



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

RSP

December 14, 1992

IN REPLY PLEASE
REFER TO OUR FILE

A-00109698

F. I., Am-B

GREGG M ROSEN ESQUIRE
FRICK BUILDING 7TH FLOOR
PITTSBURGH PA 15219

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

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

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

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

Commission regulations require compliance with the above
requirement within sixty (60) days of the date of this letter.
Failure to comply within the sixty (60) day period will cause
the Commission to rescind the action of Dec. 10, 1992 and dismiss
the application without further proceeding.

Very truly yours,

John G. Alford, Secretary

**DOCUMENT
FOLDER**

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JAN 12 1993

smk
Encis.

Certified Mail

Receipt Requested

Tariff Contract Person: Joseph Machulsky (717) 787-5521

BILL SNODDY CONSTRUCTION CO INC
OLD ROUTE 119 NORTH
PO BOX 945
UNIONTOWN PA 15401

MODIFICATION

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held December 10, 1992

Commissioners Present:

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 (1) 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) 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) 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,

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the borough of Carmichaels, Greene County, and the city of Washington, Washington County; (4) 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; (5) 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 (6) 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.

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

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed May 4, 1992. Public notice of the application was given in the Pennsylvania Bulletin of June 13, 1992. Three protests were filed to the application but were withdrawn contingent upon the Commission's acceptance of a restrictive amendment, prohibiting the transportation of cement to or from the facilities of Armstrong Cement and Supply Corporation and changing "to the facilities" in the fourth and fifth rights to "for Uniontown Builders Supply Company". The now unopposed application is certified to the Commission for its decision without

oral hearing. The record consists of verified statements submitted by the applicant and three supporting shippers.

James P. Kanar, accountant for Bill Snoddy Construction Company, Inc. (Snoddy or applicant), submitted the verified statement on behalf of the applicant. Snoddy obtained a certificate of public convenience in 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 the Uniontown and Washington facilities from various suppliers within one hundred miles.

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 oils, 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 to customers within one hundred miles.

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.

After a complete review of the record before us, we find:

1. That the applicant has shown that there is a public need for the proposed service, as amended.

2. That the applicant possesses the necessary equipment, experience, and financial capacity to perform the proposed service, as 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 the certificate issued to the applicant on May 24, 1991, as amended, be further amended to include 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, cement, in bulk in tank vehicles or packaged in bags on flatbed trailers, for Uniontown Builders Supply Company, from points in the counties of Allegheny, Beaver and Lawrence, to its facilities in the city of Uniontown, Fayette County and the city of Washington, Washington County;

5. To transport, as a Class D carrier, sand and gravel, in bulk in dump trucks, for Uniontown Builders Supply Company, to its facilities in the city of Uniontown, Fayette County, and the city of Washington, Washington County, from points in Pennsylvania within an airline distance of one hundred (100) statute miles of the said facilities;
6. 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;

with rights nos. 1 through 6 subject to the following condition:

That no right, power or privilege is granted to transport cement to or from the facilities of Armstrong Cement and Supply Corporation.

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 a tariff establishing just and reasonable rates.

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

IT IS FURTHER ORDERED: That 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.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: December 10, 1992

ORDER ENTERED: DEC 14 1992