, Allegheny County, the borough of Carmichaels, Greene County, and the city of Washington, Washington County;
4. To transport, as a Class D carrier crushed and sized stone and aggregates for Marsh Asphalt, Inc. from points in Pennsylvania located within an airline distance of one hundred (100) statute miles of the limits of the borough of Belle Vernon and the township of North Union, Fayette County, the borough of Dravosburg and the township of North Versailles, Allegheny County, the borough of Carmichaels, Greene County, and the city of Washington, Washington County, to its facilities located in said townships, boroughs and city.

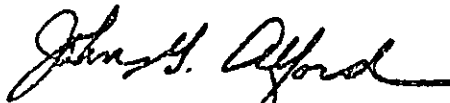
IT IS FURTHER ORDERED: That the application be denied in all other respects.

IT IS FURTHER ORDERED: That a tariff of rates and charges be filed within ten (10) days of the date of this order.

IT IS FURTHER ORDERED: That unless exceptions are filed within twenty (20) days from the date of service, this order shall become final.

IT IS FURTHER ORDERED: That the action taken on this application for temporary authority shall have no bearing on our decision in the application for permanent authority.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: August 20, 1992

ORDER ENTERED: AUG 21 1992