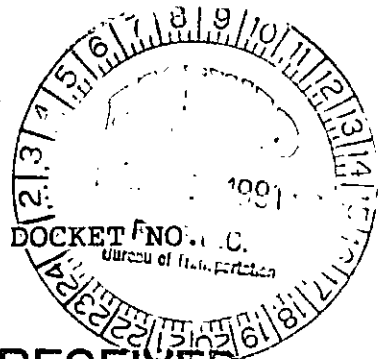


Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION



IN RE: APPLICATION OF
Brian C. Hinkley
Hallstead Plaza
P. O. Box 901
Hallstead, Susquehanna County, PA 18822

APPLICATION DOCKET FNO. 1001
A-00109681

RECEIVED

MAR 21 1991

SECRETARY'S OFFICE
Public Utility Commission

PROTEST FILE

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

In accordance with 52 Pa. Code §3.381, protest of the above application is hereby made on behalf of Louderback Transportation Company, 260 Hansen Access Road, King of Prussia, PA 19406 on the following grounds:

(1) That the service proposed will be competitive with and detrimental to the existing authorized service of Louderback Transportation Company. The nature of the adverse impact is set forth at Appendix 1 hereto.

(2) That there is no public need for the proposed service, nor would the approval of the application for such proposed service be necessary or proper for the service, accommodation, convenience or safety of the public.

A description of the operating authority of Louderback Transportation Company at Docket A-69736 is attached hereto as Appendix 2. Also attached as Appendix 3, is a suggested restrictive amendment which, if accepted by the Commission, will result in the withdrawal of the Louderback protest. If no amendment is attached, no amendment is acceptable to satisfy protestant's interest.

PURSUANT TO SECTION 333(c) OF THE PUBLIC UTILITY CODE (66 PA. C.S. §333[c]), WE HEREBY REQUEST A LIST OF THE WITNESSES EXPECTED TO TESTIFY IN THE ABOVE-ENTITLED PROCEEDING, TOGETHER WITH THE SUBJECT MATTER OF THEIR ANTICIPATED TESTIMONY.

I hereby certify that a copy of this Notice of Protest has, on this date, been served upon applicant and its counsel (if any) by mailing a copy of same to the address(es) set forth in the Pennsylvania Bulletin dated 3 / 16 / 91 .

LOUNDERBACK TRANSPORTATION COMPANY

By: Gary R. Louderback
GARY R. LOUNDERBACK, President

Date: 3/19/91

cc: Brian C. Hinkley
Fax: Ed Ciemniecki

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
MAR 22 1991
ENTRY No. 1001

LOUDERBACK TRANSPORTATION COMPANY

ADVERSE IMPACT

Louderback Transportation Company ("Louderback") presently provides an active, daily service pursuant to authority which duplicates, in part, the authority requested in the instant proceeding. A complete copy of Louderback's intrastate authority is attached to this protest as Appendix 2.

The service proposed by Applicant will be competitive with and detrimental to the service presently provided by Louderback. A grant of the instant application will interfere with the ability of Louderback to provide service within Pennsylvania and will tend to divert important traffic and revenues from Louderback.

LOUDERBACK TRANSPORTATION COMPANY

OPERATING AUTHORITY
DOCKET NO. A-69736

Folder 2:

To transport, as a Class B carrier, property between points within the County of Philadelphia,

To transport, as a Class D carrier, household goods in use, works of art, office, plant and store equipment and furnishings between points in the Counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville but not including said places.

To transport, as a Class D carrier, said articles from points in said area to other points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, property for the Barrett Company (Chemical Division), from their plant in the City of Philadelphia to their customers in the Borough of Marcus Hook, Delaware County, and the City of Chester, Delaware County, excluding intermediate points,

To transport, as a Class D carrier, ammonia in tanks, and cylinders for the National Ammonia Company from the City of Philadelphia to customers of the said company located in the Borough of Bristol, Bucks County, and the return of empty tanks and cylinders from points in the said borough to the company's plant in the City of Philadelphia.

Folder 2, Am-B:

To transport, as a Class D carrier, property, for AT&T between points in Pennsylvania;

with the above right subject to the following conditions:

That no right, power or privilege is granted to transport commodities in bulk and commodities the transportation of which, because of size or weight, require the use of special equipment.

That no right, power or privilege is granted to provide service between points in Indiana, Armstrong and Westmoreland Counties and from said counties to points in Pennsylvania.

Folder 2, Am-C:

To transport as a Class D carrier, property for E.I. DuPont De Nemours and Company, between points in Pennsylvania;

subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk and commodities the transportation of which, because of size or weight, require the use of special equipment.

Folder 2, Am-D:

(1) To transport, as a Class D Carrier, household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods between points in the city of Coatesville, Chester County, and within an airline distance of fifty (50) statute miles thereof, and from points in said area to points in Pennsylvania, and vice versa;

with Right No. 1 above subject to the following conditions:

That no right, power, or privilege is herein granted to transport household goods and office furniture in use between points in the county of Lancaster or from points in said county to other points in Pennsylvania.

That the rights, powers and privileges herein granted shall not include any points that are within an airline distance of fifty (50) statute miles of Harrisburg, Dauphin county, in the counties of York, Dauphin, Lebanon and Schuylkill; and

That no right, power or privilege is herein granted to render service from points within an airline distance of fifty (50) statute miles of Harrisburg, Dauphin County, for delivery to any other points within an airline

distance of fifty (50) statute miles of Harrisburg, Dauphin County;

That the rights, powers and privileges herein granted shall exclude from the area within an airline distance of fifty (50) statute miles of Coatesville the territory in that part of the counties of Delaware, Montgomery, Bucks and Philadelphia east and south of a line beginning at the city of Chester, thence via U.S. Highway Route 320 through Broomall to Villanova, thence by a line drawn from Villanova to Swedeland, thence to Bridgeport, thence to Norristown, thence to Doylestown and from Doylestown to Morrisville, but retaining in said fifty (50) mile area all points and places on the above described boundary lines except the city of Chester, Delaware County; and

(2) To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods between points in the area bounded by the city of Chester, Delaware County, the borough of Downingtown, Chester County, the borough of Norristown, Montgomery County, and the borough of Morrisville, Bucks County, excluding said points and also excluding points in Delaware County, beyond a ten (10) statute mile airline distance of the Philadelphia City Hall, and from points in said area to other points in Pennsylvania, and vice versa; and

(3) To transport, as a Class B carrier household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and objects of art, displays and exhibits which, because of their unusual

nature or value, require specialized handling and equipment usually employed in moving household goods between points in the borough of West Chester, Chester County, and within an airline distance of three (3) statute miles of the said borough limits; and

(4) To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods from points in the borough of West Chester, Chester County, and within an airline distance of three (3) statute miles of the said borough limits to other points in Pennsylvania, and vice versa; and

(5) To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods from points within an airline distance of ten (10) statute miles of the Chester County Courthouse in the borough of West Chester to other points in Pennsylvania, and vice versa;

with Rights Nos. 1, 2, 3, 4 and 5 subject to the following conditions:

That no right, power or privilege is granted to transport household goods in use from points in the city of Coatesville, Chester County, and within ten (10) miles by the usually traveled highways of the limits of said city to other points in Pennsylvania, and vice versa; and

That no right, power or privilege is granted to transport, as a Class D carrier, household goods in use from points in the borough of Downingtown, Chester County, and within an airline distance of three (3) statute miles of the limits of said borough to points in Pennsylvania, and vice versa.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
May 24, 1991

KJR

In Re: A-00109681

(See attached list)

Application of Brian C. Hinkley

Right to transport, as a common carrier, household goods, personal effects and property used or to be used in a dwelling, *** in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods between points in the county of Susquehanna, and from points in said county to points in Pennsylvania, and vice versa.

NOTICE

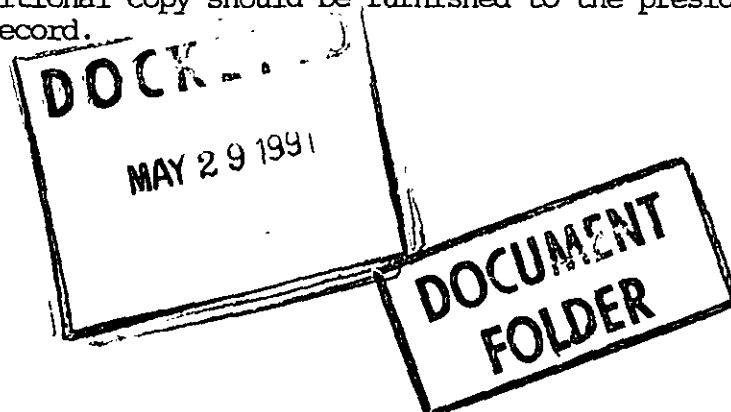
The Public Utility Code directs that hearings shall be commenced in this case by the Administrative Law Judge within 90 days after the proceeding is initiated.

In compliance with this directive, an initial hearing is hereby scheduled for Wednesday, June 26, 1991, at 10:00 a.m., in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130.

The presiding officer in this proceeding is Administrative Law Judge Marlane Chestnut. Judge Chestnut can be contacted at 1302 Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130; telephone (215) 560-2105.

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 Chestnut
Mr. Bramson
Ms. Kelly
Mrs. Howell
Docket Room



A-00109681 Parties of Record

Brian C. Hinkley
Hallstead Plaza
P.O. Box 901
Hallstead, PA 18822

Gary R. Louderback, President
260 Hansen Access Road
King of Prussia, PA 19406

APPEARANCE SHEET

ALJ HEARING REPORT ^{KJR}

DOCKET NO. A-00109681
CASE NAME Brian C. Hinkley

HEARING LOCATION Philadelphia, PA.
HEARING DATE June 26, 1991
ALJ Chestnut

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES NO
Testimony taken YES NO
Hearing concluded YES NO
Further hearing needed YES NO
Estimated add'l days _____
RECORD CLOSED YES _____ NO _____
Date _____
Briefs to be filed YES _____ NO _____
Date _____
BENCH DECISION YES _____ NO _____

RECEIVED
JUN 28 1991
Office of A. L. J.
Public Utility Commission

REMARKS: Protestant - no
show. will be referred
to Bur Tr.

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
PLEASE PRINT CLEARLY
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS			APPEARING FOR
<u>Brian C Hinkley</u>	<u>P.O. Box 901</u>			<u>applicant -</u> <u>pro se</u>
Telephone No. <u>(717) 8794023</u>	<u>HALLSFRAD</u> City	<u>PA</u> State	<u>18822</u> Zip	
	<u>DOCKETED</u> City	State	Zip	DOCUMENT NUMBER
Telephone No. () <u>JUL 10 1991</u>				
Telephone No. ()	City	State	Zip	

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Amy S. Istaitieh
Reporter