



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

March 16, 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 March 13, 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 April 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.

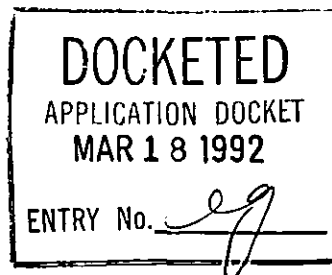
Very truly yours,

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

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

DAP:rs



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

DAVID H. RADCLIFF

TELEPHONE: (717) 236-9318

April 13, 1992
File: 49.477

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

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

RECEIVED
APR 13 1992
RECEIVED
Public Utility Commission
APR 13 1992

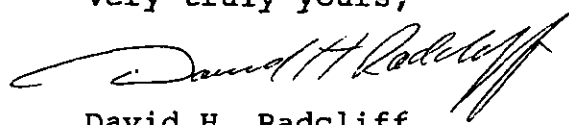
SECRETARY'S BUREAU
Information Control Division

Dear Mr. Alford:

I enclose the original and one copy of a verified statement in the above application proceeding. These are filed in accordance with the letter of Douglas Pike in the Technical Review Section.

By copy of this letter a copy of the verified statements are being forwarded to applicant and the Technical Review Section.

Very truly yours,



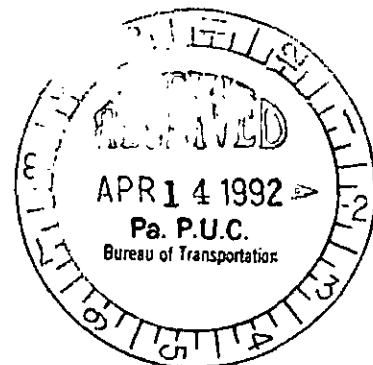
David H. Radcliff

DHR/kr
Enclosure

c:\wp51\letters\vs.1tr

cc: Harold C. Gabler, Jr., President
Gabler Trucking, Inc.
P.O. Box 1089
Chambersburg, PA 17201

Douglas A. Pike
Technical Review Section
Bureau of Transportation
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

RECEIVED
APR 13 1992

SECRETARY'S OFFICE
Public Utility Commission

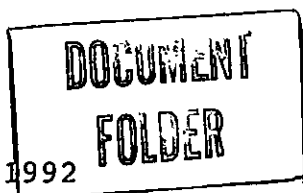
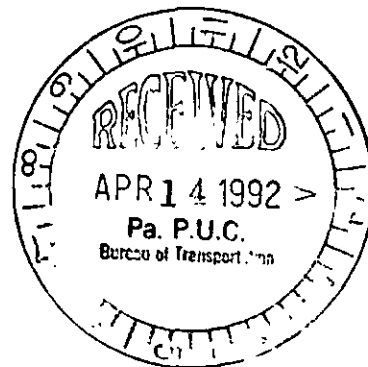
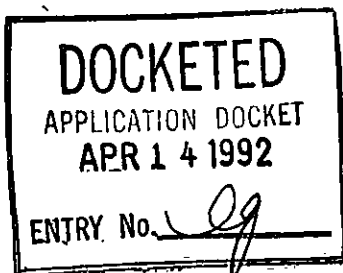
VERIFIED STATEMENT IN SUPPORT OF
APPLICATION

RECEIVED

APR 13 1992

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

SECRETARY'S BUREAU
Information Control Division



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

Date: April 13, 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 of 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 at Docket No. A. 83975. F.8.

4. AUTHORITY SOUGHT

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

"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."

The sole protestant withdrew on the basis of the restrictive amendment 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. Copies of the broadest portions of that authority as set forth at Sub 184 and Sub 183 paragraph 152 are 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. At this location 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 being at that terminal 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' products 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 with 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 of company or leased equipment, 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. From the beginning of 1992 we handled interstate shipments producing \$1000.00 in revenue from the facilities of this shipper.

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 of 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, Inc., 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 operating 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 empty 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:



Harold C. Gabler, Jr.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 21, 1990

Commissioners Present:

William H. Smith, Chairman
Frank Fischl
David W. Rolka
Joseph Rhodes, Jr.

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.

CORRECTED ORDER

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

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, sugar in bags from points in the city and county of Philadelphia to points in the county of Franklin;
- (26) 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. 26 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;

- (27) 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;

- (28) 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. 28 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;

- (29) 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. 29 subject to the following condition:

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

- (30) 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;

- (31) 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. 31 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.

- (32) 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. 32 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;

- (33) 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. 33 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;

- (34) 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. 34 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;

- (35) 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. 35 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;

- (36) 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. 36 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;

- (37) 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;
- (38) 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;
- (39) 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. 38 and 39 subject to the following condition:

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

- (40) To transport, as a Class D carrier, commodities as are dealt in by wholesale, retail and chain grocery and food business houses, for the Pillsbury Company, from the plantsite of said company, located in the township of West Sadsbury, Chester County, to points in Pennsylvania, and vice versa.
- (41) To transport, as a Class D carrier, property for the 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.

- (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,

A handwritten signature in black ink, appearing to read "Jerry Rich", is written over the typed name below.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 21, 1990

ORDER ENTERED: NOV 28 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, handwritten "X" or similar mark.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 27, 1991

ORDER ENTERED: JUL 3_ 1991

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held February 27, 1992

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, 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, 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.

A-00109226
F. 1
Am-B

David H. Radcliff for the applicant.
Peter G. Loftus for the protestant, Seaboard Tank Lines, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 15, 1991. Public notice of the application was given in the Pennsylvania Bulletin of November 23, 1991. One protest was filed to the application but was withdrawn contingent upon the Commission's acceptance of a restrictive amendment prohibiting the transportation of petroleum, petroleum products and dry litharge, in bulk. The now unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements submitted by the applicant and the supporting shipper.

Gabler Trucking, Inc. (Gabler or applicant), is a Delaware corporation with its principal place of business in Chambersburg, Franklin County. It is the successor of H. C. Gabler, Inc., and presently operates under fifty

paragraphs of rights. The applicant operates terminals in Chambersburg, Aspers, Adams County, and Silver Springs, Cumberland County. A fleet of 140 tractors and 400 trailers is available to perform the proposed service. As a currently certificated carrier, the applicant has a comprehensive safety program for drivers and vehicles in place. As evidence of its financial capacity to perform the additional service, Gabler reports assets of \$4,090,069, with liabilities of \$3,855,757, leaving a shareholders' equity of \$234,312.

By this application, Gabler seeks the additional right to transport property (except petroleum, petroleum products and dry litharge, in bulk) for Food Lion, from its facilities in Antrim Township, Franklin County, to points in Pennsylvania, and vice versa.

Gary Hart, transportation procurement specialist for Food Lion, submitted a verified statement in support of the amended application. Food Lion is a supermarket chain with three stores in Pennsylvania and more planned for the future. It operates a warehouse facility in Antrim Township, Franklin County, which receives inbound shipments from suppliers and ships outbound shipments to its retail stores. Approximately one hundred truckloads per year are expected to be handled by the facility. Suppliers are located throughout the state, including such points as Allentown, Bristol, Chester, Erie, Hanover, Lancaster, New Castle, Pittsburgh, Reading and Shiremanstown. The applicant presently serves the shipper in interstate commerce and Food Lion is satisfied with the quality of its service.

After a complete review of the record before us, we find:

1. That the applicant has shown that there is a public need for the proposed service, as amended.
2. That the applicant possesses the necessary equipment, experience, and financial capacity to perform the proposed service, as amended.
3. That approval of the application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved and that the certificate issued to the applicant on October 6, 1990, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property, for Food Lion, from its facilities in Antrim Township, Franklin County, to points in Pennsylvania, and vice versa;

subject to the following condition:

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

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 the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

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

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.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: February 27, 1992

ORDER ENTERED: March 10, 1992

GABLER TRUCKING, INC.
(SUMMARY ICC CERTIFICATE)
MC-27817, Sub 183

Paragraph 152

(152) general commodities (except classes A and B explosives; Poison A; liquefied compressed gas or compressed gas; highway route controlled quantity radioactive materials as defined §173.403; or hazardous substances transported in cargo tanks, portable tanks or hopper type vehicles with capacities in excess of 3,500 water gallons; household goods, and commodities in bulk), between those points in the United States in and east of MN, IA, MO, AR, and LA.

EXHIBIT 2

PM-31
(Rev. 10/84)

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.

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 | 10,492.64 | - |
| 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 | 18,739.34 | - |
| 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 EURN & 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 | 2,536,568.24 | - |

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 | 338.24 | - |
| 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-FALLETS | 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 PA 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 | 224,683.12 | - |
| 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 AMPLICON 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..... | \$ 1,781,373.43 | \$ - |

DEFERRED CREDITS

| | | |
|---|----------------------|-------------|
| 2412000 INDEPENDENT CONTRACTOR RESERVE | 124,600.00 | - |
| 2412050 DEFERRED CREDIT -- REV DUP PYMT | 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 | - | - |
| 3200 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 | 316,986.23 | - | - |
| 4800 INSURANCE | 64,553.83 | 358,194.44 | - | - |
| 5100 COMMUNICATIONS & UTILITIES | 21,313.35 | 133,807.66 | - | - |
| 5300 DEPRECIATION | 55,270.56 | 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 | 7,408.22 | 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 B

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 | 19,880.90 | 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) | | |

VERIFIED STATEMENT OF FRANCIS R. QUINN
ON BEHALF OF
NURSERY SUPPLIES, INC.

1. NAME AND ADDRESS OF SUPPORTING SHIPPER

Francis R. Quinn,
Traffic & Shipping Manager
Nursery Supplies, Inc.
250 Canal Road
Fairless Hills, PA 19030
Telephone: (215) 736-3641

2. IDENTITY AND QUALIFICATIONS OF WITNESS

I am Francis R. Quinn. I have been the Traffic and Shipping Manager for Nursery Supplies, Inc. for four years. I am familiar with the shipping requirements of Nursery Supplies, Inc. and I am the proper person to make this statement.

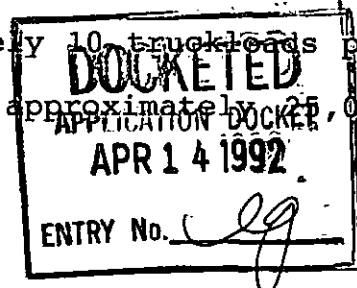
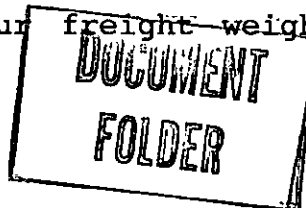
3. GENERAL DESCRIPTION OF SHIPPER'S OPERATIONS

Nursery Supplies, Inc. manufactures products for use in nurseries and garden centers. Our principal product line is plastic flower pots which are distributed in truckload shipments to points in Pennsylvania and in surrounding states.

Nursery Supplies, Inc. operates two facilities. The facility in Fairless Hills, Bucks County is our principal headquarters and a manufacturing facility. At Chambersburg, Franklin County, we are constructing a manufacturing and storage facility from which shipments of our products will also be made.

4. VOLUME AND FREQUENCY OF INTENDED USE

If this application is approved, Nursery Supplies, Inc. anticipates giving the applicant approximately 10 truckloads per year. A truckload of our freight weighs approximately 25,000 pounds.



5. SPECIFIC OR REPRESENTATIVE ORIGINS OR DESTINATIONS

Nursery Supplies, Inc. has suppliers at several points in Pennsylvania. Inbound shipments of materials for use in our manufacturing process and of packaging materials originate at various locations in Pennsylvania.

Representative destinations points of shipments originating at both the Fairless Hills and Chambersburg facilities are Pineville, Harleysville, Dallas, Lititz, West Grove, Kelton, New Brighton, Chambersburg, Kittanning, Clymer, Stoystown and Port Matilda.

6. TYPE OF SERVICE REQUIRED

We require a truckload service. The carrier will be required to provide multiple deliveries in transit.

The equipment should be 48 foot by 102 inch dry van trailers as our traffic is light weight and bulky.

7. SIMILAR APPLICATIONS SUPPORTED

No other carriers at present have been supported by Nursery Supplies, Inc.

8. 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 Nursery Supplies, Inc. transportation's requirements.

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

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: 8-17-92

Francis R Quinn
(Signature)

FRANCIS R QUINN
(Print name)

Pearl A Walter
Notarial Seal
Pearl A. Walter, Notary Public
Philadelphia, Philadelphia County
My Commission Expires April 10, 1995





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

April 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.

Dear Mr. Radcliff:

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

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

Very truly yours,

Douglas A. Pike
Technical Review Section
Bureau of Transportation

DAP:rs

