

JAMES R. GAUT  
ATTORNEY AT LAW  
COULTER BUILDING  
GREENSBURG, PA.  
15601

AREA CODE 412  
834-0188

February 15, 1991

Office of the Pennsylvania  
Public Utility Commission  
P. O. Box 3265  
North Office Building  
Harrisburg, PA 17120

A-109669

Re: Midland Carriers, Inc.  
No. 100414, Folder No. 1 & 2

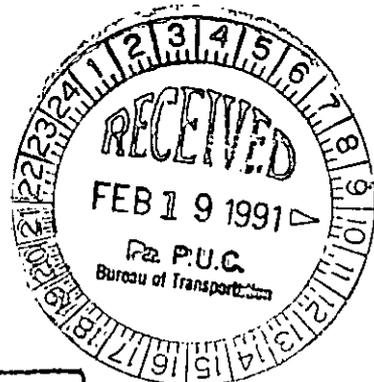
Gentlemen:

Enclosed herewith please find an Application for Transfer of the above carrier rights to Keith Hough, in triplicate. Also enclosed is Mr. Hough's Money Order No. 04-249,772,142 made payable to Commonwealth of Pennsylvania in the amount of \$350.00 for filing the enclosed Application.

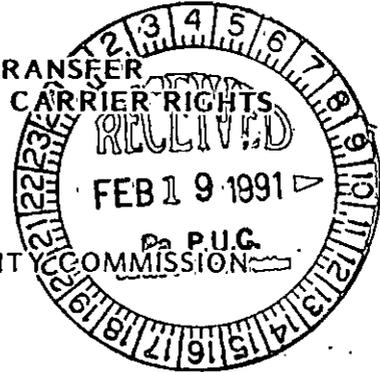
Very truly yours,



JRG/cg  
Enclosures



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



BEFORE THE PENNSYLVANIA PUBLIC UTILITIES

Application of Keith Hough  
(Applicant/Transferee-Buyer)

for approval of the transfer and to exercise the right

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

No. 100414, Folder No. 1 and 2, issued to

Midland Carriers, Inc.  
(Transferor-Seller)

for transportation of property  
(persons-property)

**PUC USE ONLY**  
Docket No. A-109669  
Folder No. \_\_\_\_\_

**DOCKETED**  
APPLICATION DOCKET  
FEB 26 1991  
ENTRY No. mw

**DOCUMENT**  
**FOLDER**

SEE INSTRUCTIONS BEFORE COMPLETING APPLICATION

1. Keith Hough APPL.   
(Full and correct name of applicant/transferee) COMPL.

2. N/A MVIC   
(Trade name, if any)

The trade name \_\_\_\_\_ has or has not been registered with the Secretary of the  
(has or has not) CHECKED BY mw

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

3. R. D. #1 Box 221-A  
(Business Street Address) (P.O. Box, if any)

Smithton Richmond PA 15479 (412) 872-9194  
(City) (County) (State) (Zip) (Telephone)

**BEGINNING**

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

James R. Gaut, 402 Coulter Building  
Greensburg, PA 15601 (412) 834-0188  
(Name) (Address) (Telephone)

5. Any documents should be mailed to:

Transferee: Keith Hough, c/o 402 Coulter Bldg., Greensburg, PA 15601  
(Name) (Address)

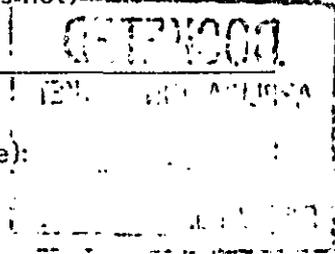
Transferor: Midland Carriers, Inc., 100 Industrial St., Scottdale, PA 15683  
(Name) (Address)

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

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

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

at Docket No. \_\_\_\_\_



8. Applicant is (check one):

Individual.

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

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

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

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

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

11. The reason for the transfer is liquidation of all corporate assets  
of Seller

12a. The following must be attached:

- Sales Agreement.
- List of equipment to be used to render service. (summarize by type)  
1985 Mack Tri-Axle Dump Truck; 73,280 GVW
- Operating authority to be transferred/retained.
- Statement of Financial Condition.
- Statement of unpaid business debts of transferor and how they will be satisfied. NONE
- Statement of safety program.
- Statement of transferee's experience.

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

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

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

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

Transferee sign here: ✓ Keith Hough ✓ 5-15-91  
(each partner must sign) (Date)  
(Corporate Seal) (Keith Hough)

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Midland Carriers, Inc.  
Transferor sign here: ✓ Robert D. Hough ✓ 2/15/91  
President

(Corporate Seal)  
Joan H. Pologruto ✓ 2/15/91  
Secretary

STATEMENT OF FINANCIAL CONDITION

INCOME STATEMENT

For the 12-month period ending 12/31/90  
(Date)

REVENUE and GAINS

Operating Revenue	\$ 87,412.45
Net Revenue from non-carrier operation	5,734.56
Dividend and Interest revenues	
Other non-operating revenue	
Gains	
Total Revenue and Gains	93,147.01

EXPENSES

Equipment Maintenance and Garage Expense	18,254.58
Insurance Expense	3,037.40
Employee Salaries	
Supervisory Salaries	
Officer Salaries	
Fuel Expense	15,150.28
Purchased Transportation (Lease Expense)	
Materials and Supplies Expense	5,596.95
General Office Expense	
Advertising Expense	
Telephone Expense	558.00
Accounting Expense	225.00
Legal Expense	
Uncollectible Revenue	
Depreciation Expense	708.12
Amortization	
Operating Taxes and Licenses	2,175.56
Rent Expense	
Loss	
Total Operating Expense and Losses	45,705.89

Net Income before Taxes	47,441.12
Provision for Income Taxes	11,640.00
Net Income	\$ 35,801.12

## STATEMENT OF FINANCIAL POSITION (Balance Sheet)

as of 12/31/90

Date

ASSETSCURRENT ASSETS

Cash		\$ 2,546.47
Accounts Receivable		5,837.55
Notes Receivable		
Other current assets (Specify)		
Total current assets		8,384.02

TANGIBLE ASSETS

Land		102,500.00
Motor Vehicle Equipment	\$ 45,082.11	
Less: Accumulated Depreciation	- 44,999.56	= 82.55
Buildings and Structures	11,470.00	
Less: Accumulated Depreciation	- \$ 713.17	= 10,756.83
Investments and Funds (Specify)		
Intangible Assets		
Other assets (Such as advances and Idle equipment - specify)		121,723.40

LIABILITIESCurrent Liabilities (liabilities due within one year of date)

Accounts Payable		
Notes Payable - current portion		600.00
Equipment Obligations		
Other Liabilities (attach schedule)		
Total Current Liabilities		600.00

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

Accounts Payable		
Notes Payable		5,802.62
Equipment Obligations		
Other Liabilities (attach schedule) Mortgage		63,000.00
Total Long Term Liabilities		68,802.62
Total Liabilities		69,402.62

Net Worth (partnerships &amp; individuals) \$ 52,320.78

OWNERS EQUITY (Corporations only)

Capital Stock (Corporations only)		
Additional paid-in capital		
Retained Earnings (Corporations only)		
Less: Treasury Stock		=
Total Owner's Equity (Corporations only)		
Total Liabilities & Owner's Equity (Corporations only)		

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

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
Westmoreland County :

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

Keith Hough  
Signature of Affiant  
(Keith Hough)

Sworn and subscribed before me this 15  
day of Feb 19 91

My Commission Expires \_\_\_\_\_  
J. Bruce King, District Justice  
Magisterial Dist. No. 10-C3-10  
Westmoreland County, PA  
My Commission Expires  
1st Monday in January 1994

J. Bruce King  
Signature of Official Administering Oath

AFFIDAVIT OF TRANSFEREE/APPLICANT (Corporation)

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
\_\_\_\_\_ County :

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

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

the same at the hearing hereof.

Keith Hough  
Signature of Affiant

Sworn and subscribed before me this 15  
day of FEB 19 91

My Commission Expires \_\_\_\_\_  
J. Bruce King, District Justice  
Magisterial Dist. No. 10-C3-10  
Westmoreland County, PA  
My Commission Expires  
1st Monday in January 1994

J. Bruce King  
Signature of Official Administering Oath

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

COMMONWEALTH OF PENNSYLVANIA :

: ss:

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

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

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

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

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

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

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

AFFIDAVIT OF TRANSFEROR/SELLER (Corporation)

COMMONWEALTH OF PENNSYLVANIA :

: ss:

Westmoreland County :

Robert D. Hough, being duly sworn (affirmed) according to law,  
deposes and says that he is President of Midland Carriers, Inc. ;  
(Office of Affiant) (Name of Corporation)

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

Robert D. Hough, Pres.  
Signature of Affiant  
(Robert D. Hough), President  
of Midland Carriers, Inc.

Sworn and subscribed before me this 15

day of Feb 19 91

My Commission expires ✓ \_\_\_\_\_

J. Bruce King  
Signature of Official Administering Oath

J. Bruce King, District Justice  
Magisterial Dist. No. 10 03-10  
Westmoreland County, PA  
My Commission Expires  
1st Monday in January 1994

## STATEMENT OF SAFETY PROGRAM

Transferee presently conducts a pre-trip safety inspection as well as a post-trip safety inspection which involves making sure brakes (service and parking), tires, lights, reflectors, signals, windshield wipers, mirrors, wheels, rims, steering components and all safety equipment is in safe working order and functioning properly within safe and lawful operating limits.

#### STATEMENT OF TRANSFEREE'S EXPERIENCE

Transferee has from 1974 to the present worked parttime in a family farming operation and from 1980 to 1983 was employed by United Dairy Farmers Cooperative. From 1983 to the present Transferee has owned and operated a tri-axle dump truck and has personally been responsible for maintenance and operation of same, billing, bookkeeping, purchasing, acquiring credit, making timely payments on loans and taxes and conducting all other aspects of trucking related business.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Public Meeting held August 16, 1977  
Harrisburg, PA 17120

Commissioners Present:

Louis J. Carter, Chairman  
Robert K. Bloom  
Helen B. O'Bannon  
Michael Johnson

Application Docket Nos. 100414 and 70327, Fs. 1 & 2  
Application of Midland Carriers, Inc., a corporation of the Commonwealth  
of Pennsylvania at A. 100414 to acquire by transfer all the rights  
held by Robert D. Hough at A. 70327, Fs. 1 & 2. CN 7705/0945

O R D E R

BY THE COMMISSION:

By application docketed May 24, 1977, Midland Carriers,  
Inc., a corporation of the Commonwealth of Pennsylvania seeks to  
acquire by transfer all the rights granted to Robert D. Hough under  
the certificates issued at A. 70327, Fs. 1 & 2.

Having reviewed the proceedings involved herein, we find the  
applicant to be fit to hold a certificate of public convenience and  
that approval of the application is necessary; THEREFORE,

IT IS ORDERED: That the application filed by Midland Carriers,  
Inc., a corporation of the Commonwealth of Pennsylvania at A. 100414  
be approved and that a certificate be issued to the applicant granting  
the following rights:

1. To transport, as a Class D carrier, building  
materials in bulk in dump trucks, coal and coke  
between points in the village of Alverton, Westmoreland  
County and within a radius of twenty-five (25)  
miles thereof, no haul to exceed a distance of  
twenty-five (25) miles from point of origin to  
point of destination.
2. To transport, as a Class D carrier, coal, coke,  
sand, stone, cinders and refuse between points in  
the counties of Allegheny, Fayette and Westmoreland,  
provided no haul shall exceed a distance of twenty-  
five (25) miles from point of origin to point of  
destination;

subject to the following conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.
3. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom.
4. That the operating authority granted herein to the extent that it duplicates any operating authority heretofore granted to or now held by applicant shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

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

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor Robert D. Hough at A. 70327, Fs. 1 & 2 be canceled and the record be marked closed.

BY THE COMMISSION,



C. J. McElwee  
Secretary

(SEAL)

ORDER ADOPTED: August 16, 1977

ORDER ENTERED: AUG 24 1977

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

A. 100414

IN THE MATTER OF THE APPLICATION OF

MIDLAND CARRIERS, INC., a corporation  
of the Commonwealth of Pennsylvania

CERTIFICATE  
OF  
PUBLIC CONVENIENCE

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and entered, a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

In Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 16th day of NOVEMBER 19 77.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Attest:

*C. J. McElroy*

Secretary



A G R E E M E N T

MADE and concluded this 31st day of December, 1990, by and between:

**MIDLAND CARRIERS, INC.**, a Pa. corporation, having its registered office in

, party of the first part, hereinafter referred to as the "SELLER",

A  
N  
D

**KEITH HOUGH**, of the Township of South Huntingdon, County of Westmoreland and Commonwealth of Pennsylvania, party of the second part, hereinafter referred to as the "BUYER",

WITNESSETH THAT:

WHEREAS, the Seller is the present holder of Certificate of Public Convenience issued by the Pennsylvania Public Utility Commission at Docket No. 100414, and

WHEREAS, The Seller is desirous of transferring the rights set forth in said Certificate, and

WHEREAS, the Buyer is desirous of purchasing the interest of Seller in said Certificate.

NOW, THEREFORE, in consideration of the mutual promises hereinafter contained, it is agreed that:

1. Seller will sell and Buyer will purchase Seller's right, title and interest in and to that Certificate of Public Convenience issued at Application Docket No. 100414, as follows:

Application Docket No. 100414:

To transport, as a Class D carrier, building materials in bulk in dump trucks, coal and coke between points in the Village of Alverton, Westmoreland County and within a radius of twenty-five (25) miles thereof, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination.

To transport, as a Class D carrier, coal, coke, sand, stone, cinders and refuse between points in the counties of Allegheny, Fayette and Westmoreland, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

for the sum of One Thousand and 00/100 Dollars (\$1,000.00).

2. The Buyer will deposit, immediately upon the execution of this agreement a check made payable to the Seller in the amount of One Thousand and 00/100 Dollars (\$1,000.00), with James R. Gaut, Esquire, in escrow, on account of the aforesaid purchase price of the said Certificate of Public Convenience issued at the aforesaid Application and Folder number.

3. Immediately upon the deposit of the sum of One Thousand and 00/100 Dollars (\$1,000.00) the Seller will execute all forms required by the Pennsylvania Public Utility Commission for the purpose of transferring the aforesaid Certificate of Public Convenience to the Buyer.

4. In the event that the Pennsylvania Public Utility Commission fails or refuses to approve the transfer of the aforesaid rights to the Buyer, then this agreement shall be declared null and void, and the escrow agent, James R. Gaut, Esquire, is hereby directed to return the sum of One Thousand and 00/100 Dollars (\$1,000.00) deposited with him to the Buyer.

5. Settlement shall be made at the office of James R. Gaut, Esquire, within ten (10) days following notice of approval of the transfer of the aforementioned public utility rights to the Buyer, at which time the aforesaid Escrow Agent shall pay to the Seller the entire consideration of One Thousand and 00/100 Dollars (\$1,000.00).

6. It is further understood and agreed between the parties hereto that should Buyer be required to pay and General Assessment or other costs and charges which would ordinarily be the responsibility of Seller, that Seller shall upon written request of Buyer reimburse Buyer in full for any such expense within a period of thirty (30) days from receipt of such written request.

7. The parties hereto intend to be legally bound by the terms hereof, and it is intended that this agreement shall be binding upon their heirs, successors, executors, administrators and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

MIDLAND CARRIERS, INC.

By Robert D. Hough (SEAL)  
(Robert D. Hough), President

ATTEST:

Joan H. Pologruto  
Joan Pologruto, Secretary

WITNESS:

Lita J. Bau Keith Hough (SEAL)  
(Keith Hough)

ACCEPTANCE BY ESCROW AGENT

I, James R. Gaut, Esquire, Escrow Agent, hereby acknowledge receipt of the sum of One Thousand and 00/100 Dollars (\$1,000.00) to be held in escrow and agree to be bound by the terms of the within Agreement.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this  
15 day of February, 1991.

WITNESS:

Cynthia A. Gressler James R. Gaut (SEAL)  
(James R. Gaut, Esquire)

March 8, 1991

IN REPLY PLEASE  
REFER TO OUR FILE

James R. Gaut  
Attorney at Law  
402 Coulter Building  
Greensburg, PA 15601

In re: A-00109669 - Application of Keith Hough

Dear Sir:

Acknowledgement is made of an application filed by you on behalf of Keith Hough for the rights of Midland Carriers, Inc.

The application has been captioned as attached and will be submitted for review, provided no protests are filed on or before April 1, 1991. If protests are filed, you will be advised as to further procedure.

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

You are further advised that the above application will be published in the Pennsylvania Bulletin of March 9, 1991.

Very truly yours,

David Ehrhart  
Supervisor - Application Section  
Bureau of Transportation

DE:RP:rs

cc: Applicant  
R.D. 1, Box 221-A  
Smithton, PA 15479

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
MAR 11 1991  
ENTRY No. 111

A-00109669 KEITH HOUGH (R.D. #1, Box 221-A, Smithton, Westmoreland County, PA 15479) - (1) building materials in bulk in dump trucks, coal and coke between points in the village of Alverton, Westmoreland County and within a radius of twenty-five (25) miles thereof, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination; and (2) coal, coke, sand, stone, cinders and refuse between points in the counties of Allegheny, Fayette and Westmoreland, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination; which is to be a transfer of the rights authorized under the certificate issued at A-00100414 to Midland Carriers, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. Attorney: James R. Gaut, 402 Coulter Building, Greensburg, PA 15601.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

MAR - 9 1991

DATE \_\_\_\_\_ SERVICE \_\_\_\_\_

BUREAU OF TRANSPORTATION  
COMMON CARRIER  
FEBRUARY 1991

A-00109669

Application of Keith Hough, for the right to begin to transport, as a common carrier, by motor vehicle, (1) building materials in bulk in dump trucks, coal and coke between points in the village of Alverton, Westmoreland County and within a radius of twenty-five (25) miles thereof, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination; and (2) coal, coke, sand, stone, cinders and refuse between points in the counties of Allegheny, Fayette and Westmoreland, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination; which is to be a transfer of the rights authorized under the certificate issued at A-00100414 to Midland Carriers, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

MW:rs  
2/27/91

Application received: 2/19/91  
Application docketed: 2/26/91

NH

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
MAR 11 91  
ENTRY No.     

APR - 1 1991

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