

Peter G. Loftus

Laura M. Siberski-Scanlon

Law Offices
PETER G. LOFTUS, P.C.

Suite 724 Bank Towers
321 Spruce Street
P.O. Box 900
Scranton, Pennsylvania 18501-0900

(717) 347-1453

Fax:
(717) 347-5559

April 26, 1993

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

RE: Bradway Trucking, Inc.
Docket No. A-00109220, F. 1, Am-A
Our File No. PGL-163

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APR 30 1993
OFFICE
Public Utility Commission

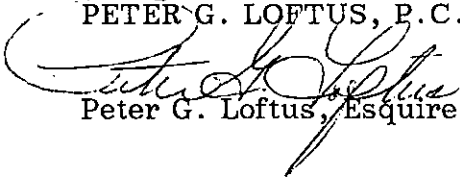
Dear Secretary Alford:

Enclosed for filing are the original and two (2) copies of a Protest and a copy of the Interrogatories 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.


Peter G. Loftus, Esquire

PGL/dak

Enclosure

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

Bradway Trucking, Inc.
Morton Avenue
P.O. Box 385
Rosenhayn, NJ 08352

DOCUMENT
FOLDER

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MAY 13 4 10:05
PA PUC
BUREAU OF
TRANSPORTATION

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APR 30 1993

OFFICE
Commission

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE:
APPLICATION OF:

DOCKET NO.
A-00109220, F. 1, Am-A

Bradway Trucking, Inc.

P R O T E S T

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.

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ENTRY No.

(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: _____

4/26/93

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 a point in the northeasterly part of Pennsylvania on the New York-Pennsylvania Border at or near Hallsed; thence to Honesdale; thence to Stroudsburg; thence to Easton; thence to Marcus Hook; thence to Reading; thence to Clarke Perry; 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.

EXHIBIT "A"

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUC
BUREAU OF
TRANSPORTATION

RECEIVED
MAY 3 4 10:05

IN RE: APPLICATION DOCKET
APPLICATION OF: A-00109220, F. 1, Am-A
Bradway Trucking, Inc.

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.

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APPLICATION DOCKET
MAY 03 1993
ENTRY No. *J*

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: _____

4/26/93

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: _____

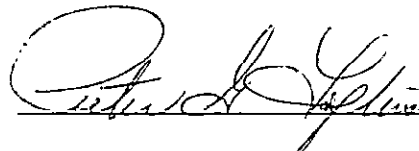
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CERTIFICATE OF SERVICE

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 Bradway Trucking, Inc., Morton Avenue, P.O. Box 385, Rosenhayn, NJ 08352 on the 26th day of April, 1993.

PETER G. LOFTUS, P.C.

BY:



Peter G. Loftus, Esquire
Attorney for Protestant
Suite 724, Bank Towers
321 Spruce Street
Scranton, PA 18503-1447

(717) 347-1453

BRADWAY TRUCKING INC.

P.O. BOX 385
ROSENHAYN, NEW JERSEY 08352

RECEIVED

MAY 27 1993

SECRETARY'S OFFICE
Public Utility Commission

May 25, 1993

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

Re: Bradway Trucking, Inc.
Docket No. A-00109220 - Folder 1, Am-A
Application for Contract Carrier
Operating Authority

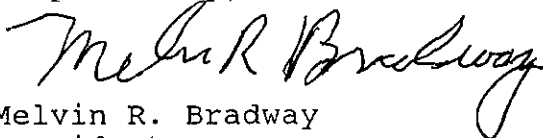
Dear Secretary Alford:

The above referenced application for motor carrier authority, published in the Pennsylvania Bulletin of April 24, 1993, has received a protest from Seaboard Tank Lines, Inc. through their attorney, Peter G. Loftus, Esquire. The protestant has agreed to withdraw the protest if a restrictive amendment protecting their interest were filed amending the original request.

Applicant hereby agrees to restrict the application so that no right, power or privilege is granted to transport petroleum, and petroleum products in bulk or dry litharge in bulk.

An amendment to the application is enclosed.

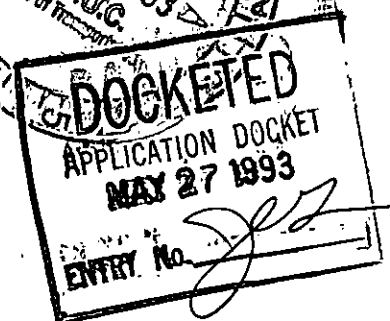
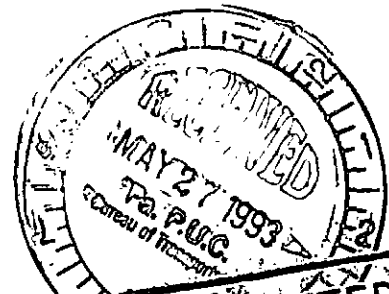
Respectfully,



Melvin R. Bradway
President

Enclosure

cc: Peter G. Loftus, Esquire



Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF :
: DOCKET NO.
BRADWAY TRUCKING, INC. : A-00109220
Folder 1, Am-A

AMENDMENT TO APPLICATION

COMES NOW, Bradway Trucking, Inc. and seeks leave to restrictively amend its application by the imposition of a restriction, as more fully set forth below.* As amended, the application seeks the following authority:

To transport, as a contract carrier by motor vehicle, food and related products, and equipment, materials and supplies used in the production and distribution thereof, for Delco Products Corp. t/d/b/a Eagle Products from its facilities in the Township of Chester, Delaware County, to points in Pennsylvania and vice versa.

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

Respectfully submitted,
BRADWAY TRUCKING, INC.

By: Melvin R. Bradway
Melvin R. Bradway, President

* Amendatory language underlined.

BRADWAY TRUCKING INC.

P.O. BOX 385
ROSENHAYN, NEW JERSEY 08352

RECEIVED

MAY 27 1993

SECRETARY'S OFFICE
Public Utility Commission

May 25, 1993

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

Re: Bradway Trucking, Inc.
Docket No. A-00109220 - Folder 1, Am-A
Application for Contract Carrier
Operating Authority

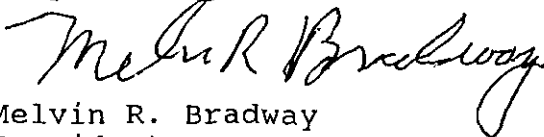
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An amendment to the application is enclosed.

Respectfully,



Melvin R. Bradway
President

Enclosure

cc: Peter G. Loftus, Esquire

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF	:	
	:	DOCKET NO.
BRADWAY TRUCKING, INC.	:	A-00109220
		Folder 1, Am-A

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

Respectfully submitted,
BRADWAY TRUCKING, INC.

By: Melvin R. Bradway
Melvin R. Bradway, President

* Amendatory language underlined.

BRADWAY TRUCKING INC.

P.O. BOX 385
ROSENHAYN, NEW JERSEY 08352

May 25, 1993

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

Re: Bradway Trucking, Inc.
Docket No. A-00109220 - Folder 1, Am-A
Application for Contract Carrier
Operating Authority

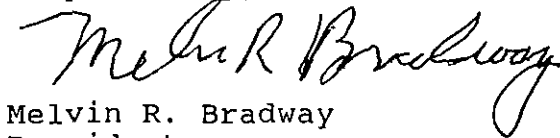
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An amendment to the application is enclosed.

Respectfully,



Melvin R. Bradway
President

Enclosure

cc: Peter G. Loftus, Esquire

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF :
BRADWAY TRUCKING, INC. : DOCKET NO.
A-00109220
Folder 1, Am-A

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Respectfully submitted,
BRADWAY TRUCKING, INC.

By: Melvin R. Bradway
Melvin R. Bradway, President

* Amendatory language underlined.

ORIGINAL

66

Peter G. Loftus

Laura M. Siberski-Scanlon

Law Offices
PETER G. LOFTUS, P.C.
Suite 724 Bank Towers
321 Spruce Street
P.O. Box 900
Scranton, Pennsylvania 18501-0900
(717) 347-1453

Fax:
(717) 347-5559

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JUN 1 1993
SECRETARY'S OFFICE
Public Utility Commission

May 28, 1993

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

Re: Bradway Trucking, Inc.
Docket No. A-00109220, F.1, Am-A
Our File No. 163

Dear Secretary Alford:

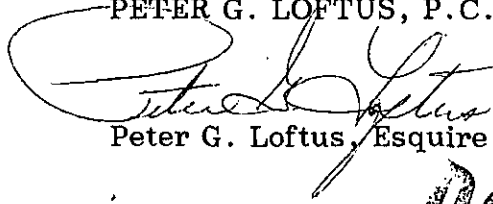
We are in receipt of a Restrictive Amendment in the above-referenced application from Melvin R. Bradway.

Based upon the Restrictive Amendment, Seaboard Tank Lines, Inc., withdraws its protest contingent upon acceptance of said amendment by the Commission.

Please continue to carry us on the mailing list for all future notices, orders, opinions, etc.

Very truly yours,

PETER G. LOFTUS, P.C.



Peter G. Loftus, Esquire

PGL/dak
Enclosure

cc: Walter P. Orzolek, Manger
Melvine R. Bradway

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JUN 14 1993
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SECRETARY'S OFFICE
Public Utility Commission

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF :
BRADWAY TRUCKING, INC. : DOCKET NO.
A-00109220
Folder 1, Am-A

AMENDMENT TO APPLICATION

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

Respectfully submitted,
BRADWAY TRUCKING, INC.

By: Melvin R. Bradway
Melvin R. Bradway, President

* Amendatory language underlined.

MOTOR CARRIERS SERVICE BUREAU INC.*Pennsylvania's Oldest Tariff Bureau*

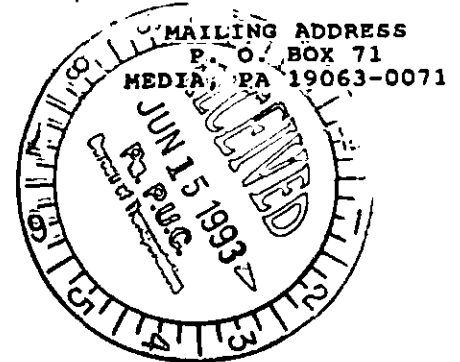
JAMES P. SHERRY, President

CHARLENE M. SHERRY, Vice President
ROSS A. DAVIS
Registered Precillioner Before
The Interstate Commerce Commission
JAMES H. SWEENEY
Registered Precillioner Before
The Interstate Commerce Commission

(215) 874-7177

FAX

(215) 874-7008



June 11, 1993

Mr. Dave Ehrhart
Pennsylvania Public Utility Commission
Harrisburg, PA

FAX: 717-787-5961

Re: Application of Bradway Trucking, Inc.
Docket No. A-00109220, Folder 1, Am-A


Dear Dave:

In regards to our telephone conversation yesterday morning, I am enclosing the withdrawal letter from Peter G. Loftus, Esquire, the attorney for Seaboard Tank Lines, Inc., who was the only protestant to the Bradway application. This letter is dated May 28, 1993.

Also enclosed is Bradway's amendment to the application which you mentioned you already have.

Thanks, Dave, for all your help regarding this application. If you have any questions give me a call at (215) 874-7177.

Sincerely,


James P. Sherry
President

JPS:cms
Encs.





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

June 17, 1993

IN REPLY PLEASE
 REFER TO OUR FILE

AMES P SHERRY PRESIDENT
 MOTOR CARRIER SERVICE BUREAU INCORPORATED
 PO BOX 71
 MEDIA PA 19063-0071

In re: A-00109220, F. 1, Am-A - Application of Bradway
 Trucking, Inc.

Dear Mr. Sherry:

The above referenced contract carrier application has been assigned for review without an oral hearing. In order to reach a determination on the application, you are required to file verified statements in accordance with 52 Pa. Code §3.381(e)(1). You are required to file:

- A. VERIFIED STATEMENT OF APPLICANT.
- B. VERIFIED STATEMENT IN SUPPORT OF THE APPLICATION (IN LIEU OF SHIPPER'S SUPPORT STATEMENT, A COPY OF THE BILATERAL CONTRACT BETWEEN THE APPLICANT AND SUPPORTING SHIPPER WILL BE ACCEPTED).

The verified statements should be in paragraph form. Each heading contained in the attached minimum outline should be a separate section or paragraph.

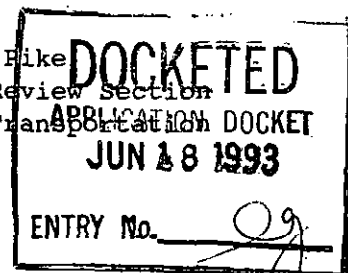
You are being granted an initial thirty (30) days to file the verified statements. They will be due on or before July 19, 1993.

If additional time is required, it may be requested by telephone but should be followed in writing with the reasons for the extension stated.

Questions about your application should be directed to Douglas A. Pike at (717) 783-5947.

Very truly yours,

Douglas A. Pike
 Technical Review Section
 Bureau of Transportation



DAP:kmb



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

June 22, 1993

IN REPLY PLEASE
REFER TO OUR FILE

JAMES P SHERRY PRESIDENT
MOTOR CARRIER SERVICE BUREAU INCORPORATED
PO BOX 71
MEDIA PA 19063-0071

In re: A-00109220, F. 1, Am-A - Application of Bradway
Trucking, Inc.

Dear Mr. Sherry:

We have received the verified statements filed in the above
referenced proceeding.

The record will be reviewed and will be put before the Commission
for its decision. You will be notified of the Commission's action.

Very truly yours,

Douglas A. Pike
Technical Review Section
Bureau of Transportation

DAP:rs

