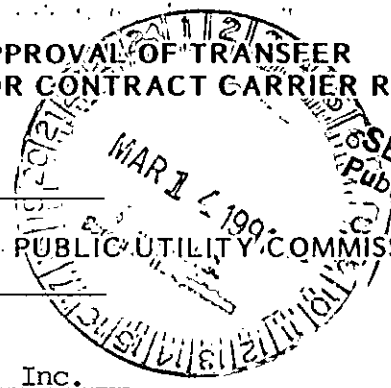


APPLICATION FOR APPROVAL OF TRANSFER
AND EXERCISE OF COMMON OR CONTRACT CARRIER RIGHTS

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
MAR 14 1991



SECRETARYS OFFICE
Public Utility Commission

Application of Bill Snoddy Construction Co., Inc.
(Applicant/Transferee-Buyer)

for approval of the transfer and to exercise the right

as a Common carrier, described at Docket
(common-contract)

No. A61456, Folder No. 1, AM-B, issued to

Curtis P. Bixler
(Transferor-Seller)

for transportation of Property
(persons-property)

PUC USE ONLY
Docket No. <u>109698</u>
Folder No. _____

TX-700412

SEE INSTRUCTIONS BEFORE COMPLETING APPLICATION

1. Bill Snoddy Construction Co., Inc.
(Full and correct name of applicant/transferee)

2. _____
(Trade name, if any)

The trade name _____ been registered with the Secretary of the
(has or has not)

Commonwealth on _____ (attach copy of stamped registration form.)
(date)

3. Old Route 119 North 945
(Business Street Address) (P.O. Box, if any)

Uniontown Fayette PA 15401 (412) 437-6495
(City) (County) (State) (Zip) (Telephone)

DOCUMENT
FOLDER

BEGINNING

DOCKETED
APPLICATION DOCKET
MAR 18 91
ENTRY No. Jan

4. Applicant's attorney (for this application) is:

(Name) (Address) (Telephone)

5. Any documents should be mailed to:

Transferee: Bill Snoddy Construction Co., Inc. P.O. Box 945 Uniontown, PA 15401
(Name) (Address)

Transferor: Curtis P. Bixler P.O. Box 167 Smithfield, PA 15478
(Name) (Address)

6. Applicant Does Not hold Pa. PUC authority under Docket Number
(does or does not)

A- and operates as a _____ carrier.
(common or contract)

7. Applicant Does Not hold Interstate Commerce Commission authority
(does or does not)

at Docket No. _____.

8. Applicant is (check one):

Individual.

Partnership. Must attach a copy of the partnership agreement (unless a copy is presently on file with PUC), and list names and addresses of partners below (use additional sheet if necessary).

(Name) (Address)

Corporation. Organized under the laws of the State of Pennsylvania

and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on August 4, 1988 (Attach copy of Certificate of Incorporation or Authority and statement of charter purpose). Include as an attachment a list of corporate officers and their titles and the names, addresses and number of shares held by each stockholder.

9. If applicant, its stockholders or partnership members are in control of or affiliated with any other carrier, state name of carrier(s), Docket Number(s) and nature of control or affiliation.

Applicant is affiliated with B & L Trucking, Inc. (Docket No. A106115)

Affiliation is by applicant leases its trucks to B & L Trucking, Inc.

10. Applicant proposes to acquire all of the operating rights now held
(all or part)
by transferor. Attach sheet describing rights to be transferred to applicant and rights to be retained by transferor, if any. If any rights are to be omitted, give reasons.

11. The reason for the transfer is Purchase of P.U.C. rights. The transfer is partially
inactive and transferee can better serve the needs of the public.

12a. The following must be attached:

- Sales Agreement.
- List of equipment to be used to render service. (summarize by type)
- Operating authority to be transferred/retained.
- Statement of Financial Condition.
- Statement of unpaid business debts of transferor and how they will be satisfied.
- Statement of safety program.
- Statement of transferee's experience.

b. Attach the following, as appropriate (check those attached):

- Partnership Agreement.
- Trade Name registration certificate.
- Certificate of Incorporation. (Pa. Corporation only)
- Certificate of Authority. (Foreign ((out-of-state)) Corporation only)
- Statement of corporate charter purpose. (corporations only)
- List of corporate officers and stockholders. (corporations only)
- Copy of short form certificate showing date of death of transferor and name of executor or administrator/administratrix.

13. Transferor attests that all general assessments and fines are paid, that no annual reports are due and agrees to continue to render the service which is to be transferred until this application is approved, whereupon transferor will surrender said certificate or permit for cancellation.
14. Transferee agrees to assume and pay any General Assessments that may be made against transferor as a common carrier for any and all operating periods up to the actual date of the transfer.

WHEREFORE, Transferee and Transferor request that the Commission grant the Transfer.

Transferee sign here: William R. Swaddy, Jr. March 12, 1991
(each partner must sign) (Date)

(Corporate Seal)

Transferor sign here: Artes P. Biler March 12, 1991

(Corporate Seal)

STATEMENT OF FINANCIAL POSITION (Balance Sheet)

as of December 31, 1990

Date

ASSETSCURRENT ASSETS

Cash			90,789.10
Accounts Receivable			132,052.66
Notes Receivable			
Other current assets (Specify)			
Total current assets			<u>222,841.76</u>

TANGIBLE ASSETS

Land			1,000.00
Motor Vehicle Equipment	514,605.04		
Less: Accumulated Depreciation	- 159,608.99	=	354,996.05
Buildings and Structures			
Less: Accumulated Depreciation	-	=	
Investments and Funds (Specify) Common Stocks			24,688.47
Intangible Assets			
Other assets (Such as advances and Idle equipment - specify)			603,526.28

LIABILITIESCurrent Liabilities (liabilities due within one year of date)

Accounts Payable			43,207.82
Notes Payable			
Equipment Obligations			133,413.15
Other Liabilities (attach schedule)			32,585.84
Total Current Liabilities			<u>209,206.81</u>

Long Term Liabilities (liabilities due after one year of date)

Accounts Payable			
Notes Payable			
Equipment Obligations			307,372.53
Other Liabilities (attach schedule)			
Total Long Term Liabilities			<u>307,372.53</u>
Total Liabilities			<u>516,579.34</u>

Net Worth (partnerships & individuals)

OWNERS EQUITY (Corporations only)

Capital Stock (Corporations only)			1,000.00
Additional paid-in capital			
Retained Earnings (Corporations only)	85,946.94		
Less: Treasury Stock		=	85,946.94
Total Owner's Equity (Corporations only)			<u>86,946.94</u>
Total Liabilities & Owner's Equity (Corporations only)			<u>603,526.28</u>

STATEMENT OF FINANCIAL CONDITION

INCOME STATEMENT

For the 12-month period ending December 31, 1990
(Date)

REVENUE and GAINS

Operating Revenue	576,378.36
Net Revenue from non-carrier operation	
Dividend and Interest revenues	
Other non-operating revenue	
Gains	
Total Revenue and Gains	576,378.36

EXPENSES

Equipment Maintenance and Garage Expense	10,920.94
Insurance Expense	20,504.43
Employee Salaries	103,409.80
Supervisory Salaries	
Officer Salaries	14,400.00
Fuel Expense	105,327.77
Purchased Transportation (Lease Expense)	2,400.00
Materials and Supplies Expense	24,346.03
General Office Expense	26,912.92
Advertising Expense	3,274.70
Telephone Expense	3,825.68
Accounting Expense	
Legal Expense	1,124.17
Uncollectible Revenue	
Depreciation Expense	97,839.37
Amortization	
Operating Taxes and Licenses	56,328.11
Rent Expense	
Loss	
Total Operating Expense and Losses	470,613.92

Net Income before Taxes	105,764.44
Provision for Income Taxes	32,585.84
Net Income	73,178.60

BILL SNODDY CONSTRUCTION CO., INC.

STATEMENT OF FINANCIAL POSITION

DECEMBER 31, 1990

Other Liabilities

Federal Income Taxes Payable	\$ 22,538.22
State Income Taxes Payable	\$ 10,047.62
	\$ 32,585.84

THIS MUST BE COMPLETED BY NOTARY PUBLIC
AFFIDAVIT OF TRANSFEROR/SELLER (Natural Person)

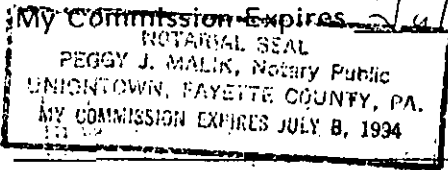
COMMONWEALTH OF PENNSYLVANIA :
: ss:
Fayette County :

Curtis P. Bixler, 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.

Curtis P. Bixler
Signature of Affiant

Sworn and subscribed before me this 12th
day of MARCH 19 91

My Commission Expires July 8, 1994



Peggy J. Malik
Signature of Official Administering Oath

AFFIDAVIT OF TRANSFEROR/SELLER (Corporation)

COMMONWEALTH OF PENNSYLVANIA :
: ss:
_____ County :

_____, being duly sworn (affirmed) according to law,
deposes and says that he is _____ of _____;
(Office of Affiant) (Name of Corporation)

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

same at the hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____
day of _____ 19 ____
My Commission expires _____

Signature of Official Administering Oath

THIS MUST BE COMPLETED BY NOTARY PUBLIC
AFFIDAVIT OF TRANSFEREE/APPLICANT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :
: ss:
_____ County :

_____, 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.

Signature of Affiant

Sworn and subscribed before me this _____
day of _____ 19 _____
My Commission Expires _____

Signature of Official Administering Oath

AFFIDAVIT OF TRANSFEREE/APPLICANT (Corporation)

COMMONWEALTH OF PENNSYLVANIA :
: ss:
_____ Fayette _____ County :

William R. Snoddy, Jr., being duly sworn (affirmed) according to law, deposes and says that he is President of Bill Snoddy Construction Co., Inc.,
(Office of Affiant) (Name of Corporation)

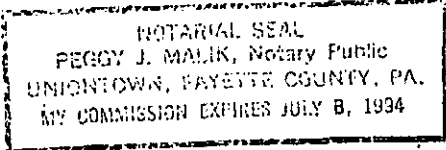
that he is authorized to and does make this affidavit for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and that he expects the said Bill Snoddy Construction Co., Inc. to be able to prove the same
(Name of Corporation)

the same at the hearing hereof.

William R. Snoddy Jr.
Signature of Affiant

Sworn and subscribed before me this 12th
day of MARCH 19 91
My Commission Expires July 8, 1994

Peggy J. Malik
Signature of Official Administering Oath



AGREEMENT OF SALE

Made the 12th day of MARCH, 1991.

Between CURTIS P. BIXLER of Smithfield, Fayette County, Pennsylvania, hereinafter referred to as "SELLER".

AND

BILL SNODDY CONSTRUCTION CO., INC., a Pennsylvania Corporation with its principle address in Uniontown, Fayette County, Pennsylvania, hereinafter referred to as "BUYER".

WITNESSETH:

In consideration of the mutual covenants and agreements hereinafter set forth, the Seller agrees to sell and the Buyer agrees to buy all rights which Seller has under the Certificate of Public Convenience issued by the Pennsylvania Public Utility Commission at application Docket No. 61456, Amendment A, Folder 1, AM-B.

Buyer agrees to pay Seller the sum of Three Thousand Five Hundred (\$3,500.00) Dollars, payable as follows: \$100.00 upon the execution of this Agreement and the balance of \$3,400.00 within three (3) calendar days following the approval by the Pennsylvania Public Utility Commission of the application for the transfer of the above described rights from Seller to Buyer. In the event the within contemplated transfer is not approved, then this Agreement shall be null and void. No operating equipment of the Seller will be transferred.

The parties hereto further agree to execute any and all documents necessary to effectuate the within contemplated transfer.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written, intending to be legally bound thereby.

Signed, Sealed and Delivered
in the presence of:

Sherrie Richter

Curtis P. Bixler (SEAL)
CURTIS P. BIXLER
SELLER

BILL SNODDY CONSTRUCTION CO., INC.

BY William R. Snoddy, Jr.
BUYER PRESIDENT

ATTEST:

Peggy J. Mahik

BILL SNODDY CONSTRUCTION CO., INC.

12A. Common Carrier Property

Tri-Axle Dump Trucks

<u>Description</u>	<u>Serial No.</u>	<u>Owned/Leased</u>
1986 Mack	1M2P141CIGA004618	Owned
1989 Mack	2M2P141CXKC007850	Owned
1990 Mack	1M2AY83COLM004902	Owned
1991 Mack	1M2P270C5MM010044	Owned

Tractors

<u>Description</u>	<u>Serial No.</u>	<u>Owned/Leased</u>
1980 Mack	1M2N178Y2BA069108	Owned
1989 Kenworth	MW900BSIXKWDB9X3KM528S10	Owned
1987 Peterbilt	1XP5DB9X7HN2S0600	Owned
1987 Mack	1M2N277Y5HA004289	Owned

Dump Trailers

<u>Description</u>	<u>Serial No.</u>	<u>Owned/Leased</u>
1982 East	SIEIDIS389CRJ05179	Owned
1984 East	131DIR281CRF05771	Owned
1988 Cobra	1C9DS30B6J1133950	Owned
1988 Cobra	1C9DS35BXJ1133961	Owned

BILL SNODDY CONSTRUCTION CO., INC.

12A. Operating Authority to be Transferred

The operating authority to be transferred are all the operating rights granted to CURTIS P. BIXLER under Docket No. 61456, Amendment A, Folder 1, AM-B.

No vehicles or other assets are included in the transfer.

The rights to be transferred are the following:

A. 61456

To transport as a Class D carrier, 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 a Point of Destination.

To transport as a Class D carrier, coal and coke from mines and ovens in the County of Fayette to docks, ramps and railroad sidings in said County, provided no haul shall exceed a distance of twenty-five (25) miles from Point of Origin to Point of Delivery.

To transport as a Class D carrier building construction materials and building supplies such as are usually transported in dump trucks, between points in the County of Fayette, provided no haul shall exceed a distance of twenty-five (25) miles from Point of Origin to Point of Delivery.

AM - A

To transport as a Class D carrier, coal from mines in the Counties of Fayette, Somerset, Greene, Westmoreland and Washington to Hoover Works, Nos. 1 and 2, in German Township, Fayette County, provided no haul shall exceed a distance of seventy-five (75) miles from Point of Origin to Point of Destination.

AM - B

To transport as a Class D carrier, coal from mines in the County of Fayette to the Duquesne Light Company Plant in the Village of Elrama, Washington County.

BILL SNODDY CONSTRUCTION CO., INC.

12A. Statement of Transferor's Unpaid Business Debts

As of this date, March 12, 1991, the transferor, CURTIS P. BIXLER has no unpaid business debts pertaining to the operation of his P.U.C. business.


CURTIS P. BIXLER

BILL SNODDY CONSTRUCTION CO., INC.

12A. Safety Program

1. Each driver is required to have a Class 2 or Class 3 PA Driver's License and must have a physical examination every two (2) years.
2. Every driver shall come to work dressed in safe and suitable wearing apparel.
3. Except in the case of an emergency, all work shall stop for a half-hour lunch period. The company shall set the time as close to noon as possible, or unless ordered by the Superintendent, depending upon the type of work being performed.
4. The duties of a truck driver include responsibility for the care of the truck while it is assigned to him. He shall examine it frequently and report any mechanical problem to his shop manager. The driver of each truck is required to fill out a Driver's Vehicle Condition Report at the end of each day if repairs are needed to be made. Every working day before leaving the terminal, each driver shall check the oil, water, lights and tires with a gauge. Drivers must keep wheels tight, and are not to run on a flat tire.

Each driver is responsible for the general interior and exterior appearance of his truck. Special attention shall be directed to mirrors and all glass including reflectors, headlights, taillights and license plates.

All loads shall be tarped. Tailgates must be latched after every dump.

5. Once a month, each truck will be totally inspected by the maintenance department to insure that the truck is in good mechanical condition.
6. Any driver who is caught drinking alcoholic beverages or using drugs will be immediately discharged. If an employee has a problem of this nature, the company will help provide assistance for rehabilitation. Every driver is expected to conduct himself on and off the job in a manner which reflect favorably on the company. All dealings with members of the general public, whether or not they are customers, shall be conducted with courtesy and tact. Drivers are expected to obey all traffic rules and drive in a safe and courteous manner. No driver should hesitate to assist any person in trouble.

BILL SNODDY CONSTRUCTION CO., INC.

12A. Statement of Transferee's Experience

BILL SNODDY CONSTRUCTION CO., INC. was incorporated on August 4, 1988. Its principal activity is the hauling of coal, stone, asphalt and building material products in tri-axle dump trucks and tractor dump trucks. It presently operates for B & L TRUCKING, INC., an affiliated company under Docket No. A 106115. It owns four tri-axle dumps and four tractor dump trucks and employs eight full time truck drivers. It hauls stone and asphalt in the spring and summer months and coal in the fall and winter months.

88571765

Commonwealth of Pennsylvania
Department of State



CERTIFICATE OF INCORPORATION

Office of the Secretary of the Commonwealth
To All to Whom These Presents Shall Come, Greeting:

Whereas, Under the provisions of the Laws of the Commonwealth, the Secretary of the Commonwealth is authorized and required to issue a "Certificate of Incorporation" evidencing the incorporation of an entity.

Whereas, The stipulations and conditions of the Law have been fully complied with by

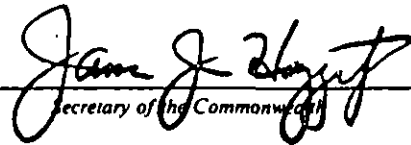
BILL SNODDY CONSTRUCTION COMPANY, INC.

Therefore, Know Ye, That subject to the Constitution of this Commonwealth, and under the authority of the Laws thereof, I do by these presents, which I have caused to be sealed with the Great Seal of the Commonwealth, declare and certify the creation, erection and incorporation of the above in deed and in law by the name chosen hereinbefore specified.

Such corporation shall have and enjoy and shall be subject to all the powers, duties, requirements, and restrictions, specified and enjoined in and by the applicable laws of this Commonwealth.



Given under my Hand and the Great Seal of the Commonwealth,
at the City of Harrisburg, this 4th day
of August in the year of our
Lord one thousand nine hundred and eighty-eight
and of the Commonwealth the two hundred thirteenth


Secretary of the Commonwealth

1049020

BILL SNODDY CONSTRUCTION CO., INC.

12B. List of Corporate Officers and Stockholders

Officers and Stockholders

President - William R. Snoddy, Jr.

Stockholders - William R. Snoddy, Jr.

March 29, 1991

IN REPLY PLEASE
REFER TO OUR FILE

Bill Snoddy Construction Co., Inc.
Old Route 119 North
P.O. Box 945
Uniontown, PA 15401

In re: A-00109698 - Application of Bill Snoddy Construction Co., Inc.

Gentlemen:

Acknowledgement is made of an application filed by you for the rights of Curtis P. Bixler.

The application has been captioned as attached and will be submitted for review, provided no protests are filed on or before April 22, 1991. If protests are filed, you will be advised as to further procedure.

This application is accepted with the understanding that Curtis P. Bixler will continue to render the service covered by his certificate and comply with all the rules of the Commission, including the carrying of continuous insurance, until final disposition is made of the application by the Commission.

You are further advised that the above application will be published in the Pennsylvania Bulletin of March 30, 1991.

Very truly yours,

David Ehrhart
Supervisor - Application Section
Bureau of Transportation

DE:RP:rs

DOCUMENT
FOLDER

DOCKETED
APR 1 1991
lll

A-00109698 BILL SNODDY CONSTRUCTION CO., INC. (Old Route 119 North, P.O. Box 945, Uniontown, Fayette County, PA 15401), a corporation of the Commonwealth of Pennsylvania - (1) 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; (2) coal and coke from mines and ovens in the county of Fayette, to docks, ramps and railroad sidings in said county, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of delivery; (3) building construction materials and building supplies such as are usually transported in dump trucks, between points in the county of Fayette, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of delivery; (4) coal from mines in the counties of Fayette, Somerset, Greene, Westmoreland and Washington to Hoover Works, Nos. 1 and 2, in German Township, Fayette County, provided no haul shall exceed a distance of seventy-five (75) miles from point of origin to point of destination; and (5) coal from mines in the county of Fayette to the Duquesne Light Company plant in the village of Elrama, Washington County; which is to be a transfer of the rights authorized under the certificate issued at A-00061456 to Curtis P. Bixler, subject to the same limitations and conditions.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____

SERVICE _____

MAR 30 1991

BUREAU OF TRANSPORTATION
COMMON CARRIER
MARCH 1991

A-00109698

Application of Bill Snoddy Construction Co., Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle (1) 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; (2) coal and coke from mines and ovens in the county of Fayette, to docks, ramps and railroad sidings in said county, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of delivery; (3) building construction materials and building supplies such as are usually transported in dump trucks, between points in the county of Fayette, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of delivery; (4) coal from mines in the counties of Fayette, Somerset, Greene, Westmoreland and Washington to Hoover Works, Nos. 1 and 2, in German Township, Fayette County, provided no haul shall exceed a distance of seventy-five (75) miles from point of origin to point of destination; and (5) coal from mines in the county of Fayette to the Duquesne Light Company plant in the village of Elrama, Washington County; which is to be a transfer of the rights authorized under the certificate issued at A-00061456 to Curtis P. Bixler, subject to the same limitations and conditions.

FW:np
3/18/91

Application received: 3/14/91
Application docketed: 3/18/91

NH

DOCUMENT
FOLDER

DOCKETED
APR 1 1991
del

APR 22 1991

Protests due on No Hearings _____
Protests due on Hearings - (5 days prior to date of hearing)
Notice of the above application was mailed to all certificate holders and railroad companies in the service area as noted above.