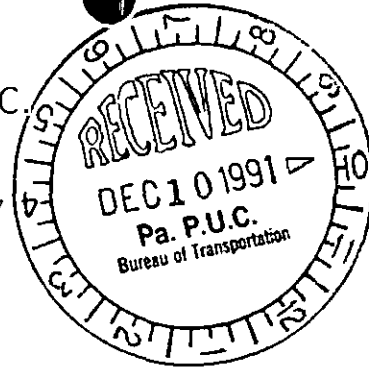


Peter G. Loftus
—
Laura M. Siberski

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

December 4, 1991

The Honorable Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

RECEIVED

DEC 9 1991

RE: Gabler Trucking, Inc.
A-00109226
Folder 1, Am-B

SECRETARY'S OFFICE
Public Utility Commission

Dear Secretary Rich:

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".

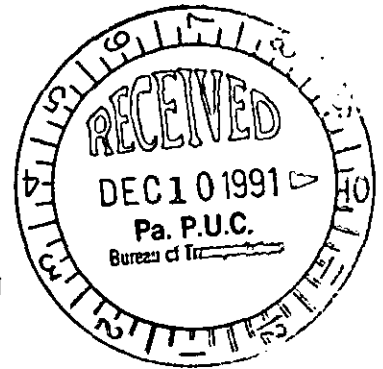
Peter G. Loftus

PGL/ss
Encl:

cc: Walter P. Orzolek, Manager
Seaboard Tank Lines, Inc.

David H. Radcliff, Esquire
407 North Front Street
Harrisburg, PA 17101





BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE:
APPLICATION OF:
GABLER TRUCKING, INC.

DOCKET NO.
A-00109226
FOLDER 1, Am-B

RECEIVED

DEC 9 1991

SECRETARY'S OFFICE
Public Utility Commission

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.

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
DEC 10 1991
ENTRY No.

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.

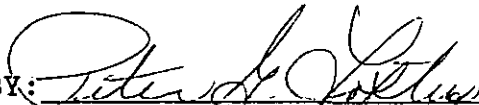
(iii) the number of applicants to haul petroleum products has increased substantially during the last several years and have eroded the Protestant's shipper's list which conversely has not increased substantially, thus having an adverse impact.

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 marked 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: December 5, 1991

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.

the county of York to points in Pennsylvania; so as to permit the transportation of limestone and limestone products, from the facilities of Corson Lime Co. located in the township of Whitemarsh, Montgomery County, to the facilities of Envirite, located in the city of York, York County. *Attorney:* John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

A-00109226, Folder 1, Am-B. Gabler Trucking, Inc. (1580 Gabler Road, Chambersburg, Franklin County, Pa. 17201), a corporation of the Commonwealth of Pennsylvania, *inter alia*—animal feed, from the facilities of Perk Foods Company, Division of C. H. B. Foods, Inc., located in the township of Lower Allen, Cumberland County, to points in Pennsylvania; so as to permit the transportation of property, for Food Lion, from its facilities located in the township of Antrim, Franklin County, to points in Pennsylvania, and vice versa. *Attorney:* David H. Radcliff, 407 North Front Street, Harrisburg, Pa. 17101.

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-00109950, Folder 2, Tesone Transport & Coal Company, Inc. (P. O. Box 156, Gibsonia, Allegheny County, Pa. 15044)—a corporation of the Commonwealth of Pennsylvania—(1) coal, building materials and building construction materials, such as are usually transported in dump trucks, between points not to exceed a distance of 25 miles from point of origin to point of destination, in the counties of Beaver, Lawrence, Butler, Mercer and Allegheny; (2) coal from mines in the county of Washington to points in the city of Washington and within 15 miles by the usually traveled highways of the limits of said city; (3) building materials, such as are usually transported in bulk, in dump trucks, between points in the county of Washington, provided no haul shall exceed a distance of 25 miles from point of origin to point of destination; (4) building materials, in bulk, in dump trucks, coal, coke and other solid fuels, from the Duquesne Works of United States Steel Corporation in the city of Duquesne, Allegheny County, to points in the city of Pittsburgh, Allegheny County, and within 15 miles by the usually traveled highways of the limits of said city of Pittsburgh, no haul to exceed a distance of 25 miles from point of origin to point of destination; (5) coal, coke and other solid fuels, painters' supplies and equipment, topsoil, building materials and supplies, excavated materials, and other materials such as are usually transported in dump trucks, between points in the county of Allegheny; with Right No. 5 subject to the following condition: that no right, power or privilege is granted to transport iron and steel and iron and steel articles from or to the plant sites of Doolan Industries, Inc., located in the township of Neville, Allegheny County, and from or to Industrial Steel Company, Inc., located in the borough of Carnegie, Allegheny County; and (6) coal for C. J. Langenfelder & Sons, Inc. and U. S. Steel Corp., from points in the counties of Indiana, Greene, Somerset and Cambria, to the Clairton Works of U. S. Steel Corp. in the city of Clairton, Allegheny County, excluding transportation from any facilities of Barnes and Tucker Co., or Greenwich Collieries in Cambria and Indiana Counties; which is to be a transfer of a portion of the rights authorized under the certificate issued at A-00098773 to Gateway Trucking, Inc., subject to the same limitations and conditions. *Attorney:* John A. Pillar, Suite 700, 312 Boulevard of the Allies, Pittsburgh, Pa. 15222-1916.

A-00109973, Richard L. Clark (Box 523, New Paris, Bedford County, Pa. 15554)—daily and Sunday newspapers from the office of the Johnstown Tribune Publishing Company in the city of Johnstown, Cambria County, to points from Johnstown to Windber on Highway Route 56 in Cambria and Somerset Counties, thence via Highway Route 56 through Rummel and Ogetown to Pleasantville, Bedford County, thence via Highway Route 96 through New Paris to Schellsburg, thence via Highway Route 30 to the boroughs of Bedford and Everett and the village of Breezewood, Bedford County; with the right to serve the boroughs of New Baltimore and Central City and the villages of Cairnbrook and Ashtola, Somerset County, the boroughs of Manns Choice and St. Clairsville and the villages of Buffalo Mills, West End, New Buena Vista, Fishertown, Tatesville, Osterburg, Imler, Weyant, Cessna and Reynoldsdale, Bedford County, and off-route points; and including the right to return unsold, damaged or refused newspapers to the point of origin; subject to the following condition: that no right, power or privilege is granted to transport daily and Sunday newspapers from the Pennsylvania Railroad station in the city of Johnstown, Cambria County; which is to be a transfer of the right authorized under the certificate issued at A-00104393 to Alfred Mowry, subject to the same limitations and conditions.

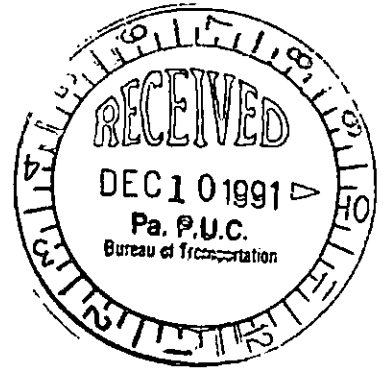
Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for transportation of property as described under each application.

A-00109861, Folder 2 (corrected), Unit Transportation, Inc. (1301 Gulf Life Drive, Suite 1800, Jacksonville, FL 33207), a corporation of the State of Florida—contract carrier—property, for Paul Jeffrey, Inc.; Sears Business Centers; Sears, Roebuck & Company; Sears Logistics Systems; and Sears Merchandising Group, from the Pennsylvania facilities of Unit Logistics, Inc., to points in Pennsylvania, and vice versa, limited to transportation of shipments moving from or to bona fide storage; subject to the following condition: that no right, power or privilege is granted to transport commodities in bulk and household goods in use. *Attorney:* James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, Pa. 19106.

A-00109931, Sunrise Express, Inc. (7309 Grand Avenue, Neville Island, P. O. Box 9358, Pittsburgh, Allegheny County, Pa. 15225), a corporation of the Commonwealth of Pennsylvania—contract carrier—property, (except commodities in bulk and household goods in use), for W. N. Dambach, Inc., between the shipper's plants sites located in the city of Pittsburgh, Allegheny County, and the city of Franklin, Venango County, and from said facilities to points in Pennsylvania. Application for temporary authority has been filed at A-00109931, seeking the right cited above.

A-00109976, JBJ Enterprises, Inc., t/d/b/a TBJ Trucking (1503 Brentwood Avenue, Ellwood City, Lawrence County, Pa. 16117), a corporation of the Commonwealth of Pennsylvania—contract carrier—wearing apparel and accessories, racks, bags, hangers, display items, promotional items and construction materials for Pennsylvania Fashions, Inc., between points in Pennsylvania. *Attorney:* Edward S. Young, Eighth Avenue, Beaver Falls, Pa. 15010.

Applications of the following for amendment to the contract carrier permits which authorize the transportation of property as described under each application.



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF

GABLER TRUCKING, INC.

APPLICATION DOCKET
A-00109226
FOLDER 1, Am-B

RECEIVED

DEC 9 1991

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

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FOLDER

DOCKETED
APPLICATION DOCKET
DEC 10 1991
ENTRY No.

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

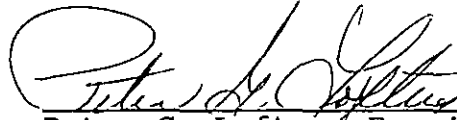
Suite 724, Bank Towers
321 Spruce Street
Scranton, PA 18503-1447

Dated: December 5, 1991

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 David H. Radcliff, Esquire, 407 North Front Street, Harrisburg, PA 17101, on the 5th day of December, 1991.

PETER G. LOFTUS, P.C.

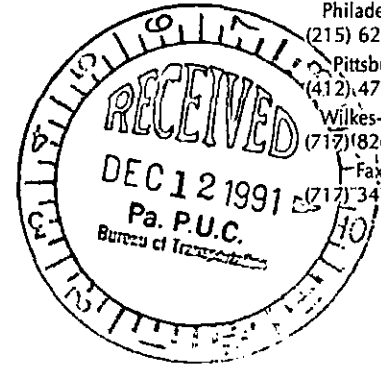

Peter G. Loftus, Esquire
Attorney for Protestant

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

Peter G. Loftus
—
Laura M. Siberski

Law Offices
PETER G. LOFTUS, P.C.
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December 9, 1991

The Honorable Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

RE: Gabler Trucking, Inc.
A-00109226
Folder 1, Am-C

RECEIVED
DEC 12 1991
SECRETARYS OFFICE
Public Utility Commission

Dear Secretary Rich:

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.

Peter G. Loftus

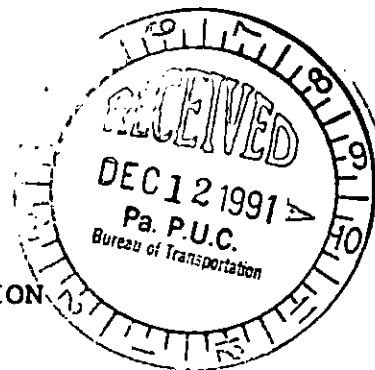
PGL/ss
Encl:

cc: Walter P. Orzolek, Manager
Seaboard Tank Lines, Inc.

David H. Radcliff, Esquire
407 North Front Street
Harrisburg, PA 17101

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION



IN RE:

DOCKET NO.

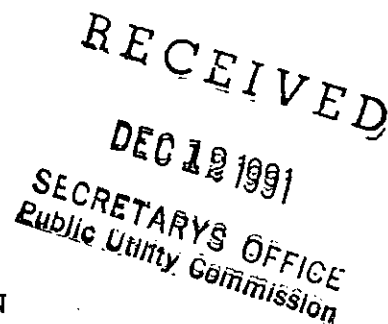
APPLICATION OF:

A-00109226

GABLER TRUCKING, INC.

FOLDER 1, Am-C

P R O T E S T

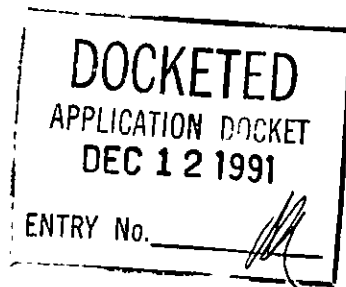
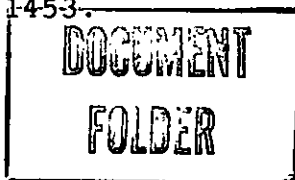


TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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.

(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: December 10, 1991

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.

from points in Pennsylvania to the facilities of Deaktor Sysco Food Service Co., Inc. in the Borough of Harmony, Butler County. *Attorney:* Henry M. Wick, Jr., 1450 Two Chatham Center, Pittsburgh, Pa. 15219.

A-00097208, Folder 1, Am-N. Parks Mowing & Storage, Inc. (740 Commonwealth Drive, Thorn Hill Industrial Park, Warrendale, Allegheny County, Pa. 15086), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property for Sears, Roebuck & Co., between points in Pennsylvania in and west of the counties of Warren, Forest, Jefferson, Indiana, Westmoreland and Fayette, subject to the following condition: that no right, power or privilege is granted to transport commodities in bulk: *so as to permit* the transportation of property, for Terminal Freight Handling Company, t/d/b/a Sears Logistics Services, between points in Pennsylvania. *Attorney:* Henry M. Wick, 1450 Two Chatham Center, Pittsburgh, Pa. 15219-3427.

A-00105001, Folder 1, Am-A. Daniel R. Thomson and William Thomson, Copartners, t/d/b/a Thomson Trucking (R. D. 2, Box 385, Tarentum, Allegheny County, Pa. 15084)—construction and building sand and gravel in dump vehicles, for Davison Sand and Gravel Company, from its plant site in the city of New Kingston, Westmoreland County, to points in the counties of Allegheny, Butler, Westmoreland, Beaver, Lawrence, Indiana and Armstrong, provided no haul shall exceed a distance of 35 miles from point of origin to point of destination; *so as to permit* the transportation of (1) aggregates, for Davison Sand and Gravel Company and Davison Industries, from the facilities of said shippers located in the counties of Allegheny, Westmoreland and Armstrong, to points in the counties of Allegheny, Armstrong, Beaver, Butler, Indiana, Lawrence, Washington and Westmoreland, and vice versa; and (2) property for Phyllis E. Thomson, t/d/b/a Thomson Materials, between points in Pennsylvania. *Attorney:* Sally A. Davoren, 201 Pilgrims Building, 508 Allegheny River Boulevard, Oakmont, Pa. 15139.

A-00105364, Folder 1, Am-C. Thomas R. Burns, Sr., Thomas R. Burns, Jr., and William Steven Burns, Copartners, t/d/b/a Burns Farms (R. D. 1, Sligo, Clarion County, Pa. 16255), *inter alia*—sand and gravel from points in the city of Erie, Erie County, to points in the counties of Venango and Clarion; *so as to permit* the transportation of (1) sand, gravel and anti-skid material for H & H Materials, Inc., from its facilities located in the township of Lake, Mercer County, to points in the counties of Armstrong and Clarion; (2) sand, gravel and anti-skid material for Parker Sand and Gravel Company, from its facilities located in the township of Allegheny, Butler County, to points in the counties of Butler, Clarion and Venango; and (3) lime and limestone for Buffalo Crushed Stone, from its facilities located in the township of Mercer, Butler County, to points in the counties of Butler, Clarion and Venango. *Attorney:* Kent S. Pope, 10 Grant Street, Clarion, Pa. 16214.

A-00109226, Folder 1, Am-C. Gabler Trucking, Inc. (1580 Gabler Road, Chambersburg, Franklin County, Pa. 17201), a corporation of the Commonwealth of Pennsylvania, *inter alia*—fruit from orchards and packers in the county of Franklin to other points in Pennsylvania; *so as*

to permit the transportation of property, for Nursery Supplies, Inc., between its facilities in the counties of Bucks and Franklin, and from said facilities, to points in Pennsylvania, and vice versa. *Attorney:* David H. Radcliff, 407 North Front Street, Harrisburg, Pa. 17101.

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 *persons* as described under each application.

A-00109983. J. M. Scholl, Inc. (R. D. 4, Box 4980, Duncannon, Perry County, Pa. 17020), a corporation of the Commonwealth of Pennsylvania—persons, in limousine service, between points in the county of Perry, and from points in said county to points in the county of Dauphin, and return. *Attorney:* Gerald Morrison, P. O. Box 232, New Bloomfield, Pa. 17068.

A-00109984. Ramiro R. Gonzales (17 Longabach Boulevard, Elizabethville, Dauphin County, Pa. 17023)—persons in paratransit service, between points in the counties of Dauphin and Schuylkill, and from points in said counties, to points in Pennsylvania, and return; limited to persons whose personal convictions prevent them from owning or operating motor vehicles.

Applications of the following for *amendment* to the certificate of public convenience approving the operating of motor vehicles as common carriers for transportation of *persons* by *transfer of rights* as described under each application.

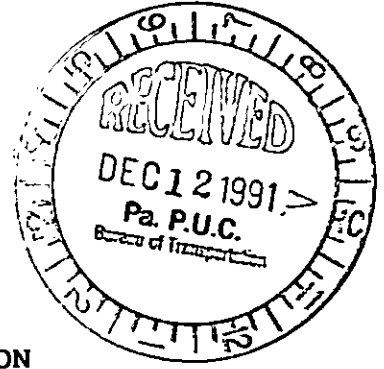
A-00106043, Folder 1, Am-A. Red Top Cabs, Inc. (104 Penn Avenue, Scranton, Lackawanna County, Pa. 18503), a corporation of the Commonwealth of Pennsylvania, *inter alia*—persons upon call or demand in the city of Scranton, Lackawanna County, limited to 20 motor vehicles: *so as to permit* the transportation of persons upon call or demand in the borough of Dunmore, Lackawanna County; persons upon call or demand in the borough of Troop, Lackawanna County; and persons upon call or demand in the city of Scranton, Lackawanna County, limited and restricted to the operation of 12 motor vehicles; which is to be a transfer of the rights authorized under the certificate issued at A-00095630, Fs. 1, 2 and 3 to Scranton and Dunmore Yellow Cab Company, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* W. Boyd Hughes, 1421 East Drinker Street, Dunmore, Pa. 18512-2614.

Applications of the following for the approval of the *Transfer of Stock* as described under each application.

A-00105219, Folder 500. SKF Transport Company (118 Beaver Run Road, Box L, Beaverdale, Cambria County, Pa. 15921), a corporation of the Commonwealth of Pennsylvania—stock transfer—for the approval of the transfer of 45 shares of the issued and outstanding stock from Kenneth N. Dibert (Deceased) to Shawn Dibert. *Attorney:* Herbert R. Nurick, 100 Pine Street, P. O. Box 1166, Harrisburg, Pa. 17108-1166.

JERRY RICH,
Secretary

[Pa.B. Doc. No. 91-2447. Filed December 6, 1991. 9:00 a.m.]



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF

APPLICATION DOCKET

A-00109226

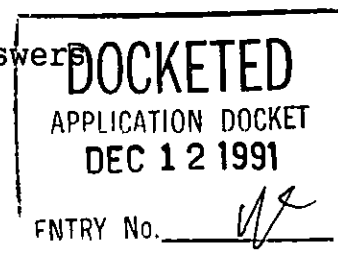
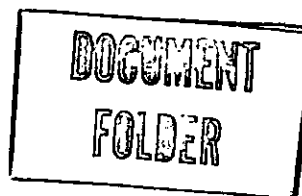
FOLDER 1, Am-C

GABLER 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.

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

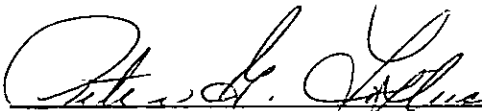
Suite 724, Bank Towers
321 Spruce Street
Scranton, PA 18503-1447

Dated: November 10, 1991

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 David H. Radcliff, Esquire, 407 North Front Street, Harrisburg, PA 17101, on the 10th day of December, 1991.

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

DAVID H. RADCLIFF, P.C.
407 NORTH FRONT STREET
HARRISBURG, PA 17101

DAVID H. RADCLIFF

TELEPHONE: (717) 236-9318

December 19, 1991
File: 49.474

RE: GABLER TRUCKING, INC. A.109226, F.1, Am-B
(Food Lion)


Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Dear Mr. Rich:

I enclose the original and two copies of a restrictive amendment in the above application proceeding.

The protestant states that this amendment will result in the withdrawal of its protest. Copies are being forwarded to counsel for the protestant with the request that he withdraw the protest by letter upon receipt of this amendment.

Very truly yours,


David H. Radcliff

DHR/kr
c:\wp51\ gabler.ltr

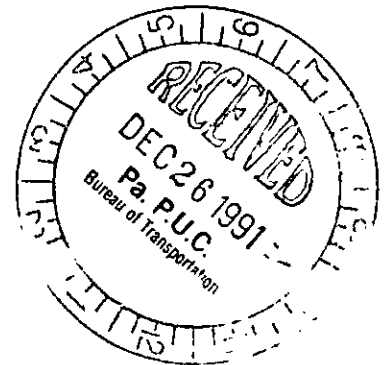
cc: Peter G. Loftus, Esquire
Suite 724 Bank Towers
321 Spruce Street
Scranton, PA 18503-1447

Harold C. Gabler, Jr.,
Gabler Trucking, Inc.
P.O. Box 220
Chambersburg, PA 17201

SECRET
Public Utility Commission

RECEIVED

DEC 20 1991



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

In Re: Application of GABLER TRUCKING, INC.
A.109226, F.1, Am-B

RECEIVED

DEC 20 1991

SECRETARY'S OFFICE
Public Utility Commission

RESTRICTIVE AMENDMENT

AND NOW COMES the Applicant, Gabler Trucking, Inc., by its attorney, David H. Radcliff, and amends its application in the above proceeding so that it shall read as follows:

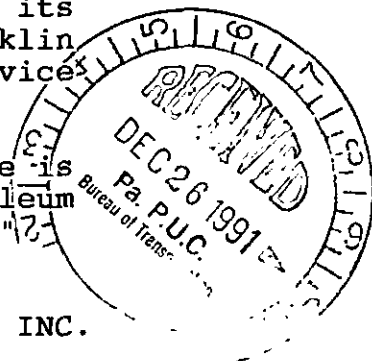
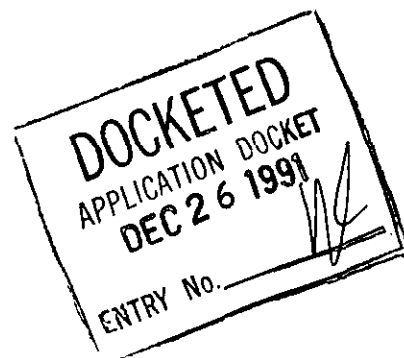
"To transport, as a common carrier by motor vehicle, property for Food Lion, from its facilities in Antrim Township, Franklin County, to points in Pennsylvania, and vice versa.

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

GABLER TRUCKING, INC.

By: David H. Radcliff
David H. Radcliff
Its Attorney

December 19, 1991



Peter G. Loftus

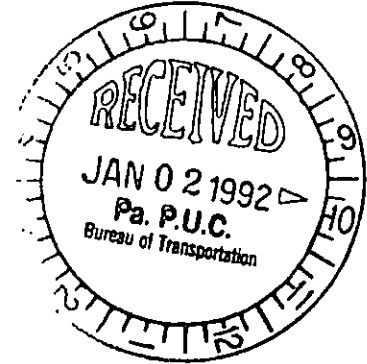
Laura M. Siberski

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

December 27, 1991

Hon. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120



Re: Application of Gabler Trucking, Inc.
A.00109226, F.1, Am-B

Dear Secretary Rich:

We are in receipt of a Restrictive Amendment in the above-referenced application from David H. Radcliff, Esq., copy of which is enclosed.

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,

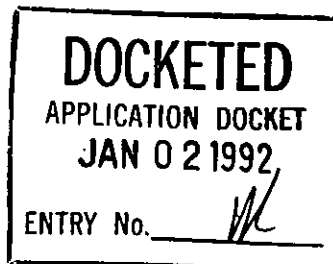
Peter G. Loftus
Peter G. Loftus

PGL:lc

Enclosure

cc: Mr. Walter P. Orzolek, Manager
Seaboard Tank Lines, Inc.

David H. Radcliff, Esq.



RECEIVED

DEC 30 1991

SECRETARYS OFFICE
Public Utility Commission

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

In Re: Application of GABLER TRUCKING, INC.
A.109226, F.1, Am-B

RESTRICTIVE AMENDMENT

AND NOW COMES the Applicant, Gabler Trucking, Inc., by its attorney, David H. Radcliff, and amends its application in the above proceeding so that it shall read as follows:

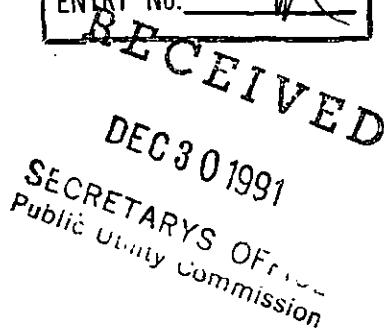
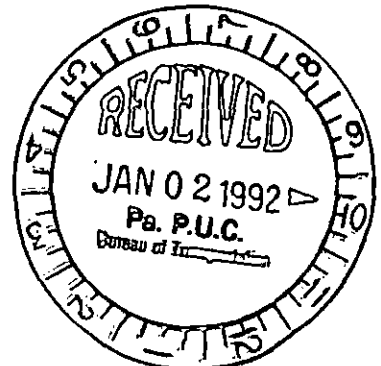
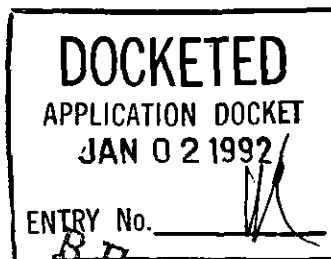
"To transport, as a common carrier by motor vehicle, property for Food Lion, from its facilities in Antrim Township, Franklin County, to points in Pennsylvania, and vice versa.

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

GABLER TRUCKING, INC.

By: David H. Radcliff
David H. Radcliff
Its Attorney

December 19, 1991



DAVID H. RADCLIFF, P.C.
407 NORTH FRONT STREET
HARRISBURG, PA 17101

DAVID H. RADCLIFF

TELEPHONE: (717) 236-9318

January 3, 1992
File: 49.477

RE: GABLER TRUCKING, INC.,
A.109226, F.1, Am-C
(Nursery Supplies, Inc.)

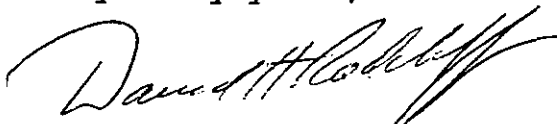
Office of the Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

Ladies & Gentlemen:

I enclose the original and two copies of a restrictive amendment in the above application proceeding.

The protestant states that this amendment will result in the withdrawal of its protest. Copies are being forwarded to counsel for the protestant with the request that he withdraw the protest by letter upon receipt of this amendment.

Very truly yours,



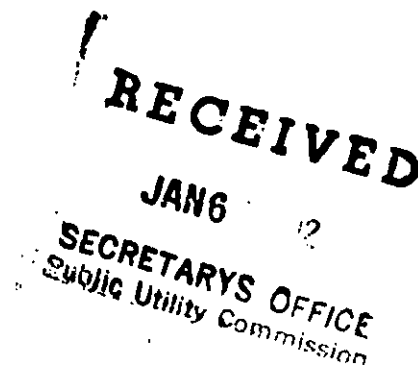
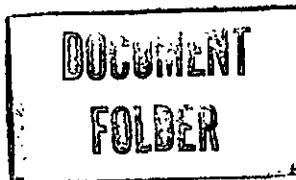
David H. Radcliff

DHR/fb
c:\wp51\ gabler.ltr

Enclosure

cc: Peter G. Loftus, Esquire
Suite 724 Bank Towers
321 Spruce Street
Scranton, PA 18503-1447

Harold C. Gabler, Jr.
Gabler Trucking, Inc.
P.O. Box 220
Chambersburg, PA 17201



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

In Re: Application of GABLER TRUCKING, INC.
A.109226, F.1, Am-C

RESTRICTIVE AMENDMENT

AND NOW COMES the Applicant, Gabler Trucking, Inc., by its attorney, David H. Radcliff, and amends its application in the above proceeding so that it shall read as follows:

"To transport property, for Nursery Supplies Inc., between its facilities in the counties of Bucks and Franklin, and from said facilities to points in Pennsylvania, and vice versa.

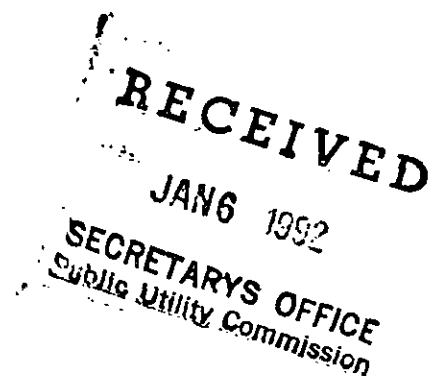
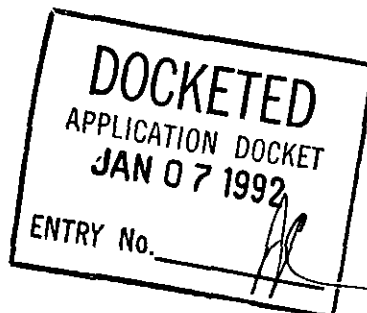
PROVIDED that no right, power or privilege is granted to transport petroleum and petroleum products in bulk or dry litharge in bulk."

GABLER TRUCKING, INC.

By: 

David H. Radcliff
Its Attorney

January 3, 1992





COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

January 3, 1992

IN REPLY PLEASE
REFER TO OUR FILE

DAVID H RADCLIFF
ATTORNEY AT LAW
407 NORTH FRONT STREET
HARRISBURG PA 17101

In re: A-00109226, F.1, Am-^B~~C~~ - Application of Gabler Trucking Inc.

Dear Sir:

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

- A. VERIFIED STATEMENT OF APPLICANT
- B. VERIFIED STATEMENT(S) IN SUPPORT OF THE APPLICATION.

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

You should be aware of the fact that the verified statements will be reviewed based on the Commission's decision in the Application of Bluebird Coach Lines, Inc., A-00088807, F.2, Am-K, which indicates: (1) the supporting witnesses must give evidence which is probative and relevant to the application proceeding; (2) the supporting witnesses must identify Pennsylvania origin and destination points between which they require transportation and those points must correspond with the scope of the operating territory specified in the application, including requests for vice versa authority; and (3) the number of witnesses which will represent a cross section of the public on the issue of need will vary with the breadth of the intended territory and commodity description.

You are being granted an initial thirty (30) days to file verified statements. They will be due on or before FEBRUARY 3, 1992.

If additional time is required, it may be requested by telephone but must be followed in writing with the reasons for the extension stated. Questions about the application should be directed to me by telephoning 717-787-4386.

Very truly yours,

Lawrence E. Keener-Farley
Lawrence E. Keener-Farley, Esq.
Technical Review Section
Bureau of Transportation

**DOCUMENT
FOLDER**

DOCKETED
APPLICATION DOCKET
JAN 08 1992
ENTRY No. *lg*

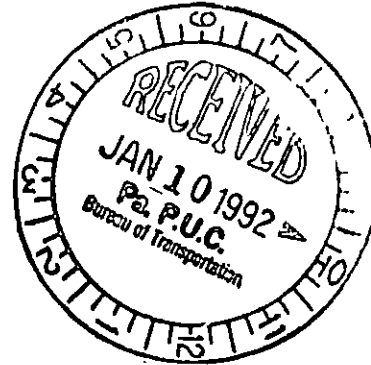
Peter G. Loftus

Laura M. Siberski

Law Offices
PETER G. LOFTUS, P.C.

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

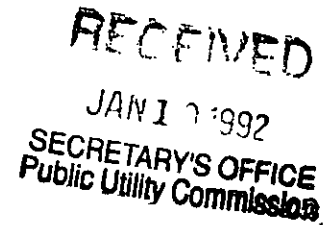
(717) 347-1453



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

January 6, 1992

The Honorable Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17120



RE: Gabler Trucking, Inc.
Docket # A-00109226
Folder 1, Am-C
OUR FILE # PGL-163

Dear Secretary Rich:

We are in receipt of a Restrictive Amendment in the above-referenced application from David H. Radcliff, Esquire.

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.

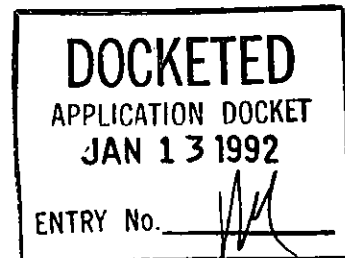
Very truly yours,

PETER G. LOFTUS, P.C.
Peter G. Loftus
Peter G. Loftus

PGL/ss
Encl:

cc: Walter P. Orzolek, Manager
Seaboard Tank Lines, Inc.

David H. Radcliff, Esquire
407 North Front Street
Harrisburg, PA 17101



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

In Re: Application of GABLER TRUCKING, INC.
A.109226, F.1, Am-C

RESTRICTIVE AMENDMENT

AND NOW COMES the Applicant, Gabler Trucking, Inc., by its attorney, David H. Radcliff, and amends its application in the above proceeding so that it shall read as follows:

"To transport property, for Nursery Supplies Inc., between its facilities in the counties of Bucks and Franklin, and from said facilities to points in Pennsylvania, and vice versa.

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

GABLER TRUCKING, INC.

By: 

David H. Radcliff
Its Attorney

January 3, 1992



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

January 14, 1992

IN REPLY PLEASE
REFER TO OUR FILE

DAVID H RADCLIFF
ATTORNEY AT LAW
407 NORTH FRONT STREET
HARRISBURG PA 17101

In re: A-00109226, F. 1, Am-C - Application of Gabler Trucking, Inc.
(previous letter dated January 3, 1992 should read Am-B)

Dear Mr. Radcliff:

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

- A. VERIFIED STATEMENT OF APPLICANT.
- B. VERIFIED STATEMENTS IN SUPPORT OF APPLICATION.

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

You should be aware of the fact that the verified statements will be reviewed based on the Commission's decision in the Application of Bluebird Coach Lines, Inc. A-00088807, F. 2, Am-K, which indicates: (1) the supporting witnesses must give evidence which is probative and relevant to the application proceeding; (2) the supporting witnesses must identify Pennsylvania origin and destination points between which they require transportation and those points must correspond with the scope of the operating territory specified in the application including requests for vice versa authority; and (3) the number of witnesses which will represent a cross section of the public on the issue of need will vary with the breadth of the intended territory and commodity description.

You are being granted an initial thirty (30) days to file verified statements. They will be due on or before February 12, 1992.

If additional time is required, it may be requested by telephone but must 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

DOCUMENT
FOLDER

DAP:kmb

| |
|---------------------|
| DOCKETED |
| APPLICATION DOCKET |
| JAN 16 1992 |
| ENTRY No. <i>eg</i> |

DAVID H. RADCLIFF, P.C.
407 NORTH FRONT STREET
HARRISBURG, PA 17101

DAVID H. RADCLIFF

TELEPHONE: (717) 236-9318

January 15, 1992
File: 49.474

RE: GABLER TRUCKING, INC. A.109226, F.1, Am-B -
(Food Lion)

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


RECEIVED
JAN 17 1992
OFFICE
Public Utility Commission

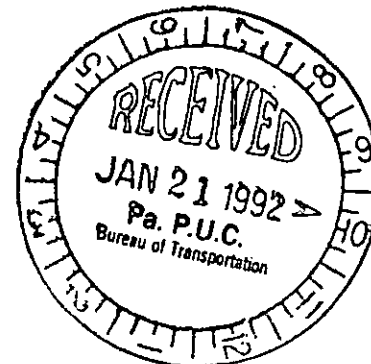
Dear Mr. Alford:

I enclose for filing the original and one copy of verified statements in support of the above-captioned application.

By copy of this letter I am forwarding a copy of the verified statements to Mr. Keener-Farley in the Technical Review Section of the Bureau of Transportation and to applicant.

Very truly yours,


David H. Radcliff



DHR/kr
c:\wp51\letters\gabler.ltr

Enclosure

cc: Lawrence Keener-Farley
Technical Review Section
Bureau of Transportation
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Harold C. Gabler, Jr., President
Gabler Trucking, Inc.
P.O. Box 220
Chambersburg, PA 17201

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

VERIFIED STATEMENT IN SUPPORT OF
APPLICATION

In Re: GABLER TRUCKING, INC.
A.109226, F.1, Am-B

RECEIVED

JAN 17 1992

SECRETARY'S OFFICE
Public Utility Commission

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JAN 23 1992
ENTRY No. *lg*

DAVID H. RADCLIFF, P.C.
David H. Radcliff, Esquire
407 North Front Street
Harrisburg, PA 17101

Date: January 16, 1992

VERIFIED STATEMENT OF HAROLD C. GABLER, JR.
FOR
GABLER TRUCKING, INC.

1. LEGAL NAME AND DOMICILE OF APPLICANT

Harold C. Gabler, Jr.
Gabler Trucking, Inc.
1580 Gabler Road
P.O. Box 1089
Chambersburg, PA 17201

Telephone: (717) 264-4184

2. IDENTITY AND QUALIFICATIONS OF PERSON MAKING STATEMENT FOR APPLICANT

My name is Harold C. Gabler, Jr. I am a stockholder, director and the President Gabler Trucking, Inc. In those capacities I am in charge of the entire operation and I am familiar with the authorities, facilities and operations of the company.

3. IS THE APPLICANT AFFILIATED WITH OTHER CARRIERS?

The applicant is not affiliated with any other carriers. However, a sister company, H. C. Gabler, Inc., presently has an application pending before this Commission for a property broker's license.

4. AUTHORITY SOUGHT

By this application Gabler Trucking, Inc. seeks an amendment to its authority to authorize the following additional right:

"To transport, as a common carrier, by motor vehicle, property for Food Lion, from its facilities in Antrim Township, Franklin County, to points in Pennsylvania, and vice versa.

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

The sole protestant has withdrawn and the application is now unopposed.

5. GENERAL SCOPE OF CURRENTLY AUTHORIZED OPERATIONS

Our company possesses authority from this Commission at A.109226. A complete copy thereof is attached as Exhibit 1, we also possess authority from the Interstate Commerce Commission at Docket No. MC-27817. A copy of that authority is attached as Exhibit 2.

6. DUPLICATING AUTHORITY WHICH WILL RESULT FROM GRANT OF AUTHORITY

No duplication will result from a grant of authority in this proceeding.

7. DUAL OPERATIONS RESULTING FROM GRANT OF AUTHORITY

None.

8. PERTINENT TERMINAL FACILITIES AND COMMUNICATIONS NETWORK

Our principal terminal and general office of the corporation is located at Chambersburg, PA. This is a full terminal located just north of Chambersburg on a 6-acre tract. On this tract we

have our general offices, a complete garage for major and minor repairs and our storage facilities. The Chambersburg terminal is open 24 hours per day; 7 days per week and, by virtue of the general office coordinates all of the activities of the other terminals.

We also maintain a terminal at Aspers, located just north of the town of Aspers. This terminal is on a 4-acre tract containing office facilities, a full shop for major and minor repairs and our own tire recapping plant. In addition we have 12 adjoining acres of land, 6 of which have been converted to parking facilities for our equipment.

We operate a garage and equipment pool in Silver Spring Township, Cumberland County, at which location we have an office, a shop capable of major and minor repairs and parking for our units. Across the road and also in silver Spring Township we have a small warehouse for storage of customers' product and the availability of additional trailer parking. A third facility in Silver Spring Township is our three acre trailer staging area. This is a lighted and secured area and has a security office which is manned on nights and weekends. At this location we drop loaded trailers either prior to delivery or immediately after loading. This permits more efficient use of our equipment.

The terminals have telephone facilities and the major terminals have gas, oil, grease and washing facilities.

We would require no additional terminals to provide the proposed service.

In this instance the Chambersburg terminal would direct the operation and determine the point from which equipment would be dispatched.

9. PERTINENT EQUIPMENT

I have attached as Exhibit 3 a summary of our equipment from which you will note that our power units consist of 55 company owned road tractors and 85 leased tractors for a total of 140 with an additional 20 company tractors used for loading purposes. Currently we have 1 straight truck under lease and 15 company owned service vehicles.

Our trailers numbering 400 consist of 350 insulated vans and 50 refrigerated vans.

We will require no additional equipment to enable us to provide the proposed service.

10. SAFETY PROGRAM

We maintain insurance in excess of the Commission's requirements.

All of our drivers whether a company or lease go through a screening test and a driver test and have their safety records checked. They are familiar with DOT safety regulations and our company rules.

All equipment is state inspected as required; is subject to all required preventive maintenance; and all defects noted on the logs are corrected before the unit is used again.

We are not under safety investigation or suspension.

11. TYPE OF SERVICE CURRENTLY PROVIDED TO THE SUPPORTING WITNESS

We have performed service in interstate commerce for the supporting shipper. With regard to the facility at Greencastle our present service has been inbound transportation of food and related items and merchandising items from points outside of Pennsylvania. Through November of 1991 we handled 443 shipments producing \$156,484.00 dollars in revenue.

As a consequence we are familiar with the shipper's requirements.

12. TYPE OF SERVICE TO BE OFFERED

Upon approval we will provide the following service:

1. We will handle truckload traffic.
2. We will handle multiple pickup or multiple delivery traffic or both in combination.
3. We will handle customer deliveries.
4. We will provide COD and order notify service.
5. On truckload traffic our normal service is overnight. On multiple delivery traffic it depends upon hours of loading and number of stops. It is generally next day and at worst second day.
6. Where volume warrants we will spot equipment for the shipper to facilitate loading.
7. We will handle a full commodity mix.

8. Where pallets are involved we will arrange a pallet exchange program if required.

9. In emergency situations we can provide for weekend deliveries.

13. FINANCIAL DATA

I have attached our balance sheet as at June 30, 1991, as Exhibit 4. From this exhibit you will note that we drew on our line of credit with F & M Trust Co. at a time when accounts receivable exceeded \$1,600,000. Current assets were therefore temporarily less than current liabilities. Gabler Trucking has sufficient resources in vehicle equipment and computer and communications equipment to provide an excellent service.

I have attached as Exhibit 5 our income statement for the month of June 1991 and the year to date. Declining interest rates and additional opening revenues to be generated by the proposed new service will assist in eliminating our operating deficit.


We are financially sound.

14. WHETHER SERVICE PROVIDED WILL CREATE EMPTY MILES OR BACKHAULS

It is difficult to predict the extent to which there may be empty miles, but wherever possible we utilize our existing Pennsylvania and interstate authorities to minimize those miles. Inbound traffic also may be of assistance. Even where empty miles do exist we are now operating at a profit and see no reason why this should not continue.

15. OTHER PERTINENT INFORMATION

None.



Harold C. Gabler, Jr.


VERIFICATION OF STATEMENT

The undersigned deposes and says that he is the person who signed the Statement for the above-captioned application and that he is authorized to and does make this verification and that the facts set forth therein are true and correct to the best of his knowledge, information and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 C.S. §4904 relating to unsworn falsification to authorities.

Dated:

January 16, 1992



Harold C. Gabler, Jr.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 24, 1990

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl
David W. Rolka

Application of Gabler Trucking, Inc., a corporation of the State of Delaware, for the transfer of all of the operating rights of H. C. Gabler, Inc. under the certificates issued at A-00083975, Fs. 3, 4, 5 and 6; subject to the same limitations and conditions.

A-00109226

Graf, Andrews & Radcliff, P.C. by David H. Radcliff for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 8, 1990. An application for temporary authority was also filed. Public notice of the applications was given in the Pennsylvania Bulletin of April 14, 1990. No protests were filed and the unopposed application is certified to the Commission for its decision without an oral hearing.

Gabler Trucking, Inc. (applicant), a corporation of the State of Delaware, is domiciled at 1580 Gabler Road, Chambersburg, Franklin County. The applicant was incorporated on January 17, 1990 and registered with the Commonwealth of Pennsylvania as a foreign corporation, on March 26, 1990. Officers and directors of the applicant are Harold C. Gabler, Jr., president/director; P. Thomas Gabler, vice president/director; Harmon C. Piper, secretary-treasurer; and Ernest P. Weimer, director.

Ernest P. Weimer will initially hold the stock of the applicant as nominee for ENW-IV Holdings, Inc. (ENW-IV). After payment of the consideration for the rights and other assets of H. C. Gabler, Inc. (transferor), Mr. Weimer's stock will be turned over to ENW-IV or its nominee. In the event payment of

EXHIBIT 1

the consideration is not made, the stock of the applicant will be held by Harold C. Gabler, Harold C. Gabler, Jr., Eleanor Gabler and P. Thomas Gabler.

The applicant is seeking to acquire by transfer, the forty-nine (49) common carrier rights held by the transferor at A-00083975, Folders 3, 4, 5 and 6. In addition to the common carrier rights of the transferor, the applicant is also acquiring the following assets and liabilities, as of December 31, 1989:

| | | |
|---------------------------|---|-----------------------|
| Total Current Assets | - | \$1,855,250.71 |
| Total Tangible Property | - | \$2,096,914.97 |
| Other Property | - | \$ 20,154.46 |
| Total Assets | - | <u>\$3,972,320.14</u> |
| | | |
| Total Current Liabilities | - | \$2,013,463.59 |
| Total Long-Term Debt | - | \$1,288,207.68 |
| Total Deferred Credits | - | <u>\$ 88,657.54</u> |
| Total Liabilities/ | | |
| Stockholders' Equity | - | \$3,390,328.81 |
| | | |
| Net Worth | - | \$ 581,991.33 |

The Transfer Agreement, dated November 1, 1989, between ENW-IV and the transferor, sets forth that ENW-IV will acquire the authority issued by the Interstate Commerce Commission, the Pennsylvania Public Utility Commission and the State Commissions of Maryland and North Carolina and the hereinbefore described assets and liabilities for the total consideration of \$750,000. The total consideration to be paid in cash at settlement. Upon approval of the transfer application, the transferor will retain no motor carrier operating authority.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. That the applicant is fit, willing and able to provide the service proposed.
2. That transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public;
THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the applicant the following rights:

- (1) To transport, as a Class D carrier, milk from points in the townships of Saint Thomas and Hamilton to the boroughs of Chambersburg, Mercersburg and Greencastle, Franklin County, and the borough of Shippensburg, Cumberland County;
- (2) To transport, as a Class D carrier, fruit and vegetables from farms and orchards to canneries and packing, storage and freight houses between points in the counties of Franklin and Adams;
- (3) To transport, as a Class D carrier, farm products, farm machinery and supplies from points in the townships of Hamilton and Saint Thomas to the borough of Chambersburg, Franklin County, and vice versa; provided such transportation shall either originate or terminate at a farm;
- (4) To transport, as a Class D carrier, heavy or bulky machinery for the Chambersburg Implement Company from the city of Harrisburg, Dauphin County to points within fifteen (15) miles by the usually traveled highways of the limits of the borough of Chambersburg, Franklin County, excluding the said borough;
- (5) To transport, as a Class D carrier, apples and apple products from the plant of the Knouse Corporation in the borough of Chambersburg, Franklin County, to the village of Peach Glen, Adams County, and vice versa;
- (6) To transport, as a Class D carrier, powdered milk from the plant of the Hershey Creamery Company in the borough of Chambersburg, Franklin County, to points within one hundred fifty (150) miles by the usually traveled highways of the limits thereof, excluding transportation from the Hershey Creamery Company's plant in the borough of Chambersburg, Franklin County, to points on the route of Horn's Motor Express and the routes of its connecting carriers, namely, Motor Freight Express, from the city of Harrisburg, Dauphin County, to the cities of Lancaster and Philadelphia, and Hall's Motor Transit Company, from the city of Harrisburg, Dauphin County, to the cities of Sunbury, Williamsport, Wilkes-Barre and Scranton;

- (7) To transport, as a Class D carrier, cream from the borough of Chambersburg, Franklin County, to the city of Harrisburg, Dauphin County;
- (8) To transport, as a Class D carrier, apples and peaches from points in the counties of Franklin and Adams to points within two hundred (200) miles by the usually traveled highways of the limits thereof;
- (9) To transport, as a Class C carrier, apples and apple products for the Knouse Corporation located in the borough of Chambersburg, Franklin County, and the village of Peach Glen, Adams County, to points within two hundred (200) miles by the usually traveled highways of the limits thereof;
- (10) To transport, as a Class D carrier, packing house supplies, cannery supplies, farm supplies and food products in containers between canneries, packing houses, storage houses and freight houses in the counties of Franklin and Adams, and from said places to farms in the said counties, and vice versa;
- (11) To transport, as a Class D carrier, frozen foods from the plants of Knouse Foods, Inc., and Knouse Foods Cooperative, Inc. in the villages of Peach Glen and Orrtanna, Adams County, to points in Pennsylvania, and vice versa;
- (12) To transport, as a Class D carrier, empty containers and materials and supplies used in the production of food products from points in Pennsylvania west of U.S. Highway Route 15 to the plants of Knouse Foods, Inc., and Knouse Foods Cooperative, Inc., in the village of Orrtanna, Adams County;
- (13) To transport, as a Class D carrier, dry sugar in bulk from points in Pennsylvania to the plants of Knouse Foods, Inc., and Knouse Foods Cooperative, Inc., in the borough of Chambersburg, Franklin County;

with Right Nos. 12 and 13 subject to the following conditions:

That no right, power or privilege is granted to transport any property from the borough of Martinsburg, Blair County, and points within an airline distance of thirty (30) miles of the limits of said borough;

That no right, power or privilege is granted to transport glass containers from the borough of South Connellsville, Fayette County;

That no right, power or privilege is granted to transport commodities in bulk in tank vehicles or in hopper-type vehicles, except dry sugar in bulk;

- (14) To transport, as a Class D carrier, fruits, fresh and canned, farm products and supplies, from points in the county of Adams to points in Pennsylvania, and vice versa;
- (15) To transport, as a Class D carrier, fruits from storage houses in the county of Adams to other points in Pennsylvania;
- (16) To transport, as a Class D carrier, fresh fruit from orchards and packing houses in the counties of Adams, Franklin, Cumberland and York for Musselman Fruit Products Division of Pet, Inc. to its canneries at Gardners and Biglerville, Adams County.
- (17) To transport, as a Class D carrier, canned products from such canneries to other points in Pennsylvania, and empty containers, supplies and returned goods from other points in Pennsylvania to the canneries;
- (18) To transport, as a Class D carrier, fresh fruit for the Knouse Corporation of the same nature and in the same manner as for Musselman Fruit Products Division of Pet, Inc. to its cannery at Peach Glen, Adams County.
- (19) To transport, as a Class D carrier, feed, constituent parts of feed, and fertilizer for L.A. Gulden from Philadelphia, to applicant's warehouse at Biglerville, Adams County, and to farmers and dealers in the counties of York, Adams, Franklin, Fulton, Perry, Cumberland and Dauphin either directly from Philadelphia or from the applicant's warehouse;
- (20) To transport, as a Class D carrier, foodstuffs from canneries, packing houses and storage places operated in connection therewith in Adams County, and materials and supplies used in said canneries and packing houses to points in Pennsylvania, and vice versa;

with Right No. 20 subject to the following condition:

That no right, power or privilege is granted to transport frozen or other commodities requiring refrigeration trucks from points in the city of Harrisburg, Dauphin County,

and points within an airline distance of ten
(10) miles of the limits of said city;

- (21) To transport, as a Class D carrier, packing house supplies and equipment and clay products between points in the county of Adams.
- (22) To transport, as a Class D carrier, packing house supplies and equipment and clay products, from points in the county of Adams to other points in Pennsylvania, and vice versa;
- (23) To transport, as a Class D carrier, building materials between points in the counties of Adams, Cumberland, York, Franklin, Perry, Lancaster and Dauphin, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of disposal, and excluding the transportation of brick or by-products of brick from the city of Harrisburg, Dauphin County, as a point of origin;
- (24) To transport, as a Class B carrier, property between points in the borough of Biglerville, Adams County;
- (25) To transport, as a Class D carrier, fruits and vegetables and fruit and vegetable products, canned or packed, in metal or glass containers, vinegar, cereal products and baby foods, from canneries, packing houses and storage places operated in connection therewith in Adams County, and materials and supplies used by said canneries and packing houses to points in Pennsylvania, and vice versa;

with Right No. 25 subject to the following condition:

That no right, power or privilege is granted to transport frozen or other commodities requiring refrigeration trucks from points in the city of Harrisburg, Dauphin County, and points within an airline distance of ten (10) miles of the limits of said city;

- (26) To transport, as a Class D carrier, sugar in bags from points in the city and county of Philadelphia to points in the county of Franklin;
- (27) To transport, as a Class D carrier, grass stop, in rolls, metal stove shovels, metal roofing and siding and fabricated metal building products, from the plant site of Penn Supply and Metal Corporation in the city and county of Philadelphia to points in Pennsylvania, with

the right to return materials and supplies used in the manufacture of said commodities;

with Right No. 27 subject to the following conditions:

That no right, power or privilege is granted to provide service to or from points in the city and county of Philadelphia and points within an airline distance of thirty-five (35) statute miles of the Philadelphia City Hall;

That no right, power or privilege is granted to provide service from the plants of the Bethlehem Steel Corporation in Cambria County;

- (28) To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail and chain grocery food business houses (except commodities in bulk), between points in the borough of Hanover and the township of Penn, York County, and from points in said borough and township to points in that part of Pennsylvania west of U.S. Highway Route 219, and vice versa;
- (29) To transport, as a Class D carrier, property from the plant site of PPG Industries, Inc., in the township of South Middleton, Cumberland County, to points in Pennsylvania, and vice versa;

with Right No. 29 subject to the following conditions:

That no right, power or privilege is granted to transport commodities in bulk in dump vehicles or tank vehicles;

That no right, power or privilege is granted to transport property which, because of size or weight, requires special handling or the use of special equipment such as winch trucks or tractors, pole trailers, extendible trailers or carryalls;

That no right, power or privilege is granted to transport household goods in use;

That no right, power or privilege is granted to transport junk, scrap iron, metal borings and metal turnings for Maryland Metals, Inc. to points in the borough of Lewistown, Mifflin County, and to that part of Pennsylvania bounded on the east by U.S. Highway Route 219 and on the north by U.S. Highway Routes 322 and 62, including

points on said routes, and to plants of the Bethlehem Steel Company in the county of Cambria;

- (30) To transport, as a Class D carrier, foodstuffs, pet foods, drugs, waxes and polishes, and paper and wrapping items (excluding commodities in bulk), from the warehouse of D. Westervelt, Inc., in the borough of Hanover, York County, to points in that part of Pennsylvania on and east of U.S. Highway Route 219 and vice versa;

with Right No. 30 subject to the following condition:

That no right, power or privilege is granted to transport any single shipment weighing less than 10,000 pounds;

- (31) To transport, as a Class D carrier, foodstuffs (except in bulk) in vehicles equipped to protect from heat or cold, from the facilities of Hershey Foods Corporation in the township of Derry, Dauphin County, to points in Pennsylvania; and the return of materials and supplies (except in bulk) used in the production of foodstuffs, in vehicles equipped to protect from heat or cold;

- (32) To transport, as a Class D carrier, foodstuffs (except in bulk) from the facilities of San Giorgio Macaroni, Inc., in the city of Lebanon, Lebanon County, to points in Pennsylvania; and the return of materials and supplies (except in bulk) used in the production of foodstuffs;

with Right No. 32 subject to the following conditions:

That no right, power or privilege is granted to render service to or from points in the counties of Berks, Blair, Bucks, Carbon, Centre, Chester, Clinton, Columbia, Delaware, Huntingdon, Juniata, Lackawanna, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Schuylkill, Snyder, Union and Wyoming.

That no right, power or privilege is granted to transport containers, closures, cartons or boxes from Brockway Glass Company, Inc., in the city of Washington, Washington County.

- (33) To transport, as a Class D carrier, property from the facilities of Calgon Consumer Products Company, Inc., subsidiary of Merck & Co., Inc., in Falls Township,

Bucks County, to points in Pennsylvania (excluding points in the counties of Philadelphia, Chester, Delaware, Bucks, Montgomery, Franklin, Perry, Adams, Dauphin, York, Lancaster and Lebanon);

with Right No. 33 subject to the following conditions:

Provided that transportation to points in the county of Cumberland shall be limited to the facilities of Dauphin Distribution Services Co.

Provided that no right, power or privilege is granted to perform transportation to points in the city of Pittsburgh, Allegheny County, and points within an airline distance of thirty-five (35) statute miles of the limits of said city; points in the borough of Lewistown, Mifflin County, and points within an airline distance of ten (10) statute miles of the limits thereof; points in the borough of State College, Centre County, and points within an airline distance of ten (10) statute miles of the limits thereof; and points in the borough of Huntingdon, Huntingdon County, and points within an airline distance of five (5) statute miles of the limits thereof;

- (34) To transport, as a Class D carrier, soap, soap products and cleaning compounds marketed by Armour-Dial, Inc., from the plant site of Purex Corp., in the borough of Bristol, Bucks County, to points in Pennsylvania (excluding points in the counties of Philadelphia, Chester, Delaware, Bucks, Montgomery, Franklin, Perry, Adams, Dauphin, York, Lancaster and Lebanon);

with Right No. 34 subject to the following conditions:

Provided that deliveries to points in Cumberland County shall be limited to the facilities of Dauphin Distribution Services Co.;

Provided that no right, power or privilege is granted to perform transportation to points in the city of Pittsburgh, Allegheny County, and points within an airline distance of thirty-five (35) statute miles of the limits of said city; points in the borough of Lewistown, Mifflin County, and points within an airline distance of ten (10) statute miles of the limits thereof; points in the borough of State College, Centre County, and points within an airline distance of

ten (10) statute miles of the limits thereof; and points in the borough of Huntingdon, Huntingdon County, and points within an airline distance of five (5) statute miles of the limits thereof;

Provided that no right, power or privilege is granted to perform transportation to points in the borough of Martinsburg, Blair County, and points within an airline distance of thirty (30) statute miles of the limits of said borough, plus the city of Johnstown, Cambria County, and the boroughs and townships contiguous thereto;

(35) To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail, and chain grocery food houses (except commodities in bulk), from the plant sites, warehouses and distribution centers of:

1. Hanover Terminals, Inc. and Hanover Brands, Inc. in the borough of Hanover and the township of Penn, York County;
2. D. Westervelt, Inc., in the boroughs of Hanover, New Freedom, and Shrewsbury and the township of Penn, York County;
3. California Cannery and Growers in the township of Conewago, Adams County;

with Right No. 35 subject to the following conditions:

Provided that no right, power or privilege is granted:

To perform transportation of containers from the city of Clarion and the township of Paint, Clarion County;

To transport any single shipment weighing less than 10,000 pounds from points in the borough of Hanover and the township of Penn, York County, to points on the east of U.S. Highway 219, and vice versa; and

To transport any single shipment weighing less than 10,000 pounds from the boroughs of New Freedom and Shrewsbury, York County, and the township of Conewago, Adams County, to points in Pennsylvania, and vice versa, except to and from points on and west of U.S. Highway 220 and points on and south of U.S. Highway 22;

- (36) To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail and chain grocery food business houses (except commodities in bulk) from the plant sites and warehouses of Dauphin Distribution Services Co., in the borough of Camp Hill and the township of Hampden, Cumberland County, to points in Pennsylvania;

with Right No. 36 subject to the following condition:

That no right, power or privilege is granted to render service to the borough of Martinsburg, Blair County, and points within an airline distance of thirty (30) statute miles of the limits of said borough, except on multiple delivery shipments involving destinations both within and beyond said territory on the same truckload;

- (37) To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail and chain food grocery business houses, except commodities in bulk, from points in that part of Pennsylvania on and west of U.S. Highway Route 219, and from the shipping facilities of the Durkee Foods Division of SCM Corporation in the city of Bethlehem, Lehigh and Northampton Counties, the borough of Pen Argyl, and the township of Plainfield, Northampton County, to the facilities of Dauphin Distribution Services Co., in the borough of Camp Hill and the township of Hampden, Cumberland County;

with Right No. 37 subject to the following condition:

That transportation from the shipping facilities of the Durkee Foods Division of SCM Corporation shall be limited to shipments of thirty thousand (30,000) pounds or more;

- (38) To transport, as a Class D carrier, animal feed, from the facilities of Perk Foods Company, Division of C.H.B. Foods, Inc., located in the township of Lower Allen, Cumberland County, to points in Pennsylvania;
- (39) To transport, as a Class D carrier, such commodities as are dealt in by wholesale, retail, chain grocery and food business houses, from points in the county of Cumberland, to points in Pennsylvania, and vice versa;
- (40) To transport, as a Class D carrier, such commodities as are dealt in by wholesale, retail, chain grocery and food business houses, from the facilities of H.J.

Heinz Company, located in the county of Allegheny, to points in Pennsylvania, and vice versa;

with Right Nos. 39 and 40 subject to the following condition:

That no right, power or privilege is granted to provide service from the facilities of Ralston Purina Company;

- (41) To transport, as a Class D carrier, commodities as are dealt in by wholesale, retail and chain grocery and food business houses, for the Pittsbury Company, from the plantsite of said company, located in the township of West Sadsbury, Chester County, to points in Pennsylvania, and vice versa.
- (42) To transport, as a Class D carrier, milk and farm products, fruit and vegetables from points in the townships of Greene, Guilford and Southampton, Franklin County, and within three (3) miles of the limits of said townships to other points in Pennsylvania within fifty (50) miles by the usually traveled highways of the limits of said townships, and vice versa;
- (43) To transport, as a Class D carrier, household goods, in use, from points in the borough of Chambersburg, Franklin County, and within three (3) miles of the limits of said borough to other points in Pennsylvania, and vice versa, provided that such transportation shall originate or terminate at a farm or a rural dwelling;
- (44) To transport, as a Class D carrier, fruit from orchards and packers in the county of Franklin to other points in Pennsylvania;
- (45) To transport, as a Class D carrier, fruit juices from the village of Scotland, Greene Township, Franklin County, to points in Pennsylvania, and the return of empty containers to points in the said village, provided that no fruit juices shall be transported to points on the direct lines of Horn's Motor Express, nor shall any empty containers be transported from or to points on the direct lines of Horn's Motor Express;
- (46) To transport, as a Class D carrier, containers and container parts, from the plant site of Continental Can Company in the city of Lancaster, Lancaster County and its warehouses in the county of Lancaster, to points in Pennsylvania (except points in the county of Adams);

with Right No. 46 subject to the following condition:

That the service herein authorized shall be limited to transportation in high-cube and extra high-cube van trailers having a rear door opening of one hundred (100) inches or more;

- (47) To transport, as a Class D carrier, dry pyrophyllite, in flatbed vehicles, dump vehicles and pneumatic tank vehicles, from points in the townships of South Middleton and Dickinson, Cumberland County, to points in Pennsylvania; provided that transportation to points within thirty (30) miles of the limits of the borough of Martinsville, Blair County, shall be confined to transportation in dump vehicles and pneumatic tank vehicles;
- (48) To transport, as a Class D carrier, slate dust, in bulk, and ground, crushed and pulverized slate, in bulk, from the plant of Roofing Granule Division of the Ruberoid Company in the township of Peach Bottom, York County, to points in Pennsylvania;
- (49) To transport, as a Class D carrier, raw milk, in bulk in tank trucks, for Cherry Lane Dairy, Shively's Dairy and Chambersburg Dairy Products, all located in the borough of Chambersburg, Arthur's Dairy located in the borough of Waynesboro and Miller and Read's Dairy located in the borough of Shippensburg, between points in the borough of Chambersburg, Franklin County, and within sixty (60) miles of the limits of the borough of Chambersburg and from points in the said territory to points within two hundred fifty (250) miles of the limits of the said borough of Chambersburg;

with Right No. 49 subject to the following conditions:

FIRST: That no right, power or privilege is granted to perform transportation for:

- (1) Abbott's Dairies, Inc.;
- (2) Sealtest Supplee Division of National Dairy Products;
- (3) Harbison's;
- (4) Foremost Dairies;
- (5) Breyer's Ice Cream Co. Division of National Dairy Products;
- (6) Lancaster Milk Co.;
- (7) Penn-Dairies, Inc.;
- (8) Hershey Creamery, Inc.;
- (9) Hershey Chocolate Company;
- (10) Rakestraw's Dairy Products;
- (11) Harrington Dairies, Inc.;

their present or future subsidiaries, affiliates, successors or assigns;

SECOND: That no right, power or privilege is granted to perform transportation to points in the cities of Harrisburg, York and Philadelphia and points in the counties of Northumberland, Union, Snyder, Centre and Clinton.

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 property and 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 applicant charge to Account 1550, Other Intangible Property, \$750,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. 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; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application

and approval thereof by the Commission under
66 PA C.S.A. Section 1102(a)(3).

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) 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, H. C. Gabler, Inc., at A-00083975, Fs. 3, 4, 5 and 6 be cancelled and the record be marked closed.

IT IS FURTHER ORDERED: That the application for temporary authority filed at A-00109226 be and is hereby dismissed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: May 24, 1990

ORDER ENTERED: MAY 31 1990

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held June 27, 1991

Commissioners Present:

William H. Smith, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner
David W. Rolka, Commissioner

Application of Gabler Trucking, Inc., a corporation of the State of Delaware, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, property for Dial Corporation, between the facilities owned, leased or utilized by the Dial Corporation, and from said facilities to points in Pennsylvania, and vice versa; subject to the following condition: That no right, power or privilege is granted to transport commodities in bulk: SO AS TO PERMIT the transportation of property (except household goods in use, Classes A and B explosives, commodities in bulk and commodities which, because of size or weight, require the use of special equipment or special permits for their transportation) from the facilities of Borden, Inc., Food Service Division in the borough of Chambersburg, Franklin County, to points in Pennsylvania, and vice versa.

A-00109226
F. 1
Am-A

Christian V. Graf for the applicant.

O R D E R

BY THE COMMISSION:

This application, filed March 8, 1991, is before the Commission for its decision without oral hearing. Public notice of the application was given in the Pennsylvania Bulletin of March 30, 1991. The record, which consists of statements entered by the applicant and the supporting shipper is now certified to the Commission for its decision. Emergency temporary authority was granted by order adopted March 22, 1991 and entered March 25, 1991. Application for temporary authority is herewith dismissed.

The applicant, Gabler Trucking, Inc., (Gabler or applicant) is a corporation of the State of Delaware, domiciled at 1580 Gabler Road, Chambersburg, Franklin County. Harold C. Gabler, Jr. is president, P. Thomas Gabler is vice-president and Harmon Pipe is secretary-treasurer. Gabler owns and operates seventy-five tractors, three hundred eighty five trailers and forty-two refrigerated trailers. Applicant also leases one hundred fifteen tractors and drivers. Applicant's Chambersburg terminal is three miles from the supporting shipper's facilities.

This facility also contains a major repair garage and corporate offices. Two other terminals will be used to service the requirements of the shipper, Borden, Inc., Food Service Division. One is at Aspers, Adams County, thirty miles east of Chambersburg. The other is located at New Kingstown, Cumberland County about forty miles from Chambersburg. All facilities have docks for consolidation of LTL traffic, any location will be used for service to Borden.

Borden, Inc., Foodservice Division's new plant at Chambersburg is due to be completed in early 1991. The 400,000 square foot "hyper-plant" will produce and distribute individual serving packets of condiments, jellies, creamers and seasonings according to a verified statement entered by Randy Moberg, transportation manager. A broad spectrum of ingredients and packaging materials will be received at the new plant.

The new Chambersburg plant will serve points in the northeastern United States bounded by the states of Indiana on the west, Kentucky and South Carolina to the south, including points within those states. Pennsylvania is in the center of the service area. Therefore, service between this plant and all points in Pennsylvania is required. Borden, Inc., Food Service Division has customers at virtually all points in Pennsylvania. Representative destinations for such customers are; Allentown, Altoona, Bridgeville, Chambersburg, DuBois, Harrisburg, Lancaster, Oaks, Philadelphia and Mechanicsburg. Shipments to Pennsylvania are not moved in an acceptable fashion since the carriers offer fragmented service areas, and do not understand or supply the service required of the shipper.

Mr. Moberg states that, beginning in October 1990, he has sought carriers with state-wide authority and specialized equipment (refrigerated units) who could handle Borden's need. Only general commodity carriers have been located, none with adequate authority or refrigerated equipment.

DISCUSSION AND FINDINGS

The facility to be served is a new facility from which general commodity carriers currently hold authority. However, the shipper has found no certificated carrier who can supply the specialized equipment required, and is able to serve its statewide needs. A review of the record before us shows that the product to be transported requires specialized equipment and that the applicant is prepared to provide that equipment.

It has been the policy of this Commission to grant authority "from the facilities" of a shipper only when sufficient support was received from several different shippers. No such support is present in the instant application. The attorney of record agrees that the authority granted be modified to read for the supporting shipper, Borden, Inc., Foodservice Division.

There is sufficient evidence to warrant the grant of authority;
THEREFORE,

IT IS ORDERED: That the application, as modified, be and is hereby approved and that the certificate issued to the applicant on October 26, 1990, be further amended to include the following right:

To transport as a Class D carrier property for Borden, Inc., Foodservice Division, from its facility in the borough of Chambersburg, Franklin County, to points in Pennsylvania and vice versa;

subject to the following condition:

That no right, power or privilege be granted to transport household goods in use, Classes A and B explosives, commodities in bulk and commodities which, because of size or weight, require the use of special equipment or special permits for their transportation.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event said applicant, has not, on or before sixty (60) 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 the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That the application for temporary authority be herewith dismissed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, looped flourish.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 27, 1991

ORDER ENTERED: JUL 3_ 1991

INTERSTATE COMMERCE COMMISSION

PERMIT

SERVICE DATE

MC-27817 Sub 184*

NOV 2 1990

GABLER TRUCKING, INC.
Chambersburg, PA

This Permit is evidence of the carrier's authority to engage in transportation as a contract carrier by motor vehicle.

This authority will be effective as long as the carrier maintains compliance with the requirements pertaining to insurance coverage for the protection of the public (49 CFR 1043); the designation of agents upon whom process may be served (49 CFR 1044); the execution of contracts (49 CFR 1053)*; and for passenger carriers, tariffs or schedules (49 CFR 1312).

This authority is subject to any terms, conditions, and limitations as are now, or may later be, attached to this privilege.

The transportation service to be performed is described on the reverse side of this document.

By the Commission.

SIDNEY L. STRICKLAND, JR.
Secretary.

(SEAL)

*While the execution of contracts must be accomplished, it is unnecessary to file them with the Commission.

NOTE: If there are discrepancies regarding this Permit, please notify the Commission within 30 days.

To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting general commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in the United States, under continuing contract(s) with commercial shippers or receivers of such commodities.

*This permit cancels Permit MC-27817 Sub 181, issued April 28, 1987, acquired pursuant to MC-FC-84510.

INTERSTATE COMMERCE COMMISSION

LICENSE

SERVICE DATE

MC-27817 Sub 185*

NOV 2 1990

GABLER TRUCKING, INC.
Chambersburg, PA

This License is evidence of the applicant's authority to engage in operations as a broker.

This authority will be effective as long as the broker maintains compliance with the requirements pertaining to insurance coverage for the protection of the public (49 CFR 1043) and the designation of agents upon whom process may be served (49 CFR 1044). Applicant shall also render reasonably continuous and adequate service under this authority. Failure to meet these conditions will constitute sufficient grounds for the suspension, change, or revocation of this authority.

This authority is subject to any terms, conditions, and limitations as are now, or will be, attached to this privilege.

The service to be performed is described on the reverse side of this document.

By the Commission.

SIDNEY L. STRICKLAND, JR.
Secretary

(SEAL)

NOTE: If there are any discrepancies regarding this document, please notify the Commission within 30 days.

To engage in operations, in interstate or foreign commerce, as a broker, in arranging for the transportation, by motor vehicle, of general commodities (except household goods), between points in the United States.

*This license cancels License MC-27817 Sub 180, issued January 28, 1985, acquired pursuant to MC-FC-84510.

WITNESS: GABLER

EXHIBIT 3

GABLER TRUCKING, INC.

EQUIPMENT LIST

| <u>TYPE</u> | <u>COMPANY OWNED</u> | <u>LEASED</u> |
|-------------------|----------------------|---------------|
| Road Tractors | 55 | 85 |
| Loading Tractors | 20 | |
| Insulated Vans | 350 | |
| Refrigerated Vans | 50 | |
| Straight Trucks | | 1 |
| Service Vehicles | 15 | |

GABLER TRUCKING, INC.
 BALANCE SHEET
 June 30, 1991

STATEMENT 10

THIS YEAR LAST YEAR

ASSETS

CURRENT ASSETS

| | | |
|---------------------------------------|-----------------|---|
| 1011000 CASH F & M TRUST CO | \$ (486,557.28) | - |
| 1012000 WORKING FUNDS | 1,332.50 | - |
| 1023000 MISC SPECIAL INS DEPOSITS | 35,376.00 | - |
| 1131000 ACCTS_REC_CUSTOMER-REVENUE | 1,603,864.21 | - |
| 1135000 ACCOUNTS RECEIVABLE - TIRES | 15,822.45 | - |
| 1138000 ALLOWANCE FOR UNCOLLECT ACCTS | (30,123.07) | - |
| 1141000 PREPAID LICENSE AND FEES | 66,767.82 | - |
| 1141010 PREPAID STATE INCOME TAX | 4,093.00 | - |
| 1141040 PREPAID REAL & PROPERTY TAXES | 4,775.71 | - |
| 1142010 PREPAID LIFE INS ON OFFICERS | 10,422.64 | - |
| 1146000 PREPAID TIRES AND TUBES | 181,313.64 | - |
| 1151030 INVENTORY DIESEL GAS & OIL | 28,883.55 | - |
| 1151040 INV SHOP MATERIALS & SUPPLIES | 107,028.98 | - |

TOTAL CURRENT ASSETS..... \$ 1,543,070.15 \$ -

TANGIBLE PROPERTY

| | | |
|---|----------------|---|
| 1223000 SERVICE CARS & EQUIPMENT | 149,459.44 | - |
| LESS 1224000 ACCU DEPR SERVICE CARS & EQUIP | (111,306.17) | - |
| NET VALUE | 38,153.27 | - |
| 1221010 REVENUE EQUIPMENT TRACTORS | 1,530,558.56 | - |
| LESS 1222010 ACCU DEPR REV EQUIP TRACTORS | (857,124.48) | - |
| NET VALUE | 673,434.08 | - |
| 1221020 REVENUE EQUIPMENT VAN TRAILERS | 4,179,419.16 | - |
| LESS 1222020 ACCU DEPR REV EQUIP VAN TRAILR | (2,501,387.29) | - |
| NET VALUE | 1,678,031.87 | - |
| 1233000 SHOP & GARAGE EQUIPMENT | 18,739.36 | - |
| LESS 1234000 ACCU DEP SHOP & GARAGE EQUIP | (16,125.74) | - |
| NET VALUE | 2,613.62 | - |
| 1235000 FURNITURE & OFFICE EQUIPMENT | 57,341.11 | - |
| LESS 1236000 ACCU DEPR FURN & OFFICE EQUIP | (37,629.41) | - |
| NET VALUE | 19,711.70 | - |
| 1237000 MISCELLANEOUS EQUIPMENT | 91,602.25 | - |
| LESS 1238000 ACCU DEPR MISC EQUIPMENT | (77,150.76) | - |
| NET VALUE | 14,451.49 | - |

EXHIBIT 4

GABLER TRUCKING, INC.
 BALANCE SHEET
 June 30, 1991

STATEMENT 10

| | THIS YEAR | LAST YEAR |
|---|--------------|-----------|
| 1235010 COMPUTER HARDWARE | 89,408.30 | - |
| LESS 1236010 ACCU DEPR COMPUTER HARDWARE | (72,532.76) | - |
| NET VALUE | 16,875.54 | - |
| 1235020 TELEPHONE AND COMMUNICATION EQ | 60,725.82 | - |
| LESS 1236020 ACCU DEPR TELEPHONE & COMM EQ | (58,065.08) | - |
| NET VALUE | 2,660.74 | - |
| 1235030 COMPUTER SOFTWARE | 94,566.26 | - |
| LESS 1236030 ACCU DEPR COMPUTER SOFTWARE | (3,930.33) | - |
| NET VALUE | 90,635.93 | - |
| TOTAL TANGIBLE PROPERTY | 2,536,562.24 | - |
| INTANGIBLE PROPERTY | | |
| 1313000 ORGANIZATION COSTS | 8,481.98 | - |
| 1314000 ACCU AMORT ORGANIZATION COSTS | (1,502.67) | - |
| NET VALUE | 6,979.31 | - |
| 1313010 START UP COSTS | 2,848.55 | - |
| 1314010 ACCU AMORT START UP COSTS | (522.02) | - |
| NET VALUE | 2,326.53 | - |
| 1341010 H EARL PITZER RIGHTS 57 | 9,100.00 | - |
| LESS 1342010 ACCU AMORTIZATION PITZER RT-57 | (9,100.00) | - |
| NET VALUE | - | - |
| 1341100 W R FIELDS RIGHTS | 200.00 | - |
| LESS 1342100 ACCU AMORT W R FIELDS | (200.00) | - |
| NET VALUE | - | - |
| 1341110 SPROW & ZIMMERMAN RIGHTS | 1,000.00 | - |
| LESS 1342110 ACCU AMORT SPROW AND ZIMMERMAN | (1,000.00) | - |
| NET VALUE | - | - |
| TOTAL INTANGIBLE PROPERTY | 9,305.84 | - |
| INVESTMENTS | | |
| 1512000 WORKING ADVANCES EMPLOYEES | 1,125.00 | - |

GABLER TRUCKING, INC.
BALANCE SHEET
June 30, 1991

STATEMENT 10

THIS YEAR

LAST YEAR

TOTAL OTHER DEFERRED ITEMS... 1,125.00

TOTAL ASSETS 4,090,069.23

GABLER TRUCKING, INC.
BALANCE SHEET
June 30, 1991

STATEMENT 10

THIS YEAR

LAST YEAR

LIABILITIES

CURRENT LIABILITIES

| | | | |
|---------|----------------------------------|--------------|---|
| 2033010 | ACCR SOCIAL SECURITY TAXES | \$ 67,535.58 | - |
| 2033020 | ACCR WITHHOLDING TAXES FEDERAL | 8,438.46 | - |
| 2033030 | ACCR WITHHOLDING TAXES VA | 710.58 | - |
| 2033040 | ACCR WITHHOLDING TAXES PENNA | 2,847.25 | - |
| 2033050 | OTHER EMPLOYEE DEDUCTIONS | 502.50 | - |
| 2033070 | ACCR WITHHOLDING TAXES MD | 1,618.66 | - |
| 2033080 | ACCR WAGE TAX CHAMBERSBURG | 5,305.48 | - |
| 2033090 | EMP OCCUPATION PRIVILEGE TAX | 120.00 | - |
| 2033100 | ACCR WITHHOLDING TAX WV | 334.15 | - |
| 2033110 | CHRISTMAS CLUB FUND | 458.00 | - |
| 2033130 | ACCR WAGE TAX ASPERS | 338.26 | - |
| 2033140 | ACCR WITHHOLDING TAXES NC | 420.49 | - |
| 2033150 | ACCR EMP SAVINGS CHAMBERSBURG | 1,197.50 | - |
| 2033160 | ACCR WITHHOLDING TAX N YORK | 447.51 | - |
| 2033170 | ACCR EMPE RETIREMENT FUND | 255.60 | - |
| 2033190 | ACCR EMPE SAVINGS GETTYSBURG | 240.00 | - |
| 2033210 | WV UNEMPLOYMENT COMP WITHHELD | 91.10 | - |
| 2034000 | ACCOUNTS PAYABLE | 278,472.91 | - |
| 2034010 | ACCTS PAYABLE-PALLETS | 44,870.39 | - |
| 2034020 | ACCTS PAYABLE-LEASED PAYROLL | 73,011.45 | - |
| 2034040 | ACCT PAYABLE-PAUL REVERE PLAN | 24.23 | - |
| 2041000 | SALARIES & WAGES PAYABLE | 41,895.64 | - |
| 2113000 | ACCRUED REAL ESTATE & P TAXES | 5,064.78 | - |
| 2115020 | ACCRUED EA SALES TAXES | 2.30 | - |
| 2115040 | ACCRUED GROSS RECEIPTS TAXES | 3,750.00 | - |
| 2122000 | ACCRUED STATE INCOME TAXES | 630.00 | - |
| 2141000 | ACCRUED INTEREST PAYABLE | 11,867.02 | - |
| 2161010 | F. AND M. TRUST CO WITHIN 1 YR | 378,000.00 | - |
| 2161020 | VALLEY BANK TRLS WITHIN 1 YR | 201,938.00 | - |
| 2161050 | H.C. GABLER INC. WITHIN 1 YR | 159,500.00 | - |
| 2161070 | WHIRLPOOL ACCEPTANCE W/ 1 YR | 114,440.00 | - |
| 2161090 | AMPLICON FINANCIAL WITHIN 1 YR | 28,713.00 | - |
| 2161100 | ASSOCIATES COMMERCIAL WITHIN 1 | 136,538.94 | - |
| 2161110 | F. & M. BANK EQUIP WITHIN 1 YEAR | 30,000.00 | - |
| 2173000 | ACCR CARGO LOSS & DAMAGE CLAIM | 27,645.75 | - |
| 2181020 | ESTIMATED INSURANCE PREMIUMS | 274,683.12 | - |
| 2181030 | ACCRUED VACATION WAGES | 37,751.03 | - |

TOTAL CURRENT LIABILITIES \$ 1,939,659.68

\$ -

GABLER TRUCKING, INC.
 BALANCE SHEET
 June 30, 1991

STATEMENT 10

| | THIS YEAR | LAST YEAR |
|---|------------------------|-------------|
| LONG TERM DEBTS DUE AFTER ONE YEAR | | |
| 2331020 VALLEY BANK TRLS. LONG TERM | 377,536.55 | - |
| 2331050 H.C. GABLER, INC. LONG TERM | 371,750.00 | - |
| 2331070 WHIRLPOOL ACCEPTANCE LONG TERM | 314,709.25 | - |
| 2331090 AMELICON FINANCIAL LONG TERM | 83,025.67 | - |
| 2331100 ASSOCIATE COMMERCIAL LONG TERM | 519,600.92 | - |
| 2331110 F & M BANK-LONG TERM | 114,751.04 | - |
| TOTAL LONG TERM DEBTS..... | \$ 1,781,372.43 | \$ - |
| DEFERRED CREDITS | | |
| 2412000 INDEPENDENT CONTRACTOR RESERVE | 124,600.00 | - |
| 2412050 DEFERRED CREDIT - REV. DUP. EYMT | 10,124.91 | - |
| TOTAL DEFERRED CREDITS..... | \$ 134,724.91 | \$ - |
| CAPITAL STOCK | | |
| 2641010 ADDITIONAL IN CAPITAL | 612,236.54 | - |
| TOTAL CAPITAL STOCK..... | \$ 612,236.54 | \$ - |
| RETAINED EARNINGS | | |
| 2652000 RETAINED EARNINGS PRIOR YEARS | (104,033.67) | - |
| 2911000 RETAINED EARNINGS YEAR TO DATE | (273,891.66) | - |
| TOTAL RETAINED EARNINGS..... | \$ (377,925.33) | \$ - |
| TOTAL LIABILITIES..... | \$ 4,090,069.23 | \$ - |

GABLER TRUCKING, INC.
 INCOME STATEMENT
 TOTAL COMPANY
 June 30, 1991

STATEMENT 30

| | THIS MONTHLY | YEAR YTD | LAST MONTHLY | YEAR YTD |
|---|------------------------|------------------------|-----------------|-------------|
| REVENUES | | | | |
| 3100 TOTAL INTERCITY REVENUE | \$ 1,215,002.98 | \$ 7,681,331.89 | \$ - | \$ - |
| 3400 LEASED TO OTHERS REVENUE | 3,980.50 | 15,711.38 | - | - |
| 3900 OTHER OPERATING REVENUE | 29,359.24 | 131,003.30 | - | - |
| TOTAL CARRIER OPERATING REVENUES | \$ 1,248,342.72 | \$ 7,828,046.57 | \$ - | \$ - |
| EXPENSES | | | | |
| 4100 SALARIES OFFICERS & SUPERVISORS | 53,606.08 | 334,602.14 | - | - |
| 4200 SALARIES AND WAGES | 147,920.80 | 934,721.91 | - | - |
| 4300 MISCELLANEOUS PAID TIME OFF | 5,469.01 | 42,339.31 | - | - |
| 4400 OTHER FRINGES | 50,040.24 | 303,316.08 | - | - |
| 4500 OPERATING SUPPLIES & EXPENSES | 144,511.35 | 864,956.33 | - | - |
| 4600 GENERAL SUPPLIES & EXPENSES | 21,477.93 | 98,219.69 | - | - |
| 4700 OPERATING TAXES & LICENSES | 67,610.11 | 316,986.73 | - | - |
| 4800 INSURANCE | 64,553.83 | 358,194.44 | - | - |
| 5100 COMMUNICATIONS & UTILITIES | 21,313.35 | 133,807.66 | - | - |
| 5300 DEPRECIATION | 55,970.56 | 325,729.41 | - | - |
| 5400 REV EQUIP RENTS & PURCHD TRANS | 693,019.95 | 4,193,311.18 | - | - |
| 5500 BUILDING & OFFICE EQUIP RENTS | 11,494.92 | 72,823.49 | - | - |
| 5700 GAIN/LOSS DISPOSAL OF ASSETS | (3,500.00) | (37,868.17) | - | - |
| 5900 MISCELLANEOUS EXPENSES | 7,608.22 | 18,370.69 | - | - |
| TOTAL CARRIER OPERATING EXPENSES | 1,341,096.35 | 7,959,510.89 | - | - |
| NET CARRIER OPERATING INCOME | (92,753.63) | (131,464.32) | - | - |
| OTHER INCOME | | | | |
| 8200 INTEREST INCOME | - | (13.51) | - | - |
| 8410 OTHER NON OPERATING INCOME | 2,583.67 | 14,793.00 | - | - |
| TOTAL OTHER INCOME | 2,583.67 | 14,806.51 | - | - |

EXHIBIT 5

GABLER TRUCKING, INC.
 INCOME STATEMENT
 TOTAL COMPANY
 June 30, 1991

STATEMENT 30

| | THIS MONTHLY | YEAR YTD | LAST MONTHLY | YEAR YTD |
|--|--------------|----------|--------------|----------|
|--|--------------|----------|--------------|----------|

OTHER DEDUCTIONS FROM INCOME

| | | | | | |
|------|--------------------------------|-----------|------------|--|--|
| 8420 | OTHER NON OPERATING DEDUCTIONS | 1,498.96 | 9,215.86 | | |
| 8600 | INTEREST EXPENSE | 19,888.90 | 148,017.99 | | |

| | | | | | |
|------------------------|--|-----------|------------|--|--|
| TOTAL OTHER DEDUCTIONS | | 21,387.86 | 157,233.85 | | |
|------------------------|--|-----------|------------|--|--|

| | | | | | |
|-------------------------------------|--|--------------|--------------|--|--|
| ORDINARY INCOME BEFORE INCOME TAXES | | (111,557.82) | (273,891.66) | | |
|-------------------------------------|--|--------------|--------------|--|--|

| | | | | | |
|------|---------------------|--|--|--|--|
| 8700 | FEDERAL/STATE TAXES | | | | |
|------|---------------------|--|--|--|--|

| | | | | | |
|--------------------|--|--------------|--------------|--|--|
| NET INCOME OR LOSS | | (111,557.82) | (273,891.66) | | |
|--------------------|--|--------------|--------------|--|--|

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re:

APPLICATION OF
GABLER TRUCKING, INC.
A.109226, F.1, Am-B

VERIFIED STATEMENT OF GARY HART

I. LEGAL NAME AND DOMICILE OF SUPPORTING PARTY OR FIRM.

The legal name of the supporting corporation is Food Lion. Food Lion's headquarters are at 2100 Executive Drive, Salisbury, North Carolina 28145. The telephone number for my office is (704)633-8250, ext. 2359.

II. IDENTITY AND QUALIFICATIONS OF PERSON MAKING STATEMENT FOR SUPPORTING PARTY OR FIRM.

I am Gary Hart, Transportation Procurement Specialist for Food Lion, Inc. I have held this position for two and a half years.

As part of my duties, I am responsible for arranging Food Lion's transportation.

III. GENERAL DESCRIPTION OF SUPPORTING PARTY.

Food Lion is a supermarket chain with a 750,000 sq. ft. warehouse in Greencastle, PA. Presently Food Lion operates three stores in Pennsylvania and as part of projected growth on the East Coast, additional stores are planned for Pennsylvania.

IV. VOLUME AND FREQUENCY OF INTENDED USE.

If this application is approved, Food Lion anticipates giving the applicant approximately 100 truckloads per year. A truckload weighs approximately 40,000 pounds.

V. SPECIFIC OR REPRESENTATIVE ORIGINS AND DESTINATIONS, OR BOTH.

Food Lion has suppliers at virtually all points in Pennsylvania. Representative points of such suppliers are at or near Allentown, Bristol, Chester, East Greenville, Erie, Hanover, Lancaster, Lebanon, Mechanicsville, Mehoopany, Milton, Mountain Top, New Castle, New Kingstown, Parkesburg, Pittsburgh, Pottstown, Reading, Shiremanstown, Taylor, and Wescosville.

Food Lion's commodities presently move from its vendors to a distribution center near Greencastle, PA. Food Lion simply must have a carrier holding authority to serve Food Lion between the vendors/suppliers and its distribution center in Greencastle, PA. Food Lion requires this flexibility so that the carrier can handle whatever requirement Food Lion may have. Food Lion requires from the carrier return service for the delivery of damaged, rejected or unordered to our vendors. We also support the applicant for such return service.

Food Lion presently has three stores in Pennsylvania and as noted above intends to expand its outlets in that state. Gabler is also supported as a backup carrier for present service from our warehouse to the two retail outlets in Chambersburg and the store in Shippensburg and to future expansion stores to be located throughout the state.

VI. TYPE OF SERVICE REQUIRED. DESCRIBE.

Food Lion requires a truckload service. Its traffic moves on dry van and refrigeration equipment.

VII. SIMILAR APPLICATIONS SUPPORTED.

No other carriers at present have been supported by Food Lion.

VIII. ANY OTHER INFORMATION DEEMED PERTINENT.

I am familiar with the applicant due to service which it renders to us in interstate commerce. I am very satisfied that it can be of substantial assistance in fulfilling Food Lion's transportation requirements.

For all the reasons stated by me above, I respectfully request that the Pennsylvania Public Utility Commission grant the instant application in its entirety.

STATE OF NORTH CAROLINA)
 : SS:
COUNTY OF ROWAN)

Personally appeared before me, a notary public in and for said State and County, Gary Hart, who, being duly sworn according to law, deposes and says that he is the Transportation Procurement Specialist, is authorized to and does give this affidavit for and on its behalf; and that the facts set forth in the foregoing Verified Statement are true and correct to the best of his knowledge, information and belief.

Gary Hart

Gary Hart

Sworn to and subscribed before me

this 12th day of September, 1991

Nancy E. Aspritt
Notary Public

My Commission Expires: August 30, 1995

(SEAL)

Ref: 0903GH.dec

DAVID H. RADCLIFF, P.C.
407 NORTH FRONT STREET
HARRISBURG, PA 17101

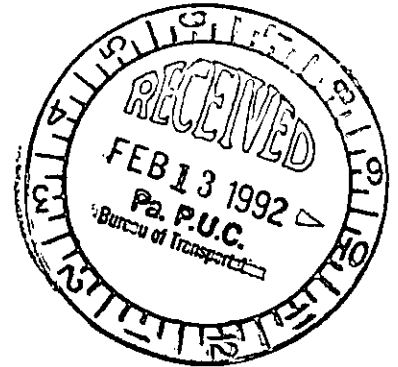
DAVID H. RADCLIFF

TELEPHONE: (717) 236-9318

February 12, 1992
File: 49.477

RE: GABLER TRUCKING, INC., A.109226, F.1, Am-C
(Nursery Supplies, Inc.)

Mr. Douglas Pike
Technical Review Section
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120



Dear Mr. Pike:

This will confirm our telephone conversation of February 12, 1992 concerning the above application. I requested an extension of time for the filing of verified statements in this proceeding.

You granted an additional thirty (30) days and verified statements are now due on March 12, 1992.

Thank you for your cooperation in this matter.

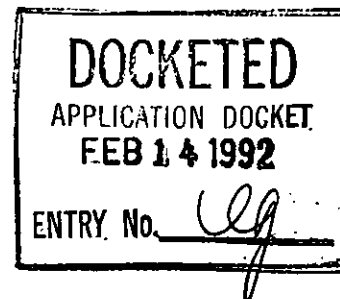
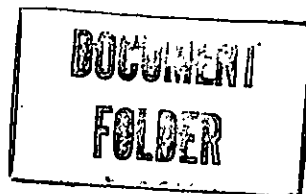
Very truly yours,

A handwritten signature in cursive script that reads "David H. Radcliff".

David H. Radcliff

DHR/kr
c:\wp51\letters\gabler.ltr

cc: Harold Gabler, Jr., President
Gabler Trucking, Inc.
P.O. Box 220
Chambersburg, PA 17201





COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

February 12, 1992

IN REPLY PLEASE
REFER TO OUR FILE

DAVID H RADCLIFF
ATTORNEY AT LAW
407 NORTH FRONT STREET
HARRISBURG PA 17101

In re: A-00109226, F. 1, Am-C - Application of Gabler Trucking, Inc.

Dear Mr. Radcliff:

In accordance with your request of February 12, 1992 for an extension of time to file verified statements, we are granting an additional 30 days for filing of statements.

Please be advised that verified statements are now due on March 13, 1992. If said statements are not filed with this office by that date we shall assume that you do not desire to pursue this matter and shall recommend to the Commission that the application be dismissed for lack of prosecution.

If you have any questions, please do not hesitate to contact us.

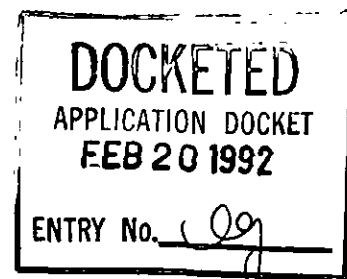
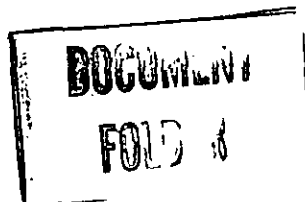
Very truly yours,

By Douglas A. Pike
For Peter S. Marzolf, Supervisor
Technical Review Section
Bureau of Transportation

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

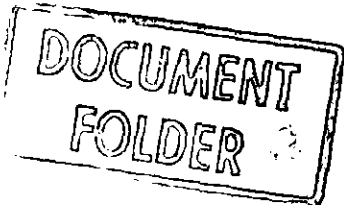
DAP:rs



PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

KJR

| | | | |
|-----------------------------|--|--------------------------------|-------------------|
| 1. <u>REPORT DATE:</u> | January 23, 1992 | 2. <u>BUREAU AGENDA NO.</u> | |
| 3. <u>BUREAU:</u> | Transportation | | FEB-92-T-135 |
| 4. <u>SECTION:</u> | Financial Review | 5. <u>PUBLIC MEETING DATE:</u> | |
| 6. <u>APPROVED BY:</u> | | | |
| Director: | Ernst 7-2154 | | FEBRUARY 13, 1992 |
| Supervisor: | Karl 3-5948 | | |
| 7. <u>MONITOR:</u> | | | |
| 8. <u>PERSON IN CHARGE:</u> | H. C. Lacey 3-5975 | | |
| 9. <u>DOCKET NO.:</u> | | | |
| 10. (a) | CAPTION (abbreviate if more than 4 lines) | | |
| (b) | Short summary of history & facts, documents & briefs | | |
| (c) | Recommendation | | |



(a) Motor carrier rate increase of more than 1% for carriers with gross annual revenues of \$500,000 or more.

GABLER TRUCKING, INC.
Chambersburg, Franklin County

A-00109226

(b) Proposed rate increases are to offset increases in motor carrier's general operating expenses.

(c) The staff recommends that the Commission approve the acceptance of the tariff under the prescribed rules.

HCL:jas

| | | | |
|----------------|-------------------------|--------------|---------------|
| 11. MOTION BY: | Commissioner Chm. Rolka | Commissioner | |
| | | Commissioner | Holland - Yes |
| SECONDED: | Commissioner Rhodes | Commissioner | |

CONTENT OF MOTION: Staff recommendation adopted.