

April 13, 1990

IN REPLY PLEASE
REFER TO OUR FILE

Christian V. Graf
Attorney at Law
407 North Front Street
Harrisburg, PA 17101

In re: A-00109226 - Application of Gabler Trucking, Inc.

Dear Sir:

Acknowledgement is made of an application filed by you on behalf of Gabler Trucking, Inc. for permanent and temporary authority for the rights of H. C. Gabler, Inc.

The application has been captioned as attached and will be submitted for review, provided no protests are filed on or before May 7, 1990. If protests are filed, you will be advised as to further procedure.

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

You are further advised that the above application will be published in the Pennsylvania Bulletin of April 14, 1990.

Very truly yours,

David Ehrhart
Supervisor - Application Section
Bureau of Transportation

DE:RP:rs

cc: Applicant
1580 Gabler Road
Chambersburg, PA 17201

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
APR 13 1990
ENTRY No. _____

A-00109226 GABLER TRUCKING, INC. (1580 Gabler Road, Chambersburg, Franklin County, PA 17201), a corporation of the State of Delaware - (1) 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) 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) 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) 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) 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) 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) cream from the borough of Chambersburg, Franklin County, to the city of Harrisburg, Dauphin County; (8) 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) 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) 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) 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) 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) 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; and 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) fruits, fresh and canned, farm products and supplies, from points in the county of Adams to points in Pennsylvania, and vice versa; (15) fruits from storage houses in the county of Adams to other points in Pennsylvania; (16) 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; (17) 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; (18) packing house supplies and equipment and clay products between points in the county of Adams; (19) packing house supplies and equipment and clay products from points in the county of Adams to other points in Pennsylvania, and vice versa; (20) 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; (21) as a Class B carrier, property between points in the borough of Biglerville, Adams County; (22) as a Class D carrier, sugar in bags from points in the city and county of Philadelphia to points in the county of Franklin, and the return of refused or rejected shipments to the point of origin; (23) 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 and refused or rejected shipments to the said plant site; with right no. 23 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; and That no right, power or privilege is granted to provide service from the plants of the Bethlehem Steel Corporation in Cambria County; (24) 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; (25) 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. 25 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; and 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; (26) 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; (27) 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; (28) 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. 28 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; (29) 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) 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) 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; and 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) 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.; and 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) 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 to 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; and 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) such merchandise as is dealt in by wholesale, retail, and chain grocery foods 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; and 3. California Cannery and Growers in the township of Conewago, Adams County; with right no. 34 subject to the following conditions: that no right, power or privilege is granted: (1) To perform transportation of containers from the city of Clarion and the township of Paint, Clarion County; (2) 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 and east of U.S. Highway 219, and vice versa; and (3) 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 the south of U.S. Highway 22; (35) 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 the right to return refused, damaged or rejected shipments to the point of origin; 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) 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) 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) 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) 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) commodities as are dealt in by wholesale, retail and chain grocery and food business houses, for the Pillsbury Company, from the plant site of said company, located in the township of West Sadsbury, Chester County, to points in Pennsylvania, and vice versa; (41) 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; with right no. 41 subject to the following condition: That no right, power or privilege is granted to transport commodities in bulk; (42) 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) 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) fruit from orchards and packers in the county of Franklin to other points in Pennsylvania; (45) 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 points on the direct lines of Horn's Motor Express; (46) 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) 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 Martinsburg, Blair County, shall be confined to transportation in dump vehicles and pneumatic tank vehicles, and the right to return rejected or refused shipments from points in Pennsylvania to points in the townships of South Middleton and Dickinson, Cumberland County; (48) 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, and the right to return refused or rejected shipments to the point of origin; and (49) 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: 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; and 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; which is to be a transfer of the rights authorized under the certificate issued at A-00083975, Folders 3, 4, 5 and 6 to H.C. Gabler, Inc., a corporation of the State of Delaware, subject to the same limitations and conditions. APPLICATION FOR TEMPORARY AUTHORITY HAS BEEN FILED AT A-00109226, SEEKING THE RIGHT CITED ABOVE. Attorney: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101.

ORIGINAL

GRAF, ANDREWS & RADCLIFF, P. C.
ATTORNEYS AT LAW
407 NORTH FRONT STREET
HARRISBURG, PENNSYLVANIA 17101

CHRISTIAN V. GRAF
FREDERICK W. ANDREWS
DAVID H. RADCLIFF
GREGORY R. LYONS

OF COUNSEL
JOHN E. FULLERTON
TELEPHONE: A. C. 717-236-9318

April 19, 1990
File: 49.467

RE: GABLER TRUCKING, INC., A. 109226
(Transfer from H. C. Gabler, Inc.)

RECEIVED

APR 20 1990

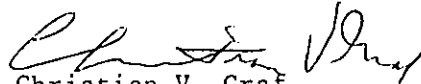
SECRETARYS OFFICE
Public Utility Commission

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

Dear Mr. Rich:

We enclose herewith the original and ⁹6 copies of "Applicant's Exceptions to Tentative Decision Entered April 11, 1990" in the above-entitled matter. Copies are being mailed to Transferor and Transferee.

Very truly yours,


Christian V. Graf

CVG:tc
Enclosures

cc: Harold C. Gabler, Jr., President
Gabler Trucking, Inc.
1580 Gabler Road
Chambersburg, PA 17201

Mr. Ernest P. Wiemer
Gabler Trucking, Inc.
1580 Gabler Road
Chambersburg, PA 17201

David H. Radcliff, Esquire

ORIGINAL

RECEIVED

APR 20 1990

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

SECRETARYS OFFICE
Public Utility Commission

In Re: Application of GABLER TRUCKING, INC.
A. 109226

APPLICANT'S EXCEPTIONS TO TENTATIVE DECISION ENTERED April 11, 1990

DOCKETED
APR 27 1990

GRAF, ANDREWS & RADCLIFF, P.C.
Christian V. Graf, Esquire
David H. Radcliff, Esquire
407 North Front Street
Harrisburg, Pennsylvania 17101

Telephone: A.C. 717, 236-9318

DUE DATE: April 30, 1990

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

In Re: Application of GABLER TRUCKING, INC.
A. 109226

APPLICANT'S EXCEPTIONS TO TENTATIVE DECISION ENTERED April 11, 1990

STATEMENT OF THE CASE

As stated in the Tentative Decision an application for emergency temporary authority, temporary authority and an application for permanent authority were filed concurrently on March 8, 1990. As also stated H. C. Gabler, Inc. as Transferor holds intrastate authority, interstate authority and intrastate authority in Virginia and North Carolina. Transferor will remain in business after approval of the transfer, but its business will not be trucking but instead will be tire business, ownership and development of real estate in the nature of truck terminals and warehouses and in equipment rentals.

The Tentative Decision made referred to the fact that a temporary authority application had been filed with the ICC. The fact is that that application has been granted by the Interstate Commerce Commission and service instituted on April 12, 1990. A copy of the approval Order is attached as Exhibit A.

Also since filing of the instant application the Interstate Commerce Commission has approved the transfer application by publication of the same as an approval and a copy of that publication in the ICC Register of April 10, 1990 is attached as Exhibit B. This final approval may be implemented on April 30, or 20 days after its publication.

The Tentative Order states:

"...Even in the event the ICC approves the application placed before it for temporary authority to operate the interstate authority, we do not believe the applicant would be subjected to severe hardship until such time as we have published and reviewed the application for temporary authority placed before us."

The application was then denied.

EXCEPTIONS

Applicant files the following Exceptions to the Tentative Decision:

1. Applicant excepts to the denial of emergency temporary authority.
2. Applicant excepts to the conclusion that no emergency condition exists.
3. Applicant excepts to the conclusion that there would be no hardship visited upon applicant by denial until the application for permanent authority has been published and the temporary authority reviewed.

ARGUMENT

The Decision of the Interstate Commerce Commission served March 13, 1990 and attached as Exhibit A contains as a condition that compliance with the conditions and institution of operation were required to be commenced within thirty (30) days or on April 12, 1990 or the authority would have been rescinded. Compliance was made with this request and operations were, in fact, instituted.

On April 10 the permanent transfer was published as an approval subject to a 20-day delay for the receipt of adverse comments, meaning that by April 30 the operation will be permanently approved by the Interstate Commerce Commission and can be consummated (See Exhibit B). The dilemma which is faced by Gabler Trucking, Inc. is more simply expressed as follows: Gabler Trucking, Inc. is now free to operate the interstate authority which it is doing, but H. C. Gabler, Inc. is obliged to continue to operate the intrastate authority until some unspecified future date. This presents several problems. For example, certain shippers tender to the carrier traffic moving in both intra- and interstate commerce at the same time as, for example, shipments to eastern Pennsylvania and shipments tendered to points in New Jersey, New York and even New England.

Faced with this denial, instead of being able to handle this traffic on a single unit which could handle both the Pennsylvania intrastate and the interstate traffic at the same time, Gabler Trucking would have to use one vehicle for the interstate traffic and H. C. Gabler, Inc. would have to use another vehicle for the intrastate freight.

This would pose substantial added costs which are not justified in today's highly competitive market. Not only would the costs increase, the difficulty in handling would also increase and there would be an impact upon the bottom line in that the additional cost would be a direct deduction from profit.

Moreover, one of the conditions leading to the denial was that the permanent authority application had not been published. However, the transfer application was published 3 days after the Tentative Decision issued, or on

April 14, 1990, between pages 2092 and 2095 of the Pennsylvania Bulletin so that condition has already been met.

Further, the temporary authority application was identical to the emergency temporary authority application for they were filed in a single document, and if the emergency temporary authority application was reviewed there seems to be little reason why the temporary could not have been reviewed at the same time.

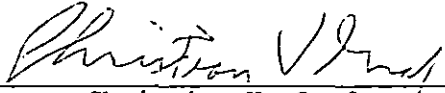
There appears to be no problem with creation of an additional carrier, for all of the authority of H. C. Gabler, Inc. is here sought to be transferred to Gabler Trucking, Inc., all under the circumstances set forth in the permanent authority application for transfer and supplemented in the joint application for emergency temporary authority and temporary authority. No new competition will be created as to other carriers since H. C. Gabler, Inc. has been in business as an intrastate carrier in Pennsylvania at least since 1957 and its predecessor in interest long before that.

We can appreciate that the reviewer was probably unaware of the operational problems faced by the parties hereto. However, they are real and substantial and they are facing the parties now. The hardship is equally evident as witnessed by added use of vehicles, added employees, disruption in orderly traffic handling patterns and added supervision. All of these reflect directly on the cost of operations by increasing them and concurrently affecting profit either by reducing same or eliminating same.

For all of these reasons, emergency temporary authority should be granted and the tentative decision modified to that end.

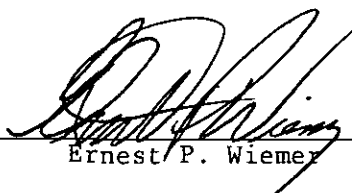
Respectfully submitted,

GABLER TRUCKING, INC.

By: 
Christian V. Graf,
Its Attorney

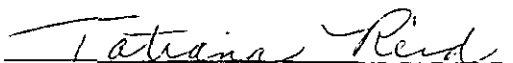
COMMONWEALTH OF PENNSYLVANIA)
 : SS:
COUNTY OF DAUPHIN)

Personally appeared before me, a notary public in and for said Commonwealth and County, ERNEST P. WIEMER, who, being duly sworn according to law, deposes and says that he is Chairman of the Board of Gabler Trucking, Inc.; is authorized to and does give this affidavit for and on its behalf; and that the facts set forth in the foregoing "Applicant's Exceptions to Tentative Decision Entered April 11, 1990" are true and correct to the best of his knowledge, information and belief.



Ernest P. Wiemer

Sworn to and subscribed before me
this 19 day of April, 1990.



Notary Public

My Commission expires:

(SEAL)

