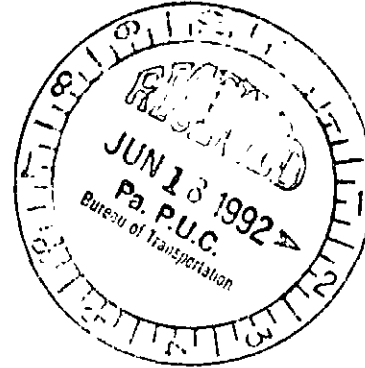


Peter G. Loftus
—
Laura M. Siberski

Law Offices
PETER G. LOFTUS, P.C.
Suite 724 Bank Towers
321 Spruce Street
Scranton, Pennsylvania 18503-1447
—
(717) 347-1453

Allentown
(215) 433-7939
Philadelphia
(215) 625-3777
Pittsburgh
(412) 471-2662
Wilkes-Barre
(717) 826-0676
Fax:
(717) 347-5559



June 15, 1992

The Honorable John G. Alford, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

RECEIVED

JUN 18 1992

SECRETARY'S OFFICE
Public Utility Commission

RE: Bill Snoddy Construction Co., Inc.
Docket # A-00109698
Folder 1, Am-B
OUR FILE # PGL-163

Dear Secretary Alford:

Enclosed for filing are the original and two copies of a Protest directed to the above-captioned applicant by Seaboard Tank Lines, Inc. Copies have been mailed to the applicant's Counsel of record.

Your prompt attention to this matter is appreciated.

Very truly yours,

PETER G. LOFTUS, P.C.

A handwritten signature in cursive script that reads "Peter G. Loftus". Below the signature is a printed name "Peter G. Loftus".

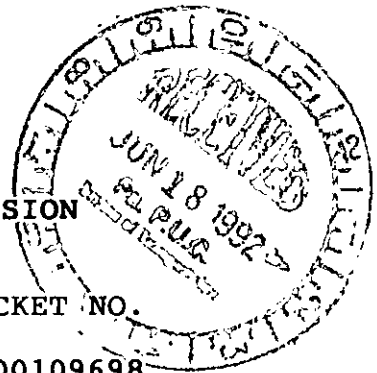
PGL/ss
Encl:

cc: Walter P. Orzolek, Manager
Seaboard Tank Lines, Inc.
P.O. Box 166
Monahan Avenue
Dunmore, PA 18512

Gregg M. Rosen, Esquire
Seventh Floor
Frick Building
Pittsburgh, PA 15219



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION



IN RE:

APPLICATION OF:

BILL SNODDY CONSTRUCTION CO., INC.

DOCKET NO.

A-00109698
FOLDER 1, Am-B

P R O T E S T

RE...

JUN 18 1992

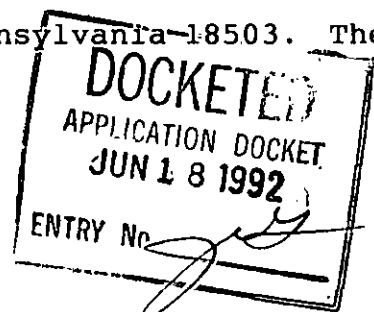
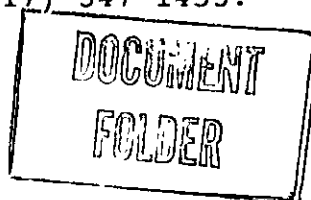
SECRETARY'S OFFICE
Public Utility Commission

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In accordance with 52 Pa. Code Section 31.3 (b) and 3.381 (a), SEABOARD TANK LINES, INC., Box 166 Monahan Avenue, Dunmore, Pennsylvania 18512, Docket No. 00071220, herein protests the captioned application on the following grounds:

1. The Protestant is Seaboard Tank Lines, Inc., which has its principal place of business located at Box 166, Monahan Avenue, in the Borough of Dunmore, County of Lackawanna and Commonwealth of Pennsylvania. The telephone number of the Protestant is (717) 343-2491.

2. Protestant's attorney is Peter G. Loftus, Esquire, Suite 724, Bank Towers, Scranton, Pennsylvania-18503. The telephone number is (717) 347-1453.



3. Protestant has the authority to haul petroleum products and dry litharge throughout the Commonwealth of Pennsylvania with only several minor restrictions. Since the applicant is requesting the general category of property, approval of the application would have the following adverse impacts:

(i) property obviously could be construed to include petroleum products and/or dry litharge, thus giving applicant at least equal, if not greater authority than the Protestant.

(ii) even if it is not the intent of the applicant to haul petroleum products at present, if at any time the applicant sells his rights to another company, that company would then be able to haul petroleum products unless a restrictive amendment has been made prior to the transfer.


(iii) the number of applicants to haul petroleum products has increased substantially during the last several years and have eroded the Protestant's shipper's list which conversely has not increased substantially, thus having an adverse impact.

4. The Protestant operates under Docket No. A-00071220. A copy of the Protestant's authority is attached hereto, intended to be made a part hereof, and market as Exhibit "A".

5. The Protestant's interest would be protected resulting in a withdrawal of the protest if the following amendment were made:

"provided no right, power or privilege is granted to transport petroleum, and petroleum products in bulk or dry litharge in bulk."

PETER G. LOFTUS, P.C.

BY: 
PETER G. LOFTUS, ESQUIRE
Counsel for Protestant

Suite 724, Bank Towers
321 Spruce Street
Scranton, PA 18503-1447

Date: July 16, 1992

SEABOARD TANK LINES, INC.

FOLDER NOS. 3 and 7

To transport, as a Class D Carrier, petroleum products in bulk, in tank vehicles from points within five (5) miles by the usually traveled highways of the limits of the Boroughs of Bradford and Eldred, McKean County; Warren, Warren County; Titusville, Crawford County; Oil City, Venango County; Butler and Karns City, Butler County, to points in the Pennsylvania east of a line running northeast and southwest from the New York-Pennsylvania state line near Eldred, McKean County, Southwesterly through Renovo, Clinton County and Tyrone, Blair County and hereinafter referred to as the Renovo-Tyrone Line.

To transport, as a Class D Carrier, petroleum products in bulk, in tank vehicles for the Tulsa Petroleum Corporation from Marcus Hook, Delaware County, and Eldred, McKean County and from point to point in Pennsylvania, as designated by the Tulsa Petroleum Corporation and vice versa.

To transport, as a Class D Carrier, petroleum products in bulk, in tank vehicles for the Pennsylvania Refining Company from points in the City of Scranton, Lackawanna County, to points in the territory east of the Renovo - Tyrone Line, starting at a point in the northeasterly part of Pennsylvania on the New York - Pennsylvania Border at or near Hallstead; thence to Honesdale; thence to Stroudsburg; thence to Easton; thence to Marcus Hook; thence to Reading; thence to Clarks Ferry; thence to Butler; thence to Franklin; thence to Titusville; thence to Warren; thence to Bradford; thence to Eldred; thence in a straight line along the Pennsylvania - New York Border to the place of beginning.

To transport, as a Class D Carrier, petroleum and petroleum products in bulk, in tank vehicles, between points in the Borough of Macungie, Lehigh County and within one hundred fifty (150) miles of the limits of said Borough.

FOLDER 7, AM-A

To transport, as a Class D Carrier, litharge, dry, in bulk, from the Borough of Dunmore, Lackawanna County, to points in Pennsylvania, with the right to return refused, rejected, or damaged shipments to point of origin.

FOLDER 7, AM-B

To transport, as a Class D carrier, petroleum and petroleum products, in bulk, in tank-type vehicles, between points in Pennsylvania; subject to the following conditions:

1. That no right, power or privilege is granted to provide service from points in the Borough of Warren, Warren County, to points in the Borough of Northeast, Erie County, and the Borough of Corsica, Jefferson County.
2. That no right, power or privilege is granted to provide service for United Refining Company; Pennzoil Products Co.; Witco Chemical Co.; Kendall-Amalie Division, from, to or between points in the counties of Warren, Venango and McKean.

Best Oil, Inc.; The Boswell Oil Company; Las Energy, Inc.; and Smithton Truck Stop, Inc., between points in Pennsylvania. *Attorney:* John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219-2383.

A-00110234. BT Express, Inc. (303 North Second Street, Allentown, Lehigh County, Pa. 18102), a corporation of the Commonwealth of Pennsylvania—steel and frozen food products, from points in the county of Lehigh; to points in Pennsylvania, and vice versa. *Attorney:* Gerald I. Roth, 519 Linden Street, Allentown, Pa. 18101.

*A-00110243. Christopher R. Burns (708 Third Street, Port Carbon, Schuylkill County, Pa. 17965), property, between points in the county of Schuylkill, and within an airline distance of 75 statute miles of the limits thereof, and from points in said area, to points in Pennsylvania, and vice versa.

A-00110248. National Baggage Delivery Service, Inc. (254 Chester Pike, Ridley Park, Delaware County, Pa. 19078), a corporation of the State of New Jersey—misplaced, misrouted and delayed passengers' baggage, having immediate prior movement by air, from the Philadelphia International Airport, located in the city and county of Philadelphia and the township of Tinicum, Delaware County, to points in Pennsylvania located within an airline distance of 100 statute miles of the said airport. *Attorney:* Richard C. Tinucci, Front and Orange Street, P. O. Box 81, Media, Pa. 19063-0081.

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-00095190, Folder 1, Am-W: The Blue Diamond Company (6201 Pulaski Highway, Baltimore, MD 21205), a corporation of the State of Maryland, *inter alia*—paper and paper products from the facilities of Union Camp Corporation in the County of Luzerne, to points in Pennsylvania: so as to permit the transportation of (1) paper and paper products from the facilities of Dopaco, located in the borough of Downingtown, Chester County, to points in Pennsylvania; and (2) metal containers from the facilities of American National Can Company, located in the borough of Lemoyne, Cumberland County, the borough of Fogelsville and the township of Lower Macungie, Lehigh County, to points in Pennsylvania. *Attorney:* J. Bruce Walter, 1 South Market Square, P. O. Box 1146, Harrisburg, Pa. 17108.

*A-00107276, Folder 1, Am-B. Becks Trucking Co., Inc. (Broadway Street, P. O. Box 188, Reynoldsville, Jefferson County, Pa. 15851), a corporation of the Commonwealth of Pennsylvania, *inter alia*—coal for the Tase Coal Company from points in the counties of Venango and Butler to points in the counties of Crawford, Mercer, Erie and Clarion: so as to permit the transportation of property, for J. A. Kohlhepp Sons, Inc., from its facilities in the city of DuBois, Clearfield County, to points in Pennsylvania, and vice versa. *Attorney:* Dwight L. Koerber, Jr., 110 North Second Street, P. O. Box 1320, Clearfield, Pa. 16830.

A-00107276, Folder 1, Am-C. Becks Trucking Co., Inc. (Broadway Street, P. O. Box 188, Reynoldsville, Jefferson County, Pa. 15851), a corporation of the Commonwealth of Pennsylvania, *inter alia*—coal for the Tase Coal Company from points in the counties of Venango and Butler to points in the counties of Crawford, Mercer, Erie and Clarion: so as to permit the transportation of lumber, logs, pulpwood and wood chips, for Bowser Lumber Company, between points in Pennsylvania. *Attorney:*

Dwight L. Koerber, Jr., 110 North Second Street, P. O. Box 1320, Clearfield, Pa. 16830.

*A-00109698, Folder 1, Am-B. 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, *inter alia*—coal for domestic consumption between points in the county of Fayette, provided no haul shall exceed a distance of 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 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 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 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 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 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. *Attorney:* Gregg M. Rosen, Seventh Floor, Frick Building, Pittsburgh, Pa. 15219.

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 by transfer of rights as described under each application.

A-00110239. Mealy Excavating and Construction, Inc. (R. R. 1, Box 107, Tionesta, Clarion County, Pa. 16353), a corporation of the Commonwealth of Pennsylvania—(1) coal, from points in the county of Clarion, to points within an airline distance of 80 statute miles of the point of origin, excluding points in the county of Allegheny; (2) sand, gravel, limestone, amesite, deicing materials, defrosting materials and anti-skid materials (excluding

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION



IN RE: APPLICATION OF

BILL SNODDY CONSTRUCTION CO., INC.

APPLICATION DOCKET
A-00109698
FOLDER 1, Am-B

JUN 18 1992

SECRETARY'S OFFICE
Public Utility Commission

INTERROGATORIES PROPOUNDED BY THE PROTESTANT
UNDER 62 PA. C.S.A., SECTION 333

The Protestant, Seaboard Tank Lines, Inc., through its attorney, Peter G. Loftus, Esquire, does hereby propound the following Interrogatories upon the applicant to be answered by him personally and under oath within a reasonable time not to exceed thirty (30) days after the receipt hereof as required by said Act. As used in these Interrogatories, the term "Applicant" shall include, in addition to the named party, their attorneys, agents, servants, employees, representatives, private investigators and others who are in possession of, or who may have obtained information for or on behalf of the said named party.

These Interrogatories shall be deemed to be continuing and any information secured subsequent to the filing of answers thereto which would have been includable in the answers had it been known or available shall be supplied by supplemental answers

as soon as such information becomes known or available and in all events, prior to the hearing of this matter pursuant to 66 Pa. C.S.A., Section 333.

1. Identify by name and address all proposed shippers you plan to service, if the captioned application is granted.

2. For each said shipper, identify the product or products you propose to haul. If petroleum products, identify specifically what types of petroleum products, their derivatives, and/or by-products, by their generally accepted commercial names.

3. For each such product, identify by name and address to whom said product is to be delivered.

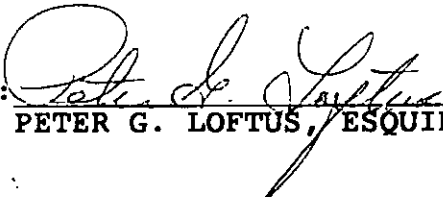
4. For each such product, identify what is the anticipated annual volume.

5. Identify by name, address and telephone number each witness you propose to call at the hearing and the subject matter of their expected testimony.

6. Will you produce, without the necessity of issuing a subpoena duces tecum, all documents, photographs, maps,

recordings or other material whatsoever which you plan to introduce at the hearing? If so, please attach copies of same to your answers.

PETER G. LOFTUS, P.C.

BY: 
PETER G. LOFTUS, ESQUIRE

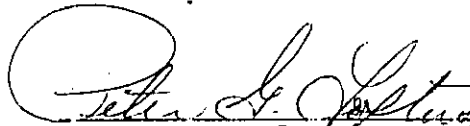
Suite 724, Bank Towers
321 Spruce Street
Scranton, PA 18503-1447

Dated: July 16, 1992

CERTIFICATE OF SERVICE

PETER G. LOFTUS, ESQUIRE, hereby certifies that he served a true and correct copy of the foregoing Protest and Interrogatories in the afore-captioned action by depositing same in the regular United States mail, first-class rate, postage prepaid, and addressed to Gregg M. Rosen, Esquire, Seventh Floor, Frick Building, Pittsburgh, PA 15219 on the 16th day of June, 1992.

PETER G. LOFTUS, P.C.



Peter G. Loftus, Esquire
Attorney for Protestant

Suite 724, Bank Towers
321 Spruce Street
Scranton, PA 18503-1447
(717) 347-1453

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW

SUITE 700

312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15222 - 1916

TELEPHONE (412) 471-3300

FAX: (412) 471-6068

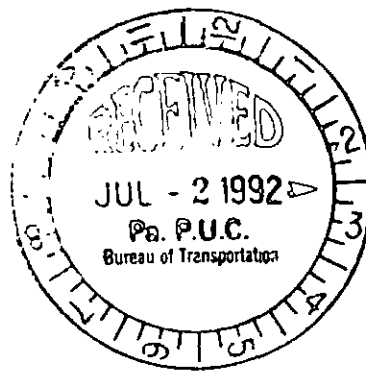
JOHN A. PILLAR
THOMAS M. MULROY
LYNN E. MACBETH

ANTHONY A. SEETHALER, JR.
MARIA M. VERARDI

June 29, 1992

Re: Bill Snoddy Construction Co. Inc.
Docket No. A-00109698, F.1, Am-B

Hon. John G. Alford, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120



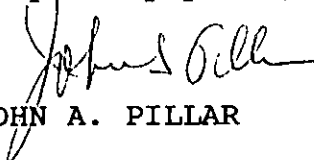
Dear Mr. Alford:

Enclosed is a protest filed on behalf of the following
to the above-captioned application:

Wayne W. Sell Corporation

A copy of this protest has been served on applicant's
representative named below in accordance with the Commission's
Rules of Practice.

Very truly yours,


JOHN A. PILLAR

SW
Enclosure
cc: Gregg M. Rosen, Esq. (w/encl.)

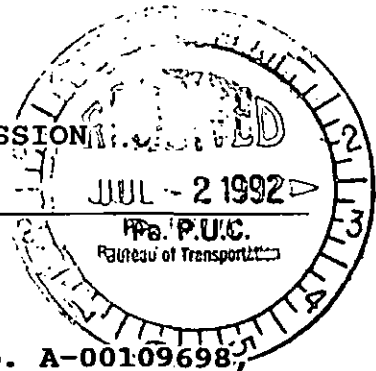
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JUL 1 1992

SECRETARYS OFFICE
Public Utility Commission

**DOCUMENT
FOLDER**

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION



In re: APPLICATION OF
BILL SNODDY
CONSTRUCTION CO., INC.

)
)
) Docket No. A-00109698,
) Folder 1, Am-B
)

PROTEST

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier(s) named herein desire(s) to protest the above application and, in support thereof, state(s) as follows:

1. A copy of the application as published in the Pennsylvania Bulletin is attached hereto as Appendix "A".

2. The name and address of the protestant(s) are set forth in Appendix "B" hereto.

3. The name, address and telephone number of protestant(s)' attorney:

PILLAR AND MULROY, P.C.
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222
(412) 471-3300

4. Protestant(s) hold(s) authority in conflict with this

RECEIVED

JUL 1 1992

SECRETARYS OFFICE
Public Utility Commission

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JUL - 2 1992
ENTRY No.

application as summarized in Appendix "B" attached hereto. A true and correct copy of the pertinent portions of authority held by protestant(s), or a summary thereof, is attached hereto as Appendix "C".

5. Protestant(s) is/are presently providing service in the application area and/or is/are willing and able to provide such service. To the extent of 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 in connection with the transportation proposed by applicant will be so seriously detrimental to protestant(s) so as to have a substantial adverse impact upon the public or may result in destructive competition.

6. Protestant(s) hereby request(s) that the application be set for oral hearing. If an oral hearing is held, protestant(s) represent(s) that it/they will appear and present evidence pertinent to the application.

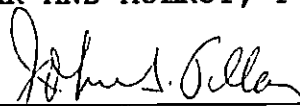
7. Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S.A. Sec. 333(c)), protestant(s) hereby request(s) a list of the witnesses expected to testify in the above entitled proceeding, together with the subject matter of their anticipated testimony and, in particular, any complaints or any evidence pertaining to the service of the protestant(s).

8. If a restrictive amendment will satisfy the interest(s)

of protestant(s), a proposed amendment is attached hereto as Appendix "D".

Respectfully submitted,

PILLAR AND MULROY, P.C.

By: 

JOHN A. PILLAR
Attorney for Protestant(s)

Due Date: July 6, 1992

A-00109698, Folder 1, Am-B. 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, *inter alia*—coal for domestic consumption between points in the county of Fayette, provided no haul shall exceed a distance of 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 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 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 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 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 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. Attorney: Gregg M. Rosen, Seventh Floor, Frick Building, Pittsburgh, Pa. 15219.

PENNSYLVANIA BULLETIN

June 13, 1992

APPENDIX "B"

**Re: BILL SNODDY CONSTRUCTION
CO., INC.
Docket No. A-00109698,
Folder 1, Am-B**

The foregoing protest to the above application is filed on behalf of:

**WAYNE W. SELL CORPORATION
236 Winfield Road
Sarver, PA 16055**

Wayne W. Sell Corporation holds authority from this Commission at Docket No. A.93415. As pertinent to the application involved herein, Sell holds authority to transport cement between points in the Borough of Wilkinsburg, Allegheny County, and within 50 miles of the limits thereof. Sell also holds authority to transport property for Armstrong Cement and Supply Corporation from its facilities located in the Township of Winfield, Butler County, to points in Pennsylvania, and vice versa. Sell holds other authority which is in conflict with that sought herein, as more fully set forth in Appendix "C" hereto.

WAYNE W. SELL CORPORATION

SCOPE OF CARRIER'S OPERATING AUTHORITY

The provisions published herein, or as amended, are limited in their application to Pennsylvania Intrastate Commerce to the extent of the operating rights set forth below.

CERTIFICATE NO. 93415

Folder 1

1. To transport, as a Class D carrier, coal or coke for domestic consumption, between points in the County of Allegheny, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, coal from mines or stripping operations in the County of Allegheny to railroad sidings, coke ovens, docks or stockpiles in the said county, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
3. To transport, as a Class D carrier, building materials, in bulk in dump trucks, between points in the County of Allegheny, provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
4. To transport, as a Class D carrier, property moving under bills of lading, waybills and tariffs of The Pennsylvania Railroad Company within the collection and delivery area designated in said company's collection and delivery tariffs for the station of the said company in the Borough of Tarentum, Allegheny County.
5. To transport, as a Class D carrier, sand, gravel, soil, limestone, coal, clay in bulk, stone, sod, cinders, broken glass, broken concrete, broken tile and used brick, in bulk in dump trucks, between points in the Counties of Armstrong, Clarion, Indiana, Westmoreland, Allegheny and Butler, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
6. To transport, as a Class D carrier, sand, gravel, lime, soil, limestone, coal, clay in bulk, stone, sod, cinders, broken glass, broken tile and used brick, in bulk, between points in the Counties of Armstrong, Clarion, Indiana, Westmoreland, Allegheny and Butler and within fifty (50) miles of the limits thereof.

With right No. 6 above, to be subject to the following conditions:

That no right, power or privilege is granted to transport coal, sand, gravel, crushed stone and limestone to, from or between points in the County of Allegheny, except as authorized in paragraphs (1) through (5) above.

That no right, power or privilege is granted to transport coal, sand, gravel, crushed stone and limestone to, from or between points in the County of Washington.

That no right, power or privilege is granted to render any service to, from or between points in the County of Butler, except as authorized in paragraphs (1) through (5) above.

(Continued on next page)

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: JULY 13, 1984

EFFECTIVE: AUGUST 13, 1984

ISSUED BY: JAMES BEECHEY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

SCOPE OF CARRIER'S OPERATING AUTHORITY

CERTIFICAT NO. 93415

Folder 1 (Continued)

That no right, power or privilege is granted to render any service to, from or between points in the Counties of Beaver, Lawrence and Mercer.

That no right power or privilege is granted to render any service to or from the plants of The Freeport Brick Company in the Borough of Freeport, Armstrong County, Kittanning Brick Company in the Village of Reesedale, Armstrong County, Haws Refractories Company in the Village of Bridgeburg, Armstrong County, Howe Sound Company in the Township of Rayburn, Armstrong County, and Allegheny Brick Company in the Township of East Deer, Allegheny County, except as hereinabove authorized.

7. To transport, as a Class D carrier, property from the plant of Mitchell and Westerman Manufacturing Contractors in the Township of Jefferson, Butler County, to points in Pennsylvania, and vice versa.

Subject to the following condition:

That no right, power or privilege is granted to transport lime and lime products, limestone and limestone products, concrete mix, mortar mix, sand mix and masonry cement, from the Warner Company in the Townships of Charlestown, East Whiteland, and Tredyffrin, Chester County, to the plant of Mitchell and Westerman Manufacturing Contractors in the Township of Jefferson, Butler County.

8. To transport, as a Class D carrier, brick, clay products, tile, cement, lime, lumber, stone, laths and concrete blocks from points within one hundred (100) miles of the Borough of Wilkinsburg, Allegheny County, to points in the Borough of Wilkinsburg and within fifty (50) miles by the usually traveled highways of the limits of said borough.
9. To transport, as a Class D carrier, brick, clay products, tile, stone, cement, lime, lumber, laths and concrete blocks, between points in the Borough of Wilkinsburg, Allegheny County, and within fifty (50) miles by the usually traveled highways of the limits of said borough.
10. To transport, as a Class D carrier, equipment and building materials in bulk in dump trucks, between points in the County of Allegheny.
11. To transport, as a Class D carrier, brick tile and other clay products from points in the County of McKean to points in the Borough of Wilkinsburg, Allegheny County, and within fifty (50) miles by the usually traveled highways of the limits of said borough.
12. To transport, as a Class D carrier, brick in truckload lots from the plant of Alwine Brick Company in Oxford Township, Adams County, to job and construction sites in the Borough of Wilkinsburg, Allegheny County, and within fifty (50) miles by the usually traveled highways of the limits of said borough.

(Continued on next page)

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: JULY 13, 1984

EFFECTIVE: AUGUST 13, 1984

ISSUED BY: JAMES BEECHY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

CERTIFICATE NO. 93415

Folder 1 (Continued)

With the rights at 8, 9, 10, 11 and 12 above to be subject to the following conditions:

That no right, power or privilege is granted to transport household goods or office furnishings, in use.

That no right, power or privilege is granted to pick up or deliver any property except contractors' supplies and building materials on the William Penn Highway east of the Allegheny County line.

Folder 1 Am-E

To transport, as a Class D carrier, fresh and processed meats, in temperature controlled vehicles, for Jiffy Foods Corporation, from the facilities of said company located in the Borough of North East, Erie County, to points in Pennsylvania, and the return of refused, rejected or damaged shipments to the point of origin.

Folder 1 Am-F

To transport, as a Class D carrier, dry salt, in bulk in tank vehicles, from the facilities of Standard Terminals, Inc., in the cities of New Kensington and Arnold, Westmoreland County, to points in Pennsylvania lying on and west of the eastern boundaries of the Counties of McKean, Cameron, Clearfield, Blair and Bedford, and the return of refused, rejected or damaged shipments to the point of origin.

Folder 1 Am-G

To transport, as a Class D carrier, salt, in tank vehicles, from the facilities of Morton Salt Company in the Borough of West Elizabeth, Allegheny County, to points in Pennsylvania.

Folder 1 Am-H

To transport, as a Class D carrier, calcilox (dry processed slag), in tank vehicles, between points in the Township of Neville, Allegheny County, and from points in said township to points in Pennsylvania.

Folder 1 Am-I

To transport, as a Class D carrier, salt and salt products for Cargill, Inc., from the cities of Arnold, New Kensington and Lower Burrell, Westmoreland County, to points in Pennsylvania.

Subject to the following conditions:

That no right, power or privilege is granted to transport rock salt and/or calcium chloride, for de-icing purposes, in bulk, to points in Pennsylvania on and east of U. S. Highway route 15.

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: JULY 13, 1984

EFFECTIVE: AUGUST 13, 1984

ISSUED BY: JAMES BEECHEY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

SCOPE OF CARRIER'S OPERATING AUTHORITY

Folder 1 Am-J

To transport, as a Class D carrier, coal between points in Butler and Allegheny Counties and from points in said Counties to points in Pennsylvania within a radius of 50 miles of the limits of said Counties and vice versa, for Bethlehem Mines Co., United Coal and Commodities Co., American International Co., Sechan Coal Co., Energy Engineering Co., Kitt Coal Co., and Clinton Fuel and Transport, Inc.

Subject to the following condition:

That no right, power or privilege is hereby granted to transport coal or coke from the facilities of Carpentertown Coal and Coke Company at or near Templeton, Armstrong County, except as presently authorized.

Folder 1 Am-K

To transport, as a Class D carrier, property in bulk in dump vehicles, and which is unloaded by dumping, between points within fifty (50) miles of the limits of the Borough of Homestead, Allegheny County, and from points in said territory to points in Pennsylvania, and vice versa.

Subject to the following conditions:

That no right, power or privilege is granted to transport steel in sheets, bars, coils, plates and rods to or from points within thirty-five (35) miles of the City of Philadelphia.

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

That in the rendition of the service herein authorized the container to be used and employed in the transportation of bulk commodities shall be the vehicle itself and not a separate container.

Folder F-1 Am-N

To transport, as a Class D carrier, property, in bulk, in dump vehicles, for Buffalo Builders, Inc., between points in Pennsylvania.

Folder F-1 Am-O @ *

To transport, as a Class D carrier, property for Armstrong Cement and Supply Corporation from its facilities located in the township of Winfield, Butler County, to points in Pennsylvania, and vice versa.

* Issued under authority PA Title 52, Section 23-42

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: OCTOBER 2, 1985

EFFECTIVE: INTERSTATE - OCTOBER 3, 1985
INTRASTATE - OCTOBER 8, 1985 *

ISSUED BY: JAMES BEECHEY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

Docket A-00093415, F.1, Am-P

To transport, as a Class D carrier, property, from the facilities of Pittsburgh Intermodal Terminals, Inc., located in the borough of Ambridge, Beaver County, to points in Pennsylvania, and vice versa;

To transport, as a Class D carrier, property, from the facilities of Freeport Terminals, Inc. located in the borough of Freeport, Armstrong County, to points in Pennsylvania, and vice versa;

with both rights subject to the following condition:

That no right, power or privilege is granted to transport petroleum and petroleum products, in bulk, in tank-type vehicles.

APPENDIX "D"

Re: BILL SNODDY CONSTRUCTION
CO., INC.
Docket A-00109698,
Folder 1, Am-B

Protestant Wayne W. Sell Corporation will consider withdrawing its protest to the within application if the application is amended to exclude the transportation of cement.

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW

SUITE 700

312 BOULEVARD OF THE ALLIES

PITTSBURGH, PA 15222 - 1916

TELEPHONE (412) 471-3300

FAX: (412) 471-6068

JOHN A. PILLAR
THOMAS M. MULROY
LYNN E. MACBETH

ANTHONY A. SEETHALER, JR.
MARIA M. VERARDI

June 29, 1992

Re: Bill Snoddy Construction Co., Inc.
Docket No. A-00109698, F.1, Am-B
TEMPORARY AUTHORITY

Hon. John G. Alford, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Dear Mr. Alford:

Enclosed is a protest filed on behalf of the following
to the above-captioned application:

Wayne W. Sell Corporation

A copy of this protest has been served on applicant's
representative named below in accordance with the Commission's
Rules of Practice.

Very truly yours,

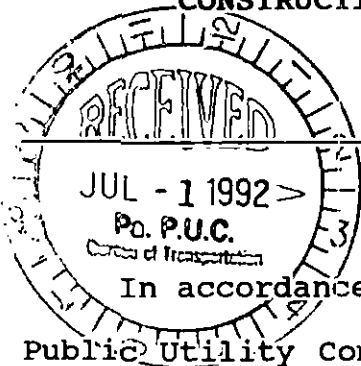

JOHN A. PILLAR

sw
Enclosure
cc: Gregg M. Rosen, Esq. (w/encl.)



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: APPLICATION OF)
BILL SNODDY)
CONSTRUCTION CO., INC.) Docket No. A-00109698,
) Folder 1, Am-B
) TEMPORARY AUTHORITY



PROTEST

FILE

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier(s) named herein desire(s) to protest the above application for temporary authority and, in support thereof, state(s) as follows:

1. A copy of the application as published in the Pennsylvania Bulletin is attached hereto as Appendix "A".
2. The name and address of the protestant(s) are set forth in Appendix "B" hereto.
3. The name, address and telephone number of protestant(s)' attorney:

PILLAR AND MULROY, P.C.
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222
(412) 471-3300

4. Protestant(s) hold(s) authority in conflict with this application as summarized in Appendix "B" attached hereto. A true and correct copy of the pertinent portions of authority held

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JUL - 1 1992
ENTRY No. mw

by protestant(s), or a summary thereof, is attached hereto as Appendix "C".

5. Protestant(s) is/are presently providing service in the application area and/or is/are willing and able to provide such service. To the extent of 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 in connection with the transportation proposed by applicant will be so seriously detrimental to protestant(s) so as to have a substantial adverse impact upon the public.

6. Protestant(s) deny/denies that there is any situation within the application area which requires new carrier service before an application for permanent authority can be filed and processed, because there are other carriers capable of rendering the proposed service and there is no substantial benefit to be derived from the initiation of a competitive service.

7. Protestants have also protested the corresponding permanent authority application published in the Pennsylvania Bulletin on June 13, 1992.

8. There is no immediate and urgent need for the applicant's proposed service.

Respectfully submitted,

PILLAR AND MULROY, P.C.

By: 

JOHN A. PILLAR
Attorney for Protestant(s)

Due Date: July 6, 1992

A-00109698, Folder 1, Am-B. 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, *inter alia*—coal for domestic consumption between points in the county of Fayette, provided no haul shall exceed a distance of 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 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 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 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 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 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. Attorney: Gregg M. Rosen, Seventh Floor, Frick Building, Pittsburgh, Pa. 15219.

PENNSYLVANIA BULLETIN

June 13, 1992

APPENDIX "B"

Re: BILL SNODDY CONSTRUCTION
CO., INC.
Docket No. A-00109698,
Folder 1, Am-B
TEMPORARY AUTHORITY

The foregoing protest to the above application is filed on behalf of:

WAYNE W. SELL CORPORATION
236 Winfield Road
Sarver, PA 16055

Wayne W. Sell Corporation holds authority from this Commission at Docket No. A.93415. As pertinent to the application involved herein, Sell holds authority to transport cement between points in the Borough of Wilkinsburg, Allegheny County, and within 50 miles of the limits thereof. Sell also holds authority to transport property for Armstrong Cement and Supply Corporation from its facilities located in the Township of Winfield, Butler County, to points in Pennsylvania, and vice versa. Sell holds other authority which is in conflict with that sought herein, as more fully set forth in Appendix "C" hereto.

WAYNE W. SELL CORPORATION

SCOPE OF CARRIER'S OPERATING AUTHORITY

The provisions published herein, or as amended, are limited in their application to Pennsylvania Intrastate Commerce to the extent of the operating rights set forth below.

CERTIFICATE NO. 93415

Folder 1

1. To transport, as a Class D carrier, coal or coke for domestic consumption, between points in the County of Allegheny, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, coal from mines or stripping operations in the County of Allegheny to railroad sidings, coke ovens, docks or stockpiles in the said county, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
3. To transport, as a Class D carrier, building materials, in bulk in dump trucks, between points in the County of Allegheny, provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
4. To transport, as a Class D carrier, property moving under bills of lading, waybills and tariffs of The Pennsylvania Railroad Company within the collection and delivery area designated in said company's collection and delivery tariffs for the station of the said company in the Borough of Tarentum, Allegheny County.
5. To transport, as a Class D carrier, sand, gravel, soil, limestone, coal, clay in bulk, stone, sod, cinders, broken glass, broken concrete, broken tile and used brick, in bulk in dump trucks, between points in the Counties of Armstrong, Clarion, Indiana, Westmoreland, Allegheny and Butler, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
6. To transport, as a Class D carrier, sand, gravel, lime, soil, limestone, coal, clay in bulk, stone, sod, cinders, broken glass, broken tile and used brick, in bulk, between points in the Counties of Armstrong, Clarion, Indiana, Westmoreland, Allegheny and Butler and within fifty (50) miles of the limits thereof.

With right No. 6 above, to be subject to the following conditions:

That no right, power or privilege is granted to transport coal, sand, gravel, crushed stone and limestone to, from or between points in the County of Allegheny, except as authorized in paragraphs (1) through (5) above.

That no right, power or privilege is granted to transport coal, sand, gravel, crushed stone and limestone to, from or between points in the County of Washington.

That no right, power or privilege is granted to render any service to, from or between points in the County of Butler, except as authorized in paragraphs (1) through (5) above.

(Continued on next page)

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: JULY 13, 1984

EFFECTIVE: AUGUST 13, 1984

ISSUED BY: JAMES BEECHY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

SCOPE OF CARRIER'S OPERATING AUTHORITY

CERTIFICAT NO. 93415

Folder I (Continued)

That no right, power or privilege is granted to render any service to, from or between points in the Counties of Beaver, Lawrence and Mercer.

That no right power or privilege is granted to render any service to or from the plants of The Freeport Brick Company in the Borough of Freeport, Armstrong County, Kittanning Brick Company in the Village of Reesdale, Armstrong County, Haws Refractories Company in the Village of Bridgeburg, Armstrong County, Howe Sound Company in the Township of Rayburn, Armstrong County, and Allegheny Brick Company in the Township of East Deer, Allegheny County, except as hereinabove authorized.

7. To transport, as a Class D carrier, property from the plant of Mitchell and Westerman Manufacturing Contractors in the Township of Jefferson, Butler County, to points in Pennsylvania, and vice versa.

Subject to the following condition:

That no right, power or privilege is granted to transport lime and lime products, limestone and limestone products, concrete mix, mortar mix, sand mix and masonry cement, from the Warner Company in the Townships of Charlestown, East Whiteland, and Tredyffrin, Chester County, to the plant of Mitchell and Westerman Manufacturing Contractors in the Township of Jefferson, Butler County.

8. To transport, as a Class D carrier, brick, clay products, tile, cement, lime, lumber, stone, laths and concrete blocks from points within one hundred (100) miles of the Borough of Wilkinsburg, Allegheny County, to points in the Borough of Wilkinsburg and within fifty (50) miles by the usually traveled highways of the limits of said borough.
9. To transport, as a Class D carrier, brick, clay products, tile, stone, cement, lime, lumber, laths and concrete blocks, between points in the Borough of Wilkinsburg, Allegheny County, and within fifty (50) miles by the usually traveled highways of the limits of said borough.
10. To transport, as a Class D carrier, equipment and building materials in bulk in dump trucks, between points in the County of Allegheny.
11. To transport, as a Class D carrier, brick tile and other clay products from points in the County of McKean to points in the Borough of Wilkinsburg, Allegheny County, and within fifty (50) miles by the usually traveled highways of the limits of said borough.
12. To transport, as a Class D carrier, brick in truckload lots from the plant of Alwine Brick Company in Oxford Township, Adams County, to job and construction sites in the Borough of Wilkinsburg, Allegheny County, and within fifty (50) miles by the usually traveled highways of the limits of said borough.

(Continued on next page)

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: JULY 13, 1984

EFFECTIVE: AUGUST 13, 1984

ISSUED BY: JAMES BEECHEY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

CERTIFICATE NO. 93415

Folder 1 (Continued)

With the rights at 8, 9, 10, 11 and 12 above to be subject to the following conditions:

That no right, power or privilege is granted to transport household goods or office furnishings, in use.

That no right, power or privilege is granted to pick up or deliver any property except contractors' supplies and building materials on the William Penn Highway east of the Allegheny County line.

Folder 1 Am-E

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Folder 1 Am-F

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Folder 1 Am-G

To transport, as a Class D carrier, salt, in tank vehicles, from the facilities of Morton Salt Company in the Borough of West Elizabeth, Allegheny County, to points in Pennsylvania.

Folder 1 Am-H

To transport, as a Class D carrier, calcilox (dry processed slag), in tank vehicles, between points in the Township of Neville, Allegheny County, and from points in said township to points in Pennsylvania.

Folder 1 Am-I

To transport, as a Class D carrier, salt and salt products for Cargill, Inc., from the cities of Arnold, New Kensington and Lower Burrell, Westmoreland County, to points in Pennsylvania.

Subject to the following conditions:

That no right, power or privilege is granted to transport rock salt and/or calcium chloride, for de-icing purposes, in bulk, to points in Pennsylvania on and east of U. S. Highway route 15.

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: JULY 13, 1984

EFFECTIVE: AUGUST 13, 1984

ISSUED BY: JAMES BEECHEY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

SCOPE OF CARRIER'S OPERATING AUTHORITY

Folder I Am-J

To transport, as a Class D carrier, coal between points in Butler and Allegheny Counties and from points in said Counties to points in Pennsylvania within a radius of 50 miles of the limits of said Counties and vice versa, for Bethlehem Mines Co., United Coal and Commodities Co., American International Co., Sechan Coal Co., Energy Engineering Co., Kitt Coal Co., and Clinton Fuel and Transport, Inc.

Subject to the following condition:

That no right, power or privilege is hereby granted to transport coal or coke from the facilities of Carpentertown Coal and Coke Company at or near Templeton, Armstrong County, except as presently authorized.

Folder I Am-K

To transport, as a Class D carrier, property in bulk in dump vehicles, and which is unloaded by dumping, between points within fifty (50) miles of the limits of the Borough of Homestead, Allegheny County, and from points in said territory to points in Pennsylvania, and vice versa.

Subject to the following conditions:

That no right, power or privilege is granted to transport steel in sheets, bars, coils, plates and rods to or from points within thirty-five (35) miles of the City of Philadelphia.

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

That in the rendition of the service herein authorized the container to be used and employed in the transportation of bulk commodities shall be the vehicle itself and not a separate container.

Folder F-1 Am-N

To transport, as a Class D carrier, property, in bulk, in dump vehicles, for Buffalo Builders, Inc., between points in Pennsylvania.

Folder F-1 Am-O @ *

To transport, as a Class D carrier, property for Armstrong Cement and Supply Corporation from its facilities located in the township of Winfield, Butler County, to points in Pennsylvania, and vice versa.

* Issued under authority PA Title 52, Section 23-42

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: OCTOBER 2, 1985

EFFECTIVE: INTERSTATE - OCTOBER 3, 1985
INTRASTATE - OCTOBER 8, 1985 *

ISSUED BY: JAMES BEECHEY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

Docket A-00093415, F.1, Am-P

To transport, as a Class D carrier, property, from the facilities of Pittsburgh Intermodal Terminals, Inc., located in the borough of Ambridge, Beaver County, to points in Pennsylvania, and vice versa;

To transport, as a Class D carrier, property, from the facilities of Freeport Terminals, Inc. located in the borough of Freeport, Armstrong County, to points in Pennsylvania, and vice versa;

with both rights subject to the following condition:

That no right, power or privilege is granted to transport petroleum and petroleum products, in bulk, in tank-type vehicles.

APPENDIX "D"

Re: BILL SNODDY CONSTRUCTION
CO., INC.
Docket A-00109698,
Folder 1, Am-B

Protestant Wayne W. Sell Corporation will consider withdrawing its protest to the within application if the application is amended to exclude the transportation of cement.

McNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET
P. O. BOX 1166

HARRISBURG, PA 17108-1166

TELEPHONE (717) 232-8000

FAX (717) 236-2665

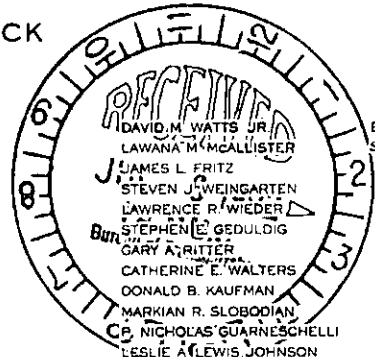
OF COUNSEL
GILBERT NURICK
EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
SAMUEL A. SCHRECKENGAUST, JR.

THOMAS C. HERWEG
EXECUTIVE DIRECTOR

July 2, 1992

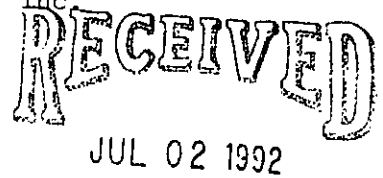
FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD R. WAISEL
RICHARD R. LEFEVER
CLYDE W. MCINTYRE
S. BERNE SMITH
ROD J. PERA
EDWARD W. ROTHMAN
ROBERT A. MILLS
W. JEFFRY JAMOUNEAU
HERBERT R. NURICK
DAVID E. LEHMAN
NORMAN I. WHITE
RICHARD W. STEVENSON
WILLIAM A. CHESNUTT
HENRY R. MACNICHOLAS
WILLIAM M. YOUNG, JR.
ROBERT M. CHERRY
DAVID B. DISNEY
H. LEE ROUSSEL

C. GRAINGER BOWMAN
BURTON H. SNYDER
JOHN S. OYLER
DELANO M. LANTZ
HARVEY FREEDENBERG
ERIC L. BROSSMAN
ROBERT D. STETS
TERRY R. BOSSERT
DAVID M. KLEPPINGER
NEAL S. WEST
FRANKLIN A. MILES, JR.
MICHAEL A. DOCTROW
STEPHEN A. MOORE
DANA STEVENS SCADUTO
ELIZABETH A. DOUGHERTY
ALAN R. BOYNTON, JR.
BRUCE D. BAGLEY
MICHAEL G. JARMAN
GARY F. YENKOWSKI
DIANE M. TOKARSKY
BERNARD A. LABUSKES, JR.



ERIC N. ATHEY
SCOTT A. GOULD

In re: Application of Bill Snoddy Construction Co., Inc.
A-00109698, Folder 1, Am-B



John G. Alford, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17120

Public Utility Commission
SECRETARY'S BUREAU
Information Control Division


Dear Mr. Alford:

On behalf of Schwerman Trucking Co., we enclose the original and two copies of a protest to the above-captioned application.

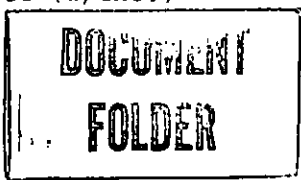
As indicated in the certificate of service, a copy has been served upon the applicant and applicant's representative.

Very truly yours,

McNEES, WALLACE & NURICK

By 
S. Berne Smith

SBS/ec
Enclosures
cc: Bill Snoddy Construction Co., Inc. (w/enc.)
Gregg M. Rosen, Esquire (w/enc.)
Mr. Richard H. Prevetie (w/enc.)



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION



In Re:

APPLICATION OF

BILL SNODDY CONSTRUCTION CO., INC.
A-00109698, Folder 1, Am-B

RECEIVED

JUL 02 1992

Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

PROTEST ON BEHALF OF
SCHWERMAN TRUCKING CO.

S. Berne Smith, Esquire
McNees, Wallace & Nurick
P. O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166

Counsel for Protestant

Due: July 6, 1992

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JUL 6 1992
ENTRY No. AK

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re:

APPLICATION OF

BILL SNODDY CONSTRUCTION CO., INC.
A-00109698, Folder 1, Am-B

PROTEST ON BEHALF OF
SCHWERMAN TRUCKING CO.

AND NOW COMES Schwerman Trucking Co. and protests this application representing as follows:

1. The name, business address and telephone number of the protestant are as follows:

Schwerman Trucking Co.
611 South 28th Street
P. O. Box 1601
Milwaukee, WI 53201
Telephone: (414) 671-1600

2. The name, business address and telephone number of the protestant's attorneys are:

S. Berne Smith, Esquire
McNees, Wallace & Nurick
P. O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166
Telephone: (717) 232-8000

3. The authority sought by applicant is attached as Appendix A.

4. The application will be competitive with and detrimental to existing services provided by Schwerman Trucking Co. Schwerman specializes in the truck load transportation of various commodities including cement in the

application territory. Protestant has a wide range of equipment, facilities for serving the public, and experienced drivers and other employees. Protestant holds authority from the Commission in conflict with what the applicant seeks in this proceeding. Protestant seeks to transport commodities within the scope of this application as a common carrier. This transportation, as well as other transportation which protestant could perform within the scope of the application, and the revenue derived, or to be derived, therefrom, are important to protestant. Said traffic and revenue could be diverted from protestant by approval of the instant application. Diversion of present and future traffic would have an adverse impact on protestant. The entry of applicant into the field authorized to protestant would endanger or impair the operations of protestant to such an extent that, on balance, the granting of authority to applicant would be contrary to the public interest.

5. Protestant holds operating authority from Pennsylvania Public Utility Commission at A. 92811 and folders thereunder, all of which is incorporated herein by reference. The conflicting authority of protestant is set forth in Appendix B hereto.

6. If cement is eliminated from the scope of authority sought, that would eliminate the opposition of protestant to approval of this application.

7. Approval of the authority sought will not be necessary or proper for the service, accommodation and convenience of the public. Applicant is proposing a rate structure which is destructive of existing common carrier rates. This protest also goes to applicant's fitness.

WHEREFORE, Schwerman Trucking Co. respectfully prays that this application be dismissed.

AND, it will ever pray.

SCHWERMAN TRUCKING CO.

By *Mc Nees, Wallace & Nurick*
MCNEES, WALLACE & NURICK

Harrisburg, PA
July 2, 1992

In re:

APPLICATION OF

BILL SNODDY CONSTRUCTION CO., INC.
A-00109698, Folder 1, Am-B

Authority Sought

A-00109698, Folder 1, Am-B. 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, *inter alia*—coal for domestic consumption between points in the county of Fayette, provided no haul shall exceed a distance of 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 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 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 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 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 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. Attorney: Gregg M. Rosen, Seventh Floor, Frick Building, Pittsburgh, Pa. 15219.

Pennsylvania Bulletin, Vol. 22, No. 24
Saturday, June 13, 1992, Page 3042

A. 00092811, Folder 1

To transport, as a Class D carrier, cement in bulk or containers for the Penn-Dixie Cement Corporation from its plant in the Village of West Winfield, Winfield Township, Butler County, to points within an airline distance of one hundred twenty-five (25) miles of the said plant. (Formerly A. 75766, Folder 2)

To transport, as a Class D carrier, cement in bulk or containers for the Universal Atlas Cement Division of United States Steel Corporation from its plant in the Village of Universal, Penn Township, Allegheny County, to points within an airline distance of one hundred twenty-five (125) miles of the said plant. (Formerly A. 75766, Folder 2)

To transport, as a Class D carrier, cement in bulk and/or in bags for the Lone Star Cement Corporation from the plant site of the said corporation in the Borough of Nazareth and the Township of Nazareth, Northampton County, to points in Pennsylvania, with right to return to the plant site, refused, rejected or damaged shipments of parts thereof. (Formerly A. 75766, Folder 2)

To transport, as a Class D carrier, cement in bulk and/or in bags for the Penn-Dixie Cement Corporation from plant sites of the said corporation in the County of Northampton to points in Pennsylvania, with the right to return to the plant sites, refused, rejected or damaged shipments or parts thereof. (Formerly A. 75766, Folder 2)

A. 00092811 (continued)

To transport, as a Class D carrier, cement in bulk and/or in bags for the Universal Atlas Cement Division of United States Steel Corporation from the plant site of said division in the Borough of Northampton, Northampton County, to points in Pennsylvania, with right to return to the plant site, refused, rejected or damaged shipments or parts thereof.
(Formerly A. 75766, Folder 2)

To transport, as a Class D carrier, dry cement, for the Universal Atlas Cement Division of United States Steel Corporation originating at its plant in the Village of Universal, Penn Township, Allegheny County, and the Borough of Northampton, Northampton County, for the Penn-Dixie Cement Corporation originating at its plants in the Village of West Winfield, Winfield Township, Butler County, and its plant sites in the County of Northampton, and for the Lone Star Cement Corporation originating at its plant in the Borough of Nazareth and the Township of Nazareth, Northampton County, having a prior or subsequent movement by rail or water, between points in Pennsylvania; provided that no right, power or privilege is granted to transport dry cement between points in the territory comprising the City and County of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of the said city and county, except in bulk in tank vehicles or hopper-type vehicles.
(Formerly A. 75766, Folder 2)

To transport, as a Class D carrier, cement from the production plant of the Marquette Cement Manufacturing Company on Neville Island, Neville Township, Allegheny County, to points in Pennsylvania, and the return of refused, rejected or damaged shipments or parts of shipments to the point of origin.
(Formerly A. 75766, Folder 2)

A. 00092811 (continued)

To transport, as a Class D carrier, cement originating at the production plant of the Marquette Cement Manufacturing Company in the Township of Neville, Neville Island, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania; provided that the transportation of cement between points in the territory comprising the City and County of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of said city and county shall be confined to the transportation of cement in bulk in tank vehicles or in hopper-type vehicles;

A. 00092811, Folder 1, Am-A

To transport, as a Class D carrier, cement, from the plant site of Universal Atlas Cement Division of United States Steel Corporation in the village of Universal, Penn Township, Allegheny County, to points in Pennsylvania.

A. 00092811. Folder 1. Am-B

To transport, as a Class D carrier, dry bulk cement, in tank or hopper-type vehicles, and dry cement in bags or containers, between points in the counties of Lehigh, Northampton, Berks, Montgomery, and York, and from points in the said counties to points in Pennsylvania; and the return of refused or rejected merchandise, empty containers and such other facilities used in the transportation of cement, from points in Pennsylvania to points in the counties of Lehigh, Northampton, Berks, Montgomery, and York;

A. 00092811, Folder 1, Am-C

To transport, as a Class D carrier, cement, from the plantsite of Lehigh Portland Cement Company in the village of Universal, Penn Township, Allegheny County, to points in Pennsylvania.

To transport, as a Class D carrier, cement in bulk and/or in bags for the Lehigh Portland Cement Company from the plantsite of said company in the borough of Northampton, Northampton County, to points in Pennsylvania, with the right to return to the plantsite, refused, rejected or damaged shipments or parts thereof.

To transport, as a Class D carrier, dry cement, for the Lehigh Portland Cement Company originating at its plant in the village of Universal, Penn Township, Allegheny County, and the borough of Northampton, Northampton County, for the Penn-Dixie Cement Corporation originating at its plant in the village of West Winfield, Winfield Township, Butler County, and its plantsite in the county of Northampton, and for the Lone Star Cement Corporation originating at its plant in the borough of Nazareth and the township of Nazareth, Northampton County,

A. 00092811, Folder 1, Am-C (continued)

having a prior or subsequent movement by rail or water, between points in Pennsylvania; provided that no right, power or privilege is granted to transport dry cement between points in the territory comprising the city and county of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of the said city and county, except in bulk in tank vehicles or hopper-type vehicles.

A. 00092811, Folder 1, Am-E

To transport, as a Class D carrier, cement from the production plant of the Lone Star Industries, Inc. on Neville Island, Neville Township, Allegheny County, to points in Pennsylvania.

To transport, as a Class D carrier, cement originating at the production plant of the Lone Star Industries, Inc., in the township of Neville, Neville Island, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania; providing that the transportation of cement between points in the territory comprising the City and County of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of said city and county shall be confined to the transportation of cement in bulk in tank vehicles or in hopper-type vehicles.

SCHWERMEN TRUCKING CO.
Operating Authority

A-00092811, Folder 1, Am-H

1. To transport, as a Class D carrier, cement, from points in the township of Neville, Allegheny County, to points in Pennsylvania.
2. To transport, as a Class D carrier, cement, which originated in the township of Neville, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania.

A-00092811, Folder 1, Am-I

To transport, as a Class D carrier, cement, and materials and supplies used in the manufacture of cement, for Lafarge Corporation, between points in Pennsylvania.

A. 00092811, Folder 2, Am-F

To transport, as a Class D carrier, cement, in bulk or in containers, from points in the borough of Wampum, Lawrence County, to points in Pennsylvania.

A. 00092811, Folder 2, Am-G

To transport, as a Class D carrier, cement mill waste and stack dust, in bulk, between points in Pennsylvania.

subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport flyash from the city of New Kensington, Westmoreland County, and points within an airline distance of 35 statute miles of the limits of said city; the township of Goshen, Clearfield County; the township of Monongahela, Greene County; and points in the counties of Armstrong and Indiana.

SECOND: That no right, power or privilege is granted to transport stack dust and cement mill waste in dump vehicles.

A. 00092811, Folder 2, Am-H

To transport, as a Class D carrier, cement in bulk in tank vehicles, from points in the city of Erie, Erie County, to points in Pennsylvania.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the applicant, Bill Snoddy Construction Co., Inc., Old Route 119 North, P. O. Box 945, Uniontown, PA 15401, and applicant's representative, Gregg M. Rosen, Esquire, Seventh Floor, Frick Building, Pittsburgh, PA 15219, by first class mail, postage prepaid and properly addressed.


S. Berne Smith

Harrisburg, PA
July 2, 1992

McNEES, WALLACE & NURICK

ATTORNEYS AT LAW

100 PINE STREET

P. O. BOX 1166

HARRISBURG, PA 17108-1166

TELEPHONE (717) 232-8000

FAX (717) 236-2665

OF COUNSEL
GILBERT NURICK
EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
SAMUEL A. SCHRECKENGAUST, JR.

THOMAS C. HERWEG
EXECUTIVE DIRECTOR

July 2, 1992

DAVID M. WATTS, JR.
LAWANA M. MCALLISTER

ERIC N. ATHEY
SCOTT A. GOULD

JAMES L. FRITZ
STEVEN J. WEINGARTEN
LAWRENCE R. WIEDER
STEPHEN E. GEDULDIG
GARY A. RITTER
CATHERINE E. WALTERS
DONALD B. KAUFMAN
MARKIAN R. SLOBODIAN
P. NICHOLAS GUARNESCHELLI
LESLIE A. LEWIS JOHNSON
MARK M. VAN BLARGAN
JONATHAN H. RUDD
ROBERT F. YOUNG
CAROL A. STEINOUR
GLENN P. HEISEY
MICHAEL R. KELLEY
SHARON R. PAXTON
JAMES P. DOUGHERTY

FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD R. WAISEL
RICHARD R. LEFEVER
CLYDE W. MCINTYRE
S. BERNE SMITH
ROD J. PERA
EDWARD W. ROTHMAN
ROBERT A. MILLS
W. JEFFRY JAMOUNEAU
HERBERT R. NURICK
DAVID E. LEHMAN
NORMAN I. WHITE
RICHARD W. STEVENSON
WILLIAM A. CHESNUTT
HENRY R. MACNICHOLAS
WILLIAM M. YOUNG JR.
ROBERT M. CHERRY
DAVID B. DISNEY
H. LEE ROUSSEL

C. GRAINGER BOWMAN
BURTON H. SNYDER
JOHN S. OYLER
DELANO M. LANTZ
HARVEY FREEDENBERG
ERIC L. BROSSMAN
ROBERT D. STETS
TERRY R. BOSSERT
DAVID M. KLEPPINGER
NEAL S. WEST
FRANKLIN A. MILES, JR.
MICHAEL A. DOCTROW
STEPHEN A. MOORE
DANA STEVENS SCADUTO
ELIZABETH A. DOUGHERTY
ALAN R. BOYNTON, JR.
BRUCE D. BAGLEY
MICHAEL G. JARMAN
GARY F. YENKOWSKI
DIANE M. TOKARSKY
BERNARD A. LABUSKES, JR.

In re: Temporary authority application of
Bill Snoddy Construction Co., Inc.
A-00109698, Folder 1, Am-B

John G. Alford, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17120

Dear Mr. Alford:

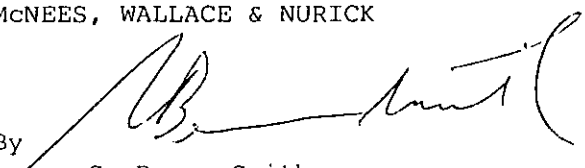
On behalf of Schwerman Trucking Co., we enclose the original and two copies of a protest to the above-captioned temporary authority application.

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

Very truly yours,

McNEES, WALLACE & NURICK

By


S. Berne Smith

SBS/ec

Enclosures

cc: Bill Snoddy Construction Co., Inc. (w/enc.)
Gregg M. Rosen, Esquire (w/enc.)
Mr. Richard H. Prevette (w/enc.)

RECEIVED

JUL 02 1992

Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

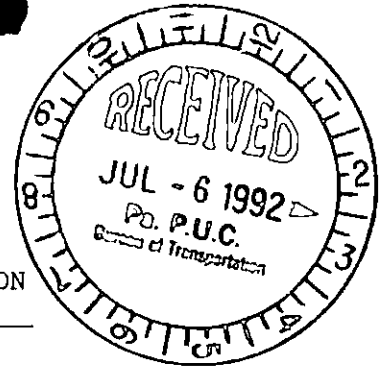
DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re:

APPLICATION OF

BILL SNOODY CONSTRUCTION CO., INC.
A-00109698, Folder 1, Am-B
(Temporary Authority Application)



RECEIVED

JUL 02 1992

Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

PROTEST ON BEHALF OF
SCHWERMAN TRUCKING CO.

S. Berne Smith, Esquire
McNees, Wallace & Nurick
P. O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166

Counsel for Protestant

Due: July 6, 1992

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JUL 6 1992
ENTRY No. _____

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re:

APPLICATION OF

BILL SNODDY CONSTRUCTION CO., INC.
A-00109698, Folder 1, Am-B
(Temporary Authority Application)

PROTEST ON BEHALF OF
SCHWERMAN TRUCKING CO.

AND NOW COMES Schwerman Trucking Co. and protests this application representing as follows:

1. The name, business address and telephone number of the protestant are as follows:

Schwerman Trucking Co.
611 South 28th Street
P. O. Box 1601
Milwaukee, WI 53201
Telephone: (414) 671-1600

2. The name, business address and telephone number of the protestant's attorneys are:

S. Berne Smith, Esquire
McNees, Wallace & Nurick
P. O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166
Telephone: (717) 232-8000

3. By this application, applicant is seeking temporary authority as a common carrier to transport inter alia "cement" for Uniontown Builders Supply Company, from points in named Pennsylvania counties to Uniontown and Washington, PA. Schwerman is not protesting other parts of the authority sought.

4. Schwerman Trucking Co. has filed a protest to the related application of Bill Snoddy Construction Co., Inc., for permanent authority. The averments of that protest are incorporated herein and made part hereof by reference.

5. Schwerman Trucking Co. protests this temporary authority application to transport cement for the following reasons:

a. Protestant holds authority in conflict with that being sought by applicant in this proceeding. Protestant's authority is found at A. 00092811 and Folders, all of which is incorporated herein and made a part hereof by reference. The specific paragraphs which protestant submits are actually involved are attached hereto as Appendix A, involving transportation of cement from points in the involved counties to points in Pennsylvania.

b. Protestant has ample equipment of the proper type to provide the service allegedly required by the supporting shipper. Specifically, systemwide, protestant has over 500 power units and over 700 trailers, including bulk trailers and flatbed trailers which could be used in performing the transportation. Protestant has sufficient such equipment available in Pennsylvania, properly registered, to provide the intrastate transportation in question.

c. Protestant has a terminal at Neville Island, Allegheny County, Pennsylvania, centrally located to the cement plants located in western Pennsylvania. At its Neville Island terminal, Schwerman has 27 tractors, 32 bulk trailers, and 3 flatbed trailers. Protestant has another terminal in York County, Pennsylvania, at which are located 20 power units, 10 flatbed

trailers, and 25 bulk trailers. Protestant's third Pennsylvania terminal is located at Nazareth, PA. There are 50 power units, 70 bulk trailers, and 35 flat trailers assigned there. Thus, protestant is in a position to provide responsive, statewide service. Protestant has ample, qualified drivers, ready and available to operate its equipment. Service is available, upon request, 24 hours per day, 7 days per week.

d. Protestant vigorously disputes that there is any existing emergency which justifies approval of temporary authority. Under the provisions of 66 Pa.C.S. §1103(d), temporary authorities may only be granted to common carriers as follows:

(d) Temporary authority. - Except during the threat or existence of a labor dispute, the commission under such regulations as it shall prescribe may, without hearing, in proper cases, consider and approve applications for certificates of public convenience, and in emergencies grant temporary certificates under this chapter, pending action on permanent certificates; but no applications shall be denied without right of hearing thereon being tendered to the applicant.

The operative words with respect to temporary applications are "in emergencies." There simply is no such emergency in the present case which justifies any grant of temporary authority.

The statement of the supporting shipper Uniontown Builders Supply Company attached to the application for temporary authority does not evidence any emergency. Rates appear to be the only issue, and that is not a proper basis for a temporary authority application. Protestant Schwerman can provide the type service allegedly needed by shipper.

Paragraph G of the support statement indicates that other unnamed carriers have reduced the size of their fleet. There is no specific information provided to support the generalized statement. As a matter of fact, protestant Schwerman has ample equipment - much more than applicant. Schwerman is eager for more traffic.

e. The supporting shipper in paragraphs I and H of the support statement names no carriers which allegedly have failed to provide service. In response to paragraph H, which inquire about efforts made to obtain the service from existing carriers, including the dates and results of these efforts, only Russell Trucking is mentioned, and no service failures are alleged. Instead, the shipper simply expresses a desire to have the proposed service of applicant made available to it at a lower rate than Russell Trucking charges. As will become evident hereinafter, the only basis for seeking applicant's proposed service is because of the proposed rate structure, and this is not a valid basis for approval of temporary authority in the face of adequate common carrier service.

The shipper has not contacted protestant Schwerman with respect to the intrastate transportation allegedly involved in this proceeding. Schwerman has not refused to provide any service to the shipper. The simply fact is, the shipper has not tendered business to Schwerman which Schwerman was unable to handle. Schwerman is available, ready and eager to handle the traffic of the shipper.

In 1992, Schwerman has handled four loads of bagged cement traffic for the shipper. There was no problem with the service.


f. Although the shipper's statement alleges a transportation requirement of 180 to 225 loads of cement per year, no specific origins are actually provided. The existing carrier is not named. Schwerman is ready to handle the service. Schwerman could easily handle all of that traffic.

6. Protestant Schwerman is a common carrier which is interested in handling the traffic for the supporting shipper, and the shipper is well aware of this interest but has not tendered any significant amount of traffic to Schwerman. The present case presents a classic example of potential, harmful competition to a common carrier if this application is approved.

WHEREFORE, Schwerman Trucking Co. respectfully prays that this application for temporary authority be dismissed.

AND, it will ever pray.

SCHWERMAN TRUCKING CO.

By 
S. Berne Smith, Esquire

Counsel for Protestant

McNees, Wallace & Nurick
100 Pine Street
P. O. Box 1166
Harrisburg, PA 17108-1166

July 2, 1992

A. 00092811, Folder 1

To transport, as a Class D carrier, cement in bulk or containers for the Penn-Dixie Cement Corporation from its plant in the Village of West Winfield, Winfield Township, Butler County, to points within an airline distance of one hundred twenty-five (125) miles of the said plant. (Formerly A. 75766, Folder 2)

To transport, as a Class D carrier, cement in bulk or containers for the Universal Atlas Cement Division of United States Steel Corporation from its plant in the Village of Universal, Penn Township, Allegheny County, to points within an airline distance of one hundred twenty-five (125) miles of the said plant. (Formerly A. 75766, Folder 2)

To transport, as a Class D carrier, cement in bulk and/or in bags for the Lone Star Cement Corporation from the plant site of the said corporation in the Borough of Nazareth and the Township of Nazareth, Northampton County, to points in Pennsylvania, with right to return to the plant site, refused, rejected or damaged shipments of parts thereof. (Formerly A. 75766, Folder 2)

To transport, as a Class D carrier, cement in bulk and/or in bags for the Penn-Dixie Cement Corporation from plant sites of the said corporation in the County of Northampton to points in Pennsylvania, with the right to return to the plant sites, refused, rejected or damaged shipments or parts thereof. (Formerly A. 75766, Folder 2)

A. 00092811 (continued)

To transport, as a Class D carrier, cement in bulk and/or in bags for the Universal Atlas Cement Division of United States Steel Corporation from the plant site of said division in the Borough of Northampton, Northampton County, to points in Pennsylvania, with right to return to the plant site, refused, rejected or damaged shipments or parts thereof.
(Formerly A. 75766, Folder 2)

To transport, as a Class D carrier, dry cement, for the Universal Atlas Cement Division of United States Steel Corporation originating at its plant in the Village of Universal, Penn Township, Allegheny County, and the Borough of Northampton, Northampton County, for the Penn-Dixie Cement Corporation originating at its plants in the Village of West Winfield, Winfield Township, Eutler County, and its plant sites in the County of Northampton, and for the Lone Star Cement Corporation originating at its plant in the Borough of Nazareth and the Township of Nazareth, Northampton County, having a prior or subsequent movement by rail or water, between points in Pennsylvania; provided that no right, power or privilege is granted to transport dry cement between points in the territory comprising the City and County of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of the said city and county, except in bulk in tank vehicles or hopper-type vehicles.
(Formerly A. 75766, Folder 2)

To transport, as a Class D carrier, cement from the production plant of the Marquette Cement Manufacturing Company on Neville Island, Neville Township, Allegheny County, to points in Pennsylvania, and the return of refused, rejected or damaged shipments or parts of shipments to the point of origin.
(Formerly A. 75766, Folder 2)

A. 00092811 (continued)

To transport, as a Class D carrier, cement originating at the production plant of the Marquette Cement Manufacturing Company in the Township of Neville, Neville Island, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania; provided that the transportation of cement between points in the territory comprising the City and County of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of said city and county shall be confined to the transportation of cement in bulk in tank vehicles or in hopper-type vehicles;

A. 00092811, Folder 1, Am-A

To transport, as a Class D carrier, cement, from the plant site of Universal Atlas Cement Division of United States Steel Corporation in the village of Universal, Penn Township, Allegheny County, to points in Pennsylvania.

A. 00092811. Folder 1, Am-B

To transport, as a Class D carrier, dry bulk cement, in tank or hopper-type vehicles, and dry cement in bags or containers, between points in the counties of Lehigh, Northampton, Berks, Montgomery, and York, and from points in the said counties to points in Pennsylvania; and the return of refused or rejected merchandise, empty containers and such other facilities used in the transportation of cement, from points in Pennsylvania to points in the counties of Lehigh, Northampton, Berks, Montgomery, and York;

A. 00092811. Folder 1, Am-C

To transport, as a Class D carrier, cement, from the plantsite of Lehigh Portland Cement Company in the village of Universal, Penn Township, Allegheny County, to points in Pennsylvania.

To transport, as a Class D carrier, cement in bulk and/or in bags for the Lehigh Portland Cement Company from the plantsite of said company in the borough of Northampton, Northampton County, to points in Pennsylvania, with the right to return to the plantsite, refused, rejected or damaged shipments or parts thereof.

To transport, as a Class D carrier, dry cement, for the Lehigh Portland Cement Company originating at its plant in the village of Universal, Penn Township, Allegheny County, and the borough of Northampton, Northampton County, for the Penn-Dixie Cement Corporation originating at its plant in the village of West Winfield, Winfield Township, Butler County, and its plantsite in the county of Northampton, and for the Lone Star Cement Corporation originating at its plant in the borough of Nazareth and the township of Nazareth, Northampton County,

A. 00092811, Folder 1, Am-C (continued)

having a prior or subsequent movement by rail or water, between points in Pennsylvania; provided that no right, power or privilege is granted to transport dry cement between points in the territory comprising the city and county of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of the said city and county, except in bulk in tank vehicles or hopper-type vehicles.

A. 00092811, Folder 1, Am-E

To transport, as a Class D carrier, cement from the production plant of the Lone Star Industries, Inc. on Neville Island, Neville Township, Allegheny County, to points in Pennsylvania.

To transport, as a Class D carrier, cement originating at the production plant of the Lone Star Industries, Inc., in the township of Neville, Neville Island, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania; providing that the transportation of cement between points in the territory comprising the City and County of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of said city and county shall be confined to the transportation of cement in bulk in tank vehicles or in hopper-type vehicles.

SCHWERMANN TRUCKING CO.
Operating Authority

A-00092811, Folder 1, Am-H

1. To transport, as a Class D carrier, cement, from points in the township of Neville, Allegheny County, to points in Pennsylvania.
2. To transport, as a Class D carrier, cement, which originated in the township of Neville, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania.

A-00092811, Folder 1, Am-I

To transport, as a Class D carrier, cement, and materials and supplies used in the manufacture of cement, for Lafarge Corporation, between points in Pennsylvania.

A. 00092811. Folder 2. Am-F

To transport, as a Class D carrier, cement,
- in bulk or in containers, from points in the
borough of Wampum, Lawrence County, to points
in Pennsylvania.

A. 00092811. Folder 2. Am-G

To transport, as a Class D carrier, cement mill waste
and stack dust, in bulk, between points in Pennsylvania.

subject to the following conditions:

FIRST: That no right, power or privilege is
granted to transport flyash from the
city of New Kensington, Westmoreland County,
and points within an airline distance of 35
statute miles of the limits of said city; the
township of Goshen, Clearfield County; the
township of Monongahela, Greene County; and
points in the counties of Armstrong and Indiana.

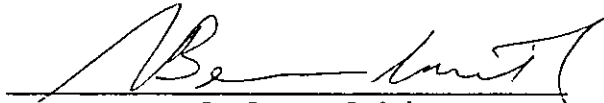
SECOND: That no right, power or privilege is
granted to transport stack dust and
cement mill waste in dump vehicles.

A. 00092811. Folder 2. Am-H

To transport, as a Class D carrier, cement in bulk
in tank vehicles, from points in the city of Erie,
Erie County, to points in Pennsylvania.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the applicant, Bill Snoddy Construction Co., Inc., Old Route 119 North, P. O. Box 945, Uniontown, PA 15401, and applicant's representative, Gregg M. Rosen, Esquire, Seventh Floor, Frick Building, Pittsburgh, PA 15219, by first class mail, postage prepaid and properly addressed.


S. Berne Smith

Harrisburg, PA
July 2, 1992

LAW OFFICES
SABLE, MAKOROFF & GUSKY, P. C.

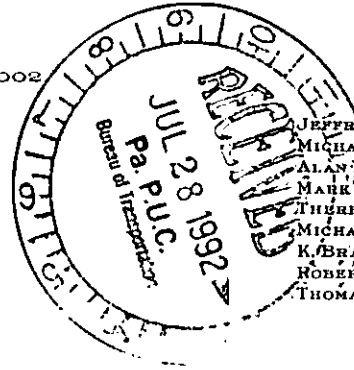
SEVENTH FLOOR
FRICK BUILDING

PITTSBURGH, PENNSYLVANIA 15219-3002

(412) 471-4096

FAX: (412) 281-2859

ROBERT G. SABLE
STANLEY G. MAKOROFF
HENRY GUSKY
STEPHEN J. LAIDHOLD
DAVID W. LAMPL
GREGG M. ROSEN
F. SCOTT GRAY
ROBERT J. BLUMLING
AMY S. CUNNINGHAM
JEROME M. LIBENSON
OF COUNSEL



July 22, 1992

9594.02

Mr. John Alford
Secretary of PUC
Pennsylvania Public Utility Commission
P.O. Box 3265
North Office Building
Harrisburg, PA 17120

RECEIVED
JUL 27 1992
SECRETARYS OFFICE
Public Utility Commission

Re: Bill Snoddy Construction Company, Inc.
Docket No. A-00109698, F.1, Am-B
Restrictive Amendment and Withdrawal of Protest of
Wayne W. Sell Corporation

Dear Mr. Alford:

Enclosed for filing is an original and two copies of a Restrictive Amendment and Withdrawal of Protest regarding the above-mentioned case.

If you have any questions, or if any additional information is required, please contact the undersigned. Thank you for your assistance in this matter.

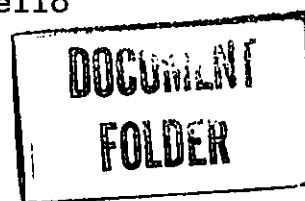
Very truly yours,

SABLE, MAKOROFF & GUSKY, P.C.

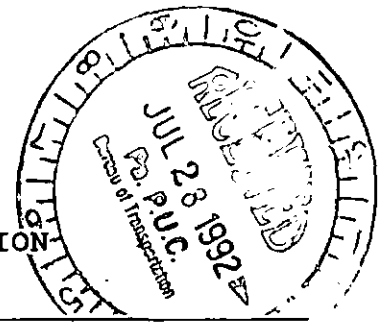
Robert G. Bello

RGB:ro
Enclosures

cc: William R. Snoddy, Jr.
John A. Pillar, Esquire
Gregg M. Rosen, Esquire



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION



Application of
BILL SNODDY CONSTRUCTION CO., INC.

Docket No. A-00109698, F.1, Am-B

RECEIVED
JUL 27 1992
SECRETARYS OFFICE
Public Utility Commission

RESTRICTIVE AMENDMENT

I. Bill Snoddy Construction Co., Inc. hereby amends the application in the above docketed proceeding so that the authority sought will include the following restriction:

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

II. Based on the foregoing amendment, and conditioned upon its acceptance by the Commission and any grant being consistent with the amendment, the protestants listed on the attached appendices hereby withdraw their protests.

III. Counsel for the aforesaid parties will remain of record for the purpose of receiving copies of all notices and orders issued in this proceeding. Said counsel and the parties they represent are as follows:

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JUL 28 1992
ENTRY No. 11

Appendix "A" - John A. Pillar, Esq.
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222
Attorney for
WAYNE W. SELL CORPORATION,
Protestant

Dated at Pittsburgh, PA, this 22 day of July, 1992.

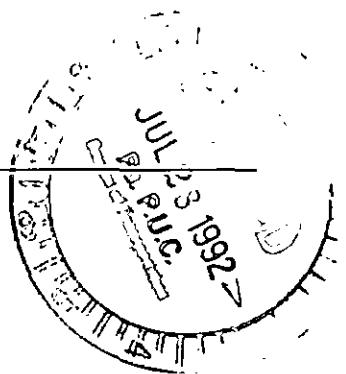
BILL SNODDY CONSTRUCTION
COMPANY, INC.

By: Robert G. Bello
ROBERT G. BELLO, ESQ.
Attorney for Applicant

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of
BILL SNODDY CONSTRUCTION CO., INC.

Docket No. A-00109698, F.1, Am-B



WITHDRAWAL OF PROTEST

WAYNE W. SELL CORPORATION, by its attorney, John A. Pillar, Esq., Pillar and Mulroy, P.C., hereby withdraws its protest to the above application based on the restrictive amendment to which this withdrawal statement is attached.

By: John A. Pillar
JOHN A. PILLAR, ESQ.
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222
Counsel for Protestant,
WAYNE W. SELL CORPORATION

Dated: July 21, 1992

Appendix "A"

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JUL 28 1992
ENTRY No. 11

KJR

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
August 11, 1992

In Re: A-00109698, F001, Am-B

(See attached list)

Application of Bill Snoddy Construction Co., Inc.

For amendment 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; 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.

NOTICE

The Public Utility Code directs that hearings shall be commenced in this case by the Administrative Law Judge within 90 days after the proceeding is initiated.

In compliance with this directive, a initial hearing is hereby scheduled for Friday, September 25, 1992, at 10:00 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

The presiding officer in this proceeding is Administrative Law Judge James D. Porterfield. Judge Porterfield can be contacted at 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania 15222; telephone (412) 565-3550.

If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

cc: Judge Porterfield
Mr. Frazier - PIO
Mrs. Lewis
Scheduling Sec.
Mrs. Plantz
Docket Room

DOCKETED
AUG 12 1992

**DOCUMENT
FOLDER**

A-00109698, F001, Am-B - Parties of Record

Gregg M. Rose, Esquire
7th Floor
Frick Building
Pittsburgh, PA 15219

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

Peter G. Loftus, Esquire
Suite 724
Bank Towers
Scranton, PA 18503

John A. Pillar, Esquire
Pillar & Mulroy
Suite 700
312 Boulevard of The Allies
Pittsburgh, PA 15222

S. Berne Smith, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108