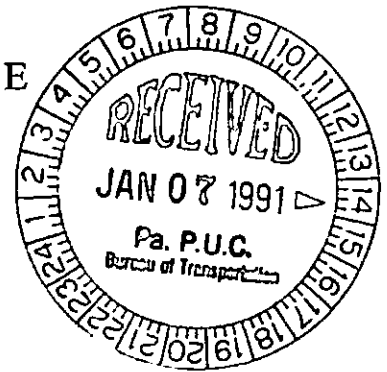


LAW OFFICES OF
DICKIE, McCAMEY & CHILCOTE
A PROFESSIONAL CORPORATION

SUITE 400
TWO PPG PLACE
PITTSBURGH, PA
15222-5402

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DAVID J. ARMSTRONG
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CLAYTON A. SWEENEY
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M. RICHARD DUNLAP
EUGENE F. SCANLON, JR.
CHARLES W. KENRICK
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STEWART M. FLAM
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JEAN McCREE SIMMONDS
NANCY R. WINSCHER
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LU ANN DATESH
DAVID J. OBERMEIER
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LELAND P. SCHERMER
EUGENE O. BERRY
RAY F. MIDDLEMAN
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JOHN W. LEWIS, II
ANTHONY J. WILLIOTT
GEORGE P. KACHULIS
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PETER A. SANTOS
CHRISTOPHER PASSODELIS, JR.
KIMBERLY G. ROBERTS
EUGENE A. GIOTTO

January 3, 1991

Direct Dial: 412/392-5336

Office of Pennsylvania Public Utility Commission
P. O. Box 3265
North Office Building
Harrisburg, PA 17120

RE: Transfer of Common Carrier Rights
Docket No. A-00099470 Folder No. 1
Issued to Balistreri Trucking, Inc.

Dear Sir/Madam:

Enclosed is an original and two copies of an Application for Approval of Transfer and Exercise of Common or Contract Carrier Rights, which we have prepared for our client Independent Equipment Transfer Co., Inc. Also enclosed is a check to cover the \$350.00 filing fee and supporting documentation for the Application.

Because time is of the essence we appreciate your prompt consideration of this Application. Please contact our offices should any questions arise.

Very truly yours,

Pamela E. Hoy
Pamela E. Hoy

PEH:jsm
Enclosure

OF COUNSEL
J. LAWRENCE MCBRIDE



4. Applicant's attorney (for this application) is:

John W. Lewis, II, Esq.; Dickie, McCamey & Chilcore, P.C. ; (412) 392-5457
(Name) (Address) (Telephone)

5. Any documents should be mailed to:

Transferee: John W. Lewis, II, Esq.; Dickie, McCamey & Chilcore, P.C.;
(Name) Suite 400; Two PPG Place; (Address) Pittsburgh, PA 15222

Transferor: David M. O'Boyle, Esq.; Wick, Streiff, Meyer, Metz & O'Boyle;
(Name) 1450 Two Chatham Center; (Address) Pittsburgh, PA 15219

6. Applicant does not hold Pa. PUC authority under Docket Number
(does or does not)

A- _____ and operates as a _____ carrier.
(common or contract)

7. Applicant does not hold Interstate Commerce Commission authority
(does or does not)

at Docket No. _____.

8. Applicant is (check one):

Individual.

Partnership. Must attach a copy of the partnership agreement (unless a copy is presently on file with PUC), and list names and addresses of partners below (use additional sheet if necessary).

(Name) (Address)

Corporation. Organized under the laws of the State of Pennsylvania

and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on DECEMBER 4, 1990 (Attach copy of Certificate of Incorporation or Authority and statement of charter purpose). Include as an attachment a list of corporate officers and their titles and the names, addresses and number of shares held by each stockholder.

9. If applicant, its stockholders or partnership members are in control of or affiliated with any other carrier, state name of carrier(s), Docket Number(s) and nature of control or affiliation.

None

10. Applicant proposes to acquire all of the operating rights now held
(all or part)

by transferor. Attach sheet describing rights to be transferred to applicant and rights to be retained by transferor, if any. If any rights are to be omitted, give reasons.

11. The reason for the transfer is sale of on-going business.

12a. The following must be attached:

- Sales Agreement.
- List of equipment to be used to render service. (summarize by type)
- Operating authority to be transferred/retained.
- Statement of Financial Condition.
- Statement of unpaid business debts of transferor and how they will be satisfied.
- Statement of safety program.
- Statement of transferee's experience.

b. Attach the following, as appropriate (check those attached):

- Partnership Agreement.
- Trade Name registration certificate.
- Certificate of Incorporation. (Pa. Corporation only)
- Certificate of Authority. (Foreign ((out-of-state)) Corporation only)
- Statement of corporate charter purpose. (corporations only)
- List of corporate officers and stockholders. (corporations only)
- Copy of short form certificate showing date of death of transferor and name of executor or administrator/administratrix.

13. Transferor attests that all general assessments and fines are paid, that no annual reports are due and agrees to continue to render the service which is to be transferred until this application is approved, whereupon transferor will surrender said certificate or permit for cancellation.
14. Transferee agrees to assume and pay any General Assessments that may be made against transferor as a common carrier for any and all operating periods up to the actual date of the transfer.

WHEREFORE, Transferee and Transferor request that the Commission grant the Transfer.

INDEPENDENT EQUIPMENT TRANSFER CO., INC.

Transferee sign here: BY *Jack S. Cargnoni* 01/04/91
 (each partner must sign) (Date)
 (Corporate Seal) Jack S. Cargnoni, Pres.

Salvadore Cargnoni 01/04/91
 SALVADORE CARGNONI, SECRETARY

BALISTRERI TRUCKING, INC.

Transferor sign here: *Evelyn M. Balistreri Pres.* BALISTRERI TRUCKING, INC.
 (Corporate Seal) EVELYN M. BALISTRERI, PRESIDENT

BY: *Evelyn P. Palladini Sec. Treas.*
 EVELYN P. PALLADINI, SEC/TREA.

THIS MUST BE COMPLETED BY NOTARY PUBLIC
AFFIDAVIT OF TRANSFEREE/APPLICANT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :
 : SS:
 _____ County :

_____ being duly sworn (affirmed) according to law, deposes and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____
day of _____ 19 _____
My Commission Expires _____

Signature of Official Administering Oath

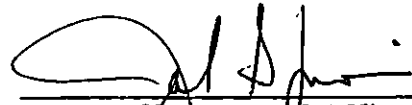
AFFIDAVIT OF TRANSFEREE/APPLICANT (Corporation)

COMMONWEALTH OF PENNSYLVANIA :
 : SS:
ALLEGHENY _____ County :

JACK S. CARGNONI being duly sworn (affirmed) according to law, deposes and says that he is President of INDEPENDENT EQUIPMENT TRANSFER CO., INC.
(Office of Affiant) (Name of Corporation)

that he is authorized to and does make this affidavit for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and that he expects the said INDEPENDENT EQUIPMENT TRANSFER CO., INC. to be able to prove the same
(Name of Corporation)

the same at the hearing hereof.



Signature of Affiant
JACK S. CARGNONI, PRESIDENT

Sworn and subscribed before me this 4TH
day of Janaury 19 91
My Commission Expires May 4, 1992



Signature of Official Administering Oath

Notary Seal
Salvatore Cargnoni, Notary Public
Bridgeville Boro, Allegheny County
My Commission Expires May 4, 1992
Member, Pennsylvania Association of Notaries

THIS MUST BE COMPLETED BY NOTARY PUBLIC
AFFIDAVIT OF TRANSFEROR/SELLER (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :
: SS:
_____ County :

_____, being duly sworn (affirmed) according to law,
deposes and says that the facts above set forth are true and correct; or are true and correct
to the best of his knowledge, information and belief and he expects to be able to prove the same
at the hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____
day of _____ 19 ____
My Commission Expires _____

Signature of Official Administering Oath

AFFIDAVIT OF TRANSFEROR/SELLER (Corporation)

COMMONWEALTH OF PENNSYLVANIA :
: SS:
ALLEGHENY _____ County :

EVELYN M. BALISTRERI, being duly sworn (affirmed) according to law,
deposes and says that she is President of Balistreri Trucking, Inc.;
(Office of Affiant) (Name of Corporation)

that he is authorized to and does make this affidavit for it; and that the facts above set forth
are true and correct; or are true and correct to the best of his knowledge, information and belief
and that he expects the said Balistreri Trucking, Inc. to be able to prove the
(Name of Corporation)

same at the hearing hereof.

Evelyn M. Balistreri
Signature of Affiant

EVELYN M. BALESTRERI, PRESIDENT

Sworn and subscribed before me this 4TH
day of January 19 91
My Commission expires May 4, 1992

Salvadore Cargnoni
Signature of Official Administering Oath

Notary Seal
Salvadore Cargnoni, Notary Public
Bridgeville Boro, Allegheny County
My Commission Expires May 4, 1992

Member, Pennsylvania Association of Notaries

ASSET PURCHASE AGREEMENT

BETWEEN

BALISTRERI TRUCKING, INC.

AND

INDEPENDENT EQUIPMENT TRANSFER CO., INC.

PERCADO-BOYERS, N. J.

Exhibit "1"

ASSET PURCHASE AGREEMENT

THIS ASSET PURCHASE AGREEMENT is made this 27 day of November, 1990, between BALISTRERI TRUCKING, INC., a Pennsylvania corporation ("SELLER") and INDEPENDENT EQUIPMENT TRANSFER CO., INC., a Pennsylvania corporation ("PURCHASER").

I. PREMISES

A. SELLER is a motor common carrier of property which has been issued operating authority by the Pennsylvania Public Utility Commission ("PUC") at Docket No. A-99470 and by the Interstate Commerce Commission ("ICC") at Docket No. MC-128410 (hereinafter referred to as the "operating rights"). Copies of said operating rights are attached hereto as Appendix "A".

B. PURCHASER does not hold any operating authority from the PUC or the ICC and is therefore within the definition of a non-carrier.

C. SELLER has agreed to sell and PURCHASER has agreed to buy, free and clear of all liens, encumbrances, security interests and other claims, all of SELLER's operating rights.

D. This transaction will require the prior approval of the PUC and ICC. PURCHASER and SELLER will file and diligently prosecute the necessary applications or petitions with the PUC and ICC for approval of the transfer of the operating rights. (The transfer applications and/or petition for exemption shall be referred to herein as "the Application").

II. TERMS AND CONDITIONS

In consideration of the mutual covenants and promises herein contained, the parties, intending to be legally bound, agree, represent and warrant as follows:

1. Purchase Agreement. SELLER will sell to PURCHASER and PURCHASER will buy, free and clear of all liens, encumbrances, security interests and other claims, all of the operating rights held by SELLER, a copy of which is attached hereto as Appendix "A".

2. Price and Payment. PURCHASER will pay to SELLER for the operating rights the total sum of Fifty Thousand (\$50,000.00) Dollars for the operating rights. Upon execution of this Agreement, PURCHASER shall place the sum of Fifty Thousand (\$50,000.00) Dollars in escrow (referred to herein as the "Escrow Fund") with John W. Lewis, II, and David M. O'Boyle acting as escrow agents (hereinafter referred to as the "Escrow Agents"), subject to the terms and conditions provided herein. The Escrow Fund shall be deposited in an interest bearing account to be selected by the Escrow Agents. Upon approval of this transaction by the appropriate regulatory agency or agencies, the Escrow Fund and all accrued interest shall be delivered by the Escrow Agents to the SELLER at the closing. Upon termination of this AGREEMENT pursuant to Section 3.2, the Escrow Fund and all accrued interest shall be returned to PURCHASER.

3. Closing or Termination. The sale of the operating rights shall be consummated at a closing (the "Closing") to be held at the offices of Dickie, McCamey & Chilcote, P.C., Two

PPG Place, Suite 400, Pittsburgh, Pennsylvania 15222 on the Closing Date.

3.1 Closing Date. The Closing Date shall be within ten (10) days after final approval is received from the appropriate regulatory agency or agencies, or such other date as the parties may agree upon in writing.

3.2 Termination Date. If the Closing shall not have taken place on or before May 31, 1991, this Agreement shall terminate upon written notice of such termination given by either party not then in material default hereunder. Upon such termination, the parties shall be released from all obligations or liabilities arising hereunder, except for liabilities arising out of pre-termination breaches hereof.

4. Conveyance Documents. At the Closing, SELLER will deliver to PURCHASER such bills of sale, endorsements, assignments and other good and sufficient instruments of conveyance and transfer, in a form reasonably satisfactory to PURCHASER, as shall be effective to vest in PURCHASER all of SELLER's title to and interest in the operating rights.

5. The Application for Approval. PURCHASER shall be responsible for preparation and prosecution of the Application transferring the operating rights from SELLER to PURCHASER, and PURCHASER shall pay all filing fees, printing reproduction costs and other out-of-pocket expenses in connection with the preparation, filing and prosecution of the application. Each party shall be responsible for payment of its respective legal fees incurred in connection with this transaction.

6. Denial of The Application. In the event that the ICC or PUC, by final order, shall deny approval of the Application transferring the operating rights, this Agreement shall be null and void. In such event, the parties shall have no further rights or obligations under this Agreement.

7. Representations and Warrants of SELLER. SELLER represents and warrants to PURCHASER as follows:

7.1 Organization and Authority of SELLER.

(a) SELLER is a corporation duly incorporated, validly existing and in good standing under the laws of the Commonwealth of Pennsylvania. SELLER has all requisite corporate power and authority to execute and deliver this Agreement and to consummate the transaction contemplated hereby. SELLER has taken all corporate action as and in the manner required by law, its certificate of incorporation and by-laws or otherwise to authorize the execution, delivery and performance of this Agreement and the transaction contemplated hereby.

(b) This Agreement has been duly executed and delivered by SELLER and constitutes the valid and binding obligation of SELLER enforceable in accordance with its terms.

7.2 No Conflicts. The execution and delivery of this Agreement do not, and the consummation of the transactions contemplated hereby will not, violate (i) any provisions of SELLER's certificate of incorporation or by-laws, or (ii) any terms of any contractual restriction or commitment of any kind or character to which SELLER is a party, or (iii) any law,

regulation or rule, or any judgment or order binding upon SELLER.

7.3 Certain Personal Property. The operating rights are owned by the SELLER free and clear of all Liens and encumbrances.

7.4 Litigation. No action, suit or proceeding, or litigation, at law or in equity, before any arbitrator or governmental authority, or judgment, decree, injunction, award or order outstanding, in any manner involving the operating rights, is pending or has been threatened by communication to the SELLER.

7.5 Compliance with Laws. No notice from any governmental body or any other person has been served upon or communicated to the SELLER claiming any violation of any law or regulation pertaining to the operating rights.

7.6 Certificates and Permits. Appendix "A" hereto contains a complete and correct list of all certificates of public convenience and permits issued by the ICC and PUC to SELLER and the operating rights are in full force and effect, and there are no proceedings pending or threatened which may result in the revocation, cancellation or suspension, or any adverse modification of the operating rights.

7.8 Disclosure. There is no fact known to SELLER which might reasonably be expected to have a material adverse effect on the operating rights.

8. Representations and Warranties of PURCHASER.
PURCHASER hereby represents, warrants and agrees as follows:

8.1 Organization and Authority of PURCHASER.

(a) PURCHASER is a corporation duly incorporated, validly existing and in good standing under the laws of Pennsylvania. PURCHASER has all requisite corporate power and authority to execute and deliver this Agreement and to consummate the transactions contemplated hereby. PURCHASER has taken all corporate action as and in the manner required by law, its articles of incorporation and its by-laws or otherwise to authorize the execution, delivery and performance of this Agreement and the transactions contemplated hereby.

(b) This Agreement has been duly executed and delivered by PURCHASER and constitutes the valid and binding obligation of PURCHASER enforceable in accordance with its terms.

8.2 No Conflicts. The execution and delivery of this Agreement do not, and the consummation of the transactions contemplated hereby will not, violate (i) any provisions of PURCHASER's articles of incorporation or by-laws, or (ii) any material terms of any material contractual restriction or commitment of any kind or character to which PURCHASER is a party or by which it is bound or (iii) any law, regulation or rule, or any judgment or order binding upon PURCHASER.

9. Survival of Warranties and Representations. The representations and warranties of the parties contained herein or in any certificate or other document delivered pursuant hereto or in connection herewith shall survive any examination made by or on behalf of any party hereto, the execution and delivery of this Agreement, the closing and the consummation of

the transaction called for by this Agreement until the second anniversary of the Closing Date.

10. PUC Assessment. SELLER warrants that all general assessments by the PUC for any and all operating periods up to the Closing Date will be paid by that date. In the event the PUC requires the payment of any such assessments due from SELLER as a condition precedent to processing the Application, SELLER agrees to pay any such assessments. If for any reason SELLER does not pay such assessments, PURCHASER shall have the right to pay the assessments and shall deduct any such payments from the purchase price due on the Closing Date.

11. No Negotiation. While this Agreement is in effect, SELLER agrees not to negotiate or otherwise attempt to transfer or sell the operating rights to any person or entity other than PURCHASER.

12. Entire Agreement. This Agreement, including Appendix "A" attached hereto, contains the entire agreement between the parties with respect to the transaction contemplated hereby, and supercedes all written or oral negotiations, representations, warranties, commitments, offers, bids, solicitations and other understandings prior to the date hereof. No waiver and no modification or amendment of any provision of this Agreement shall be effective unless specifically made in writing and duly signed by the party to be bound thereby.

13. Governing Law. The validity, interpretation and effect of this Agreement shall be governed exclusively by the laws of the Commonwealth of Pennsylvania.

III. EXECUTION

IN WITNESS WHEREOF, the parties, intending to be legally bound, have executed this Agreement the day and year first above stated.

ATTEST:

Emelyn P. Palladini

BALISTRERI TRUCKING, INC.

By Emelyn M. Balistreri

ATTEST:

Salvadore Cargnoni

SALVADORE CARGNONI SECRETARY

INDEPENDENT EQUIPMENT TRANSFER
CO., INC.

By Jack S. Cargnoni
JACK S. CARGNONI PRESIDENT

List of Equipment to Be Used to Render Service

- 84 (U) Mack (Glider Kit) Cabover SN 1M1AR05Y9EM002225
- 83 (U) Mack Tractor W/350 Eng.-10 Speed-Sleeper SN
1M2Y215C4DM001944
- 83 (U) Mack Tractor W/350 Eng.-10 Speed-Sleeper SN
1M2Y215C9DM001941
- 79 (U) Mack Cruiseline Tractor W/300 Eng.-5 Speed-Sleeper
SN WS786LST45091
- 79 (U) Mack Cruiseline Tractor W/300 Eng.-5 Speed-Sleeper
SN WS786ST45115
- 70 (U) Foster 45' Flatbed Trlr SN 15609
- 76 (U) Fruehauf 40' Flatbed Trlr FW117398
- 78 (U) Fruehauf 40' Flatbed Trlr FWZ338008
- 79 (U) Trac-Air 40'/85' Pull Trlr T63847
- 72 (U) Dorsey 42' Flatbed Trlr 96002
- 82 Johnson 44'/70' Flatbed Stretch Trlr 1W67GG100033
- 71 Foster 40'/60' Flatbed Stretch Trlr TT15603
- 78 (U) Fruehauf 40' Flatbed Trlr FWZ3564
- 79 (U) Trailmobile 40' Flatbed Trlr T63836
- 74 (U) Dorsey 42' Flatbed Trlr 109755

PENICU-Beyenne, N. J.
Exhibit "2"

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 18, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Balistreri Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, structural steel, architectural metal products, steel gratings, steel plates, steel and aluminum stairs and railings, and bolts and materials used in the assembly thereof, for the Mulach Steel Corp., from its plant in the city of Pittsburgh, the borough of McKees Rocks and the township of South Fayette, Allegheny County, to points in Pennsylvania, and vice versa; subject to the following conditions: That no right, power or privilege is granted to render service to and from points in the city of Williamsport, Lycoming County, and points within an airline distance of fifteen (15) statute miles of the limits of said city; and the borough of Milton, Northumberland County; and the borough of Tyrone, Blair County; That no right, power or privilege is granted to render service to and from points in the city of Philadelphia, Philadelphia County, and points within an airline distance of thirty-five (35) statute miles of the limits of City Hall in said city; and That no right, power or privilege is granted to transport property which, because of size or weight, requires special handling or special equipment such as winch trucks or winch tractors, carryalls and drop frame trailers: SO AS TO PERMIT the transportation of structural steel, architectural metal products, steel gratings, steel plate, steel and aluminum stairs and railings, and bolts, machinery, materials, and supplies used in the production and assembly thereof, for the Mulach Steel Corp., between points in Pennsylvania.

A-00099470

P. 1

Am-B

Arthur J. Diskin for the applicant.

Exhibit "3"

ORDER**BY THE COMMISSION:**

This matter comes before the Commission on an application filed February 3, 1986. Public notice of the application was given in the Pennsylvania Bulletin of February 22, 1986. No protests have been filed.

The application is unopposed and the record is certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and one supporting shipper.

DISCUSSION AND FINDINGS

Balistreri Trucking, Inc. (applicant or Balistreri), is a currently certificated common carrier which is seeking to amend its operating authority so that it is authorized to transport various steel and aluminum commodities, for the Mulach Steel Corp., between points in Pennsylvania. In 1975, the applicant was granted the right to transport the same commodities as sought herein, for Mulach Steel Corp., from plants in the city of Pittsburgh, the borough of McKees Rocks and the township of South Fayette, Allegheny County, to points in Pennsylvania, and vice versa. Said authority being subject to three conditions which exclude transportation to and from points in the city of Williamsport, Lycoming County, and points within an airline distance of fifteen (15) statute miles of the limits of said city, and the borough of Milton, Northumberland County, and the borough of Tyrone, Blair County; to and from points in the city of Philadelphia, Philadelphia County, and points within an airline distance of thirty-five (35) statute miles of the City Hall in the said city; and excludes the right to transport property which, because of size or weight, requires special handling or special equipment such as winch trucks or winch tractors, carry-alls or drop-frame trailers. The instant application results from the need of Mulach Steel Corp. to have the applicant available to serve all of its Pennsylvania facilities, and all of its customer locations, without restriction.

Balistreri operates from a terminal located in Morgan, Allegheny County. At this facility, the applicant performs routine maintenance of its equipment. To meet public need, the applicant has available 10 tractors, 33 flatbed trailers and four van trailers.

The supporting shipper in the instant proceeding, Mulach Steel Corp., is a manufacturer of structural steel and other metal products which are used in the construction of buildings. The applicant and its predecessor have been providing Mulach with service since 1967. As a result of restrictions currently found on the applicant's operating authority, Mulach has been unable to receive from the applicant all of the transportation it requires.

The record clearly demonstrates that removal of the limitations found on the authority granted to the applicant in 1967, will permit the applicant to meet all of the supporting shipper's transportation requirements. We are of the opinion that the applicant is quite capable of handling the additional shipper traffic that will develop after removal of these service limitations.

We find:

1. That the applicant is fit, willing and able to provide the proposed transportation.
2. That the applicant has demonstrated that a public need exists.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the authority contained in the order adopted December 15, 1975 and entered December 30, 1975, shall now read as follows:

To transport, as a Class D carrier, structural steel, architectural metal products, steel gratings, steel plate, steel and aluminum stairs and railings, and bolts, machinery, materials, and supplies used in the production and assembly thereof, for the Mulach Steel Corp., between points in Pennsylvania.

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 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 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.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 10, 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held October 27, 1980

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhoads, Jr.
Frank Fischl

Application of Balistreri Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, materials used in the manufacture of plastic insulation from points in Pennsylvania to points in the counties of Allegheny, Beaver and Westmoreland; SO AS TO PERMIT the transportation of air and gas equipment and machinery, and component parts thereof, and trailer mounted air compressors, for Tidewater Compression NE, Inc., from the facilities of said company in the township of South Fayette, Allegheny County, to points in Pennsylvania, and vice versa.

A-00099470
F. 1
Am-C

Arthur J. Diskin for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 12, 1987. Public notice of the application was given in the Pennsylvania Bulletin of May 2, 1987. By order adopted May 14, 1987, we revoked the applicant's certificate to operate for failure to file an annual report for the year 1985. By order adopted September 13, 1988, this application at Amendment C was dismissed because the applicant no longer held a certificate. The applicant filed a petition for reinstatement, which was granted by order adopted November 17, 1988. The order also directed the Bureau of Transportation to reconsider the application at Amendment C.

No protests were filed to this application and it is now certified to the Commission for its decision without oral hearing. The record consists of verified statements filed on behalf of the applicant and the supporting shipper.

Balistreri Trucking, Inc. (Balistreri or applicant), is a Pennsylvania corporation, with its principal place of business in Morgan, Allegheny County. The applicant was initially certificated in 1976 and currently operates under three paragraphs of authority. A fleet of ten tractors, thirty-three flatbed trailers and four van trailers is available to perform the proposed service. The applicant employs ten drivers and two mechanics and operates a comprehensive safety program for drivers and vehicles. As evidence of its financial capacity to perform the additional service, Balistreri reports assets of \$87,598, with liabilities of \$37,720, leaving a shareholders equity of \$49,878.

Robert W. Gilleland, vice president of Tidewater Compression NE., Inc. (Tidewater or shipper), submitted a verified statement in support of the application. The shipper operates a warehouse and storage facility in South Fayette Township, Allegheny County, which will be the origin for all outbound shipments and the destination for all inbound shipments. Tidewater specializes in air and gas compressors used in mining, manufacturing and power plants and requires a carrier that can deliver and return shipments for customers located throughout the state and make other inbound shipments from suppliers. Tidewater has used the applicant for interstate transportation and has found its service to be satisfactory and now supports this application for intrastate 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.
2. That the applicant possesses the necessary equipment, experience, and financial capacity to perform the proposed service.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: that the applicant be and is hereby approved and that the certificate issued to the applicant on April 29, 1976, as amended, be further amended to include the following right:

To transport, as a Class D carrier, air and gas equipment and machinery, and component parts thereof, and trailer mounted air compressors, for Tidewater Compression NE, Inc., from the facilities of said company in the township of South Fayette, Allegheny County, to points in Pennsylvania, and vice versa.

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,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: October 27, 1989

ORDER ENTERED: NOV 1, 1989

STATEMENT OF FINANCIAL POSITION (Balance Sheet)

as of December 20, 1990

Date

ASSETS

CURRENT ASSETS

Cash			\$52,462
Accounts Receivable			
Notes Receivable			
Other current assets (Specify)			
Total current assets			<u>\$52,462</u>

TANGIBLE ASSETS

Land			
Motor Vehicle Equipment	\$56,600		
Less: Accumulated Depreciation	-0-	=	56,600
Buildings and Structures	13,038		
Less: Accumulated Depreciation	-0-	=	13,038
Investments and Funds (Specify)			
Intangible Assets			
Other assets (Such as advances and Idle equipment - specify)			
Total Assets			<u>\$122,100</u>

LIABILITIES

Current Liabilities (liabilities due within one year of date)

Accounts Payable			
Notes Payable - Stockholders			\$122,000
Equipment Obligations			
Other Liabilities (attach schedule)			
Total Current Liabilities			

Long Term Liabilities (liabilities due after one year of date)

Accounts Payable			
Notes Payable			
Equipment Obligations			
Other Liabilities (attach schedule)			
Total Long Term Liabilities			
Total Liabilities			

Net Worth (partnerships & individuals)

OWNERS EQUITY (Corporations only)

Capital Stock (Corporations only)			100
Additional paid-in capital			
Retained Earnings (Corporations only)	-0-		
Less: Treasury Stock		=	-0-
Total Owner's Equity (Corporations only)			<u>100</u>

Total Liabilities & Owner's Equity
(Corporations only)

\$122,100

PERIOD-SPYING, N. J.
Exhibit "4"

STATEMENT OF FINANCIAL CONDITION

INCOME STATEMENT

For the 12-month period ending _____
(Date)

N/A

REVENUE and GAINS

Operating Revenue	_____
Net Revenue from non-carrier operation	_____
Dividend and Interest revenues	_____
Other non-operating revenue	_____
Gains	_____
Total Revenue and Gains	=====

EXPENSES

Equipment Maintenance and Garage Expense	_____
Insurance Expense	_____
Employee Salaries	_____
Supervisory Salaries	_____
Officer Salaries	_____
Fuel Expense	_____
Purchased Transportation (Lease Expense)	_____
Materials and Supplies Expense	_____
General Office Expense	_____
Advertising Expense	_____
Telephone Expense	_____
Accounting Expense	_____
Legal Expense	_____
Uncollectible Revenue	_____
Depreciation Expense	_____
Amortization	_____
Operating Taxes and Licenses	_____
Rent Expense	_____
Loss	_____
Total Operating Expense and Losses	=====

Net Income before Taxes	_____
Provision for Income Taxes	_____
Net Income	=====

Statement of Unpaid
Business Debts of Transferor
and how they will be satisfied

All business debts will be paid out of the proceeds of the sale.

PENGAD-Bayonne, N. J.
Exhibit "5"

INDEPENDENT EQUIPMENT TRANSFER CO., INC.

STATEMENT OF SAFETY PROGRAM

Safety is a matter of company policy as we believe that people are our most important asset - their health and safety is of primary responsibility and concern. We stress that safety be made an integral part of all operations from planning to completion of the job.

Specifically, our safety policies are reinforced by implementation of the following procedures:

1. Employee training and safety programs which alert employees to the common hazards of their employment.
2. Weekly safety meetings that review in detail particular hazardous situations.
3. Review of emergency procedures on regular basis.
4. Continuous reminders that safety is a company commitment and an employees' responsibility through:
 - A. Posters
 - B. Safety Awards & Recognition
 - C. Verbal Cues
 - D. Awareness Stickers

In addition, our safety program has been developed utilizing the guidelines as presented in the publication - "Code Of Federal Regulations Labor - Title 29."

INDEPENDENT EQUIPMENT TRANSFER CO., INC.

Jack B. Cargoni, President

INDEPENDENT EQUIPMENT TRANSFER CO., INC.

STATEMENT OF TRANSFEREE'S EXPERIENCE

The principals of Independent Equipment Transfer Co., Inc. have been involved in all phases of the construction industry for the past 18 years.

This experience includes many facets of trucking such as: on and off road hauling of heavy and light equipment, materials, dispatching, routing, log preparation and maintenance, fuel tax reporting, vehicle maintenance and repair and labor relations.

INDEPENDENT EQUIPMENT TRANSFER CO., INC.

Jack B. Cargnoni, President



Department of State
Corporation Bureau
308 North Office Building
Harrisburg, PA 17120-0029

Robert P. Casey
Governor

Christopher A. Lewis
Secretary of the Commonwealth

Charles A. Ottaviano
Director, Corporation Bureau

Instructions for Completion of Form:
DSCB:15-1306 (Rev 89)-2

- A. One original of this form is required. The form shall be completed in black or blue-black ink in order to permit reproduction. The filing fee for this form is \$75 made payable to the Department of State. PLEASE NOTE: A separate check is required for each form submitted.
- B. The following, in addition to the filing fee, shall accompany this form:
 - (1) Three copies of a completed form DSCB:15-134A (Docketing Statement).
 - (2) Any necessary copies of form DSCB:17.2 (Consent to Appropriation of Name) or form DSCB:17.3 (Consent to Use of Similar Name).
 - (3) Any necessary governmental approvals.
- C. For general instructions relating to the incorporation of business corporations see 19 Pa. Code Ch. 23 (relating to business corporations generally). These instructions relate to such matters as corporate name, stated purpose, term of existence, nonstock status, authorized share structure and related authority of the board of directors, inclusion of names of first directors in the Articles of Incorporation, optional provisions on cumulative voting for election of directors, etc.
- D. One or more corporations or natural persons of full age may incorporate a business corporation.
- E. 15 Pa. C.S. § 1307 (relating to advertisement) requires that the incorporators shall advertise their intention to file or the corporation shall advertise the filing of articles of incorporation. Proofs of publication of such advertising should not be submitted to, and will not be received by or filed in, the Department, but should be filed with the minutes of the corporation.
- F. This form and all accompanying documents shall be mailed to:

Department of State
Corporation Bureau
308 North Office Building
Harrisburg, PA 17120-0029
- G. To receive confirmation of the file date prior to receiving the microfilmed original, send either a self-addressed, stamped postcard with the filing information noted or a self-addressed, stamped envelope with a copy of the filing document.

Exhibit "8"

DSCB: 15-1806 (Rev. 89)
P. O. NALY COMPANY, POH., PA 15819

Microfilm Number _____

Entity Number _____



Filed with the Department of State on

DEC 04 1990

Christopher A. Lewis

Secretary of the Commonwealth

ARTICLES OF INCORPORATION

Indicate type of domestic corporation (check one):

Business-stock (15 Pa. C.S. § 1306)

Business-nonstock (15 Pa. C.S. § 2102)

Business-statutory close (15 Pa. C.S. § 2304a is applicable)

Professional (15 Pa. C.S. § 2903)

Management (15 Pa. C.S. § 2701)

Cooperative (15 Pa. C.S. § 7701)

1. The name of the corporation is: Independent Equipment Transfer Co., Inc.

This corporation is incorporated under the provisions of the Business Corporation Law of 1988.

2. The address of this corporation's initial (a) registered office in this Commonwealth or (b) commercial registered office provider and the county of venue is:

(a) RD #1 Box 865 Oakdale PA 15071 Allegheny
Number and Street City State Zip County

(b) _____
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The aggregate number of shares authorized is: 1,000 (other provisions, if any, attach 8 1/2 x 11 sheet)

4. The name and address, including street and number, if any, of each incorporator is:
Name Address Signature Date
Jack S. Cargnoni 1393 Peasavento Dr. *[Signature]* 11/30/90

5. The specified effective date, if any, is: Incorporation date
month day year hour, if any

6. Any additional provisions of the articles, if any, attach an 8 1/2 x 11 sheet.

7. Statutory close corporation only: Neither the corporation nor any shareholder shall make an offering of any of its shares of any class that would constitute a "Public Offering" within the meaning of the Securities Act of 1933 (15U.S.C. § 77A et seq.). N/A

8. Business cooperative corporations only: (Complete and strike out inapplicable term) The common bond of membership among its members/shareholders is: N/A

PERGAD-Bryants, M. J.
Exhibit "C"

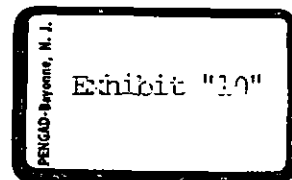
INDEPENDENT EQUIPMENT TRANSFER CO., INC.

LIST OF CORPORATE OFFICERS AND STOCKHOLDERS

<u>NAME</u>	<u>TITLE</u>	<u>STOCK %</u>
Jack B. Cargnoni	President	33 1/3
James G. Cargnoni	Vice President	33 1/3
Salvatore Cargnoni	Secretary	33 1/3

INDEPENDENT EQUIPMENT TRANSFER CO., INC.

Jack B. Cargnoni, President



LAW OFFICES

WICK, STREIFF, MEYER, METZ & O'BOYLE, P.C.

HENRY M. WICK, JR.
CHARLES J. STREIFF
CARL F. MEYER
LEROY L. METZ, II
DAVID M. O'BOYLE
VINCENT P. SZELIGO
LUCILLE N. WICK
PATRICIA LIPTAK-McGRAL
DENNIS S. SHILOBOD
WILLIAM H. HUMPHRIES, III
KATHRYN KNEE
TIMOTHY J. GRICKS

1450 TWO CHATHAM CENTER
PITTSBURGH, PA 15219-3427
(412) 785-1600

TELECOPIER
(412) 281-3783

RECEIVED

JAN 10 1991

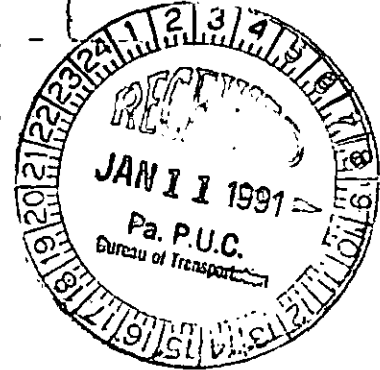
SECRETARY'S OFFICE
Public Utility Commission

January 8, 1991

DOCUMENT
FOLDER

Re: Independent Equipment Transfer Co., Inc. -
Purchase - Balistreri Trucking, Inc.
Our File 4168

A-207621



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

Dear Mr. Rich:

We represent Balistreri Trucking, Inc., which is the Transferee in the above captioned case. We request that our appearance be entered on behalf of our client and that we be added to the Commission's service list to receive all future correspondence, notices and orders issued in this proceeding.

We understand that by letter dated January 7, 1991, counsel for Tranferee Independent Equipment Transfer Co., Inc., forwarded to the Commission by Federal Express the transfer application for filing.

The Agreement of Sale, which is attached to the application, provides for Independent Equipment to purchase both the Pennsylvania PUC and ICC operating rights of Balistreri Trucking. The parties are filing a transfer application with the Interstate Commerce Commission ("ICC") and requesting that the ICC approve the transfer of these rights.

The parties filed the transfer application with the Commission to comply with its regulations and to have the rights issued in the name of Transferee. However, it is our position that, under the pre-emption provisions of the Interstate Commerce Act, 49 U.S.C. §11341, the ICC's jurisdiction over this motor carrier finance transaction extends to the control and transfer of the intrastate rights. The ICC's jurisdiction is plenary and exclusive, and the Commission does not have jurisdiction to deny this transfer application. Accordingly, we hereby request that notice of this application be published in the Pennsylvania Bulletin indicating that the application will be handled without a hearing.

1/31 Called Mr. O'Boyle - he said that they will pay the amount of bond

1/30 talked to Mr. Levin - he said publish regular way to give the letter form

WICK, STREIFF, MEYER, METZ & O'BOYLE, P.C.

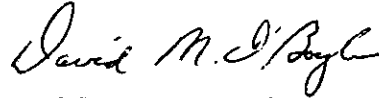
Mr. Jerry Rich, Secretary
January 8, 1991
Page Two

If you have any questions concerning this matter, please contact me.

Please acknowledge receipt of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the stamped, self-addressed envelope provided for that purpose.

Very truly yours,

WICK, STREIFF, MEYER,
METZ & O'BOYLE, P.C.



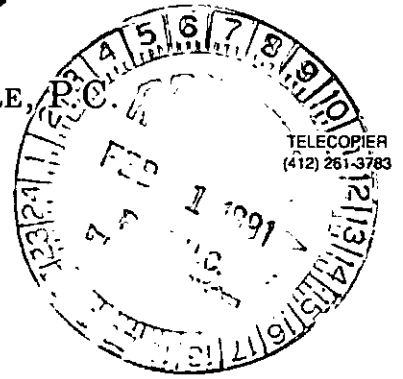
David M. O'Boyle

tw
Enclosures
cc: John W. Lewis, II, Esq.
Balistreri Trucking, Inc.

LAW OFFICES

WICK, STREIFF, MEYER, METZ & O'BOYLE,

1450 TWO CHATHAM CENTER
PITTSBURGH, PA 15219-3427
(412) 765-1600



HENRY M. WICK, JR.
CHARLES J. STREIFF
CARL F. MEYER
LEROY L. METZ, II
DAVID M. O'BOYLE
VINCENT P. SZELIGO
LUCILLE N. WICK
PATRICIA LIPTAK-McGRAIL
DENNIS S. SHILOBOD
WILLIAM H. HUMPHRIES, III
KATHRYN KNEE
TIMOTHY J. GRICKS

January 30, 1991

Re: Independent Equipment Transfer Co., Inc. -
Purchase - Balistreri Trucking, Inc.
Our File 4168

RECEIVED

FEB -1 1991

SECRETARY'S OFFICE
Public Utility Commission

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

A-089621

Dear Mr. Rich:

By letter dated January 8, 1991, we notified the Commission that the parties involved in the above transfer application had filed a transfer application with the Interstate Commerce Commission ("ICC"). I also indicated in that letter that the parties had requested the ICC to exercise its plenary jurisdiction and grant the transfer of the intrastate and interstate operating rights pursuant to 49 U.S.C. §11341.

We have been advised that the transfer application will be handled by the ICC pursuant to 49 U.S.C. §10926, and not 49 U.S.C. §11341. We have also been advised that the ICC will not grant the transfer of the Pennsylvania intrastate operating rights. Accordingly, we hereby withdraw our request that the Pennsylvania Bulletin notice indicate that the PUC application will be handled without a hearing.

If you have any questions concerning this matter, please contact me.

Please acknowledge receipt of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the stamped, self-addressed envelope provided for that purpose.

Very truly yours,

WICK, STREIFF, MEYER,
METZ & O'BOYLE, P.C.

David M. O'Boyle

David M. O'Boyle



tw
cc: John W. Lewis, II, Esq.
Balistreri Trucking, Inc.
Ms. Francis Walkinshaw

LAW OFFICES OF
DICKIE, MCCAMEY & CHILCOTE
A PROFESSIONAL CORPORATION

SUITE 400
TWO PPG PLACE
PITTSBURGH, PA
15222-5402
TEL. 412/281-7272
FAX. 412/392-5367



DAVID B. FAWCETT
DAVID J. ARMSTRONG
RICHARD D. KLABER
THEODORE O. STRUK
HERMAN C. KIMPEL
WILBUR MCCOY OTTO
CLAYTON A. SWEENEY
HERBERT BENNETT CONNER
RICHARD S. DORFZAUN
DANIEL P. STEFKO
JAMES F. MALONE, III
M. RICHARD DONLAP
EUGENE F. SCANLON, JR.
CHARLES W. KENRICK
JOHN EDWARD WALL
JAMES R. MILLER
PAUL W. ROMAN, JR.
JOSEPH S. D. CHRISTOF, II
STUART W. BENSON, III
THOMAS P. LUTZ
J. LAWSON JOHNSTON
SUSAN K. WRIGHT
STEPHEN R. MLINAC
DAVID M. NEUHART
GEORGE E. MCGRANN
ROBERT F. WADNER
ROBERT W. HASTINGS
ROBERT J. MARINO
STEPHEN M. HOUGHTON
LARRY A. SILVERMAN
ARTHUR L. SCHWARZWAELDER
FRANK M. GIANOLA
LEONARD A. COSTA, JR.
KENNETH S. MROZ
STEVEN B. LARCHUK
JAMES D. STRADER
INORID MEDZIUS LUNDBERG
FREDERICK W. BODE, III
JEFFREY T. WILBY
RICHARD C. POLLEY
CHRISTINE A. WARD
STEPHEN C. KIFER
THOMAS M. FUEHRER
GLORIA N. FUEHRER
WILLIAM D. CLIFFORD
ROBERT G. DELGRECO, JR.
JUDITH F. OLSON
EDMUND L. OLSZEWSKI, JR.
DOROTHY A. DAVIS
CHARLES G. BROWN
RICHARD J. FEDEROWICZ
JOHN C. CONTI
JEAN MCCREE SIMMONDS
NANCY R. WINSCHIEL
L. JOHN ARGENTO
LU ANN DATESH
DAVID J. OBERMEIER
PETER T. STINSON
THOMAS H. MAY
LELAND P. SCHEMMER
EUGENE G. BERRY
RAY F. MIDDLEMAN
GEORGE MONROE SCHUMANN
JOHN W. LEWIS, II
ANTHONY J. WILLIOTT
GEORGE P. KACHULIS
JOHN T. PION
HUNTER A. MCGEARY, JR.
GEORGE RANDAL FOX, III
MICHAEL J. SWEENEY
WILLIAM M. CONWELL
DIANE J. CHRISTEL
BONNIE P. WEBSTER
GREGORY A. GROSS
JOSEPH L. LUYARA
ANDREW G. KIMBALL
W. ALAN TORRANCE, JR.
HOWARD A. CHATJON
MARCELLE M. THEIS
BRIAN T. MUST
DAVID S. BLOOM
M. SUZANNE MCCARTNEY
KENNETH S. KOMOROSKI
ALYSON J. KIRLEIS
S. JANE ANDERSON
JOHN C. CARLOS
W. SCOTT CAMPBELL
WILLIAM M. THOMSON
PAUL S. MAZESKI
HARRY F. KUNSELMAN
ANTHONY J. RASH
PETER A. SANTOS
CHRISTOPHER PASSODELIS, JR.
KIMBERLY G. ROBERTS
EUGENE A. GIOTTO

OF COUNSEL
J. LAWRENCE MCBRIDE

February 1, 1991

Direct Dial: 412/392-5336

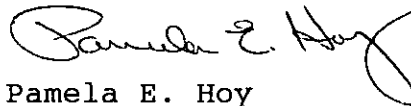
Ms. Francis Walkinshaw
Pennsylvania Public Utilities Commission
P.O. Box 3265
Harrisburg, PA 17120

RE: Transfer of Common Carrier Rights
Docket No. A-00099470
Folder No. 1 Issued to Balistreri Trucking, Inc.
Our File No.: 81240

Dear Ms. Walkinshaw:

Since you are handling the above-captioned transfer, John Lewis from our office has asked that I forward to you this copy of recent correspondence to Mr. Rich of the PUC from counsel for Balistreri Trucking.

Very truly yours,


Pamela E. Hoy

PEH:jsm
Enclosure

cc: John W. Lewis, II, Esquire

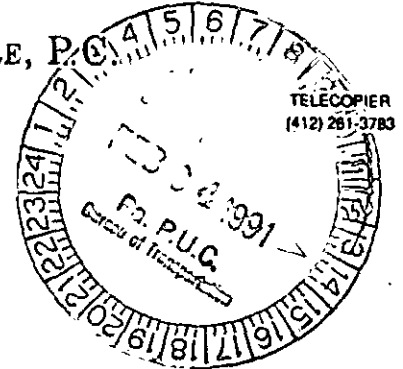


LAW OFFICES

WICK, STREIFF, MEYER, METZ & O'BOYLE, P.C.

1450 TWO CHATHAM CENTER
PITTSBURGH, PA 15219-3427
(412) 765-1600

HENRY M. WICK, JR.
CHARLES J. STREIFF
CARL F. MEYER
LEROY L. METZ, II
DAVID M. O'BOYLE
VINCENT P. SZELOGO
LUCILLE N. WICK
PATRICIA LIPTAK-McGRATH
DENNIS S. SHILOBOB
WILLIAM H. HUMPHRIES, III
KATHRYN KNEE
TIMOTHY J. GRICKS



January 30, 1991

Re: Independent Equipment Transfer Co., Inc. -
Purchase - Balistreri Trucking, Inc.
Our File 4168

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

Dear Mr. Rich:

By letter dated January 3, 1991, we notified the Commission that the parties involved in the above transfer application had filed a transfer application with the Interstate Commerce Commission ("ICC"). I also indicated in that letter that the parties had requested the ICC to exercise its plenary jurisdiction and grant the transfer of the intrastate and interstate operating rights pursuant to 49 U.S.C. §11341.

We have been advised that the transfer application will be handled by the ICC pursuant to 49 U.S.C. §10926, and not 49 U.S.C. §11341. We have also been advised that the ICC will not grant the transfer of the Pennsylvania intrastate operating rights. Accordingly, we hereby withdraw our request that the Pennsylvania Bulletin notice indicate that the PUC application will be handled without a hearing.

If you have any questions concerning this matter, please contact me.

Please acknowledge receipt of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the stamped, self-addressed envelope provided for that purpose.

Very truly yours,

WICK, STREIFF, MEYER,
METZ & O'BOYLE, P.C.

David M. O'Boyle

tw

cc: John W. Lewis, II, Esq.
Balistreri Trucking, Inc.
Ms. Francis Walkinshaw

LAW OFFICES

WICK, STREIFF, MEYER, METZ & O'BOYLE, P.C.

1450 TWO CHATHAM CENTER
PITTSBURGH, PA 15219-3427
(412) 765-1600

HENRY M. WICK, JR.
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VINCENT P. SZELIGO
LUCILLE N. WICK
PATRICIA LIPTAK-McGRAIL
DENNIS S. SHILOBOD
WILLIAM H. HUMPHRIES, III
KATHRYN KNEE
TIMOTHY J. GRICKS



February 5, 1991

Re: Balistreri Trucking, Inc.
Docket No. A-99470
Our File 4168

A-109621

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

Attn: Assessment Section

Gentlemen:

We represent Balistreri Trucking, Inc. of P.O. Box 451, Morgan Hill Road, Morgan, PA 15064. We understand that on or about December 28, 1990, the Commission received payment in the amount of \$3,604 for the 1989 assessment on behalf of Balistreri Trucking. We understand that there is a balance due in the amount of \$967. We are enclosing Check No. 0261 of Balistreri Trucking in the amount of \$967 for payment in full of the PUC assessment.

On or about January 8, 1991, a transfer application was filed with the Commission requesting permission for Balistreri Trucking to sell its PUC operating rights to Independent Equipment Transfer Co., Inc. We request that the Commission process this transfer application as expeditiously as possible.

If you have any questions concerning this matter, please contact me.

Very truly yours,

WICK, STREIFF, MEYER,
METZ & O'BOYLE, P.C.

David M. O'Boyle



tw
Enclosure
cc: Ms. Francis Walkinshaw
John W. Lewis, II, Esq.
Balistreri Trucking, Inc.

February 15, 1991

IN REPLY PLEASE
REFER TO OUR FILE

John W. Lewis, II
Attorney at Law
Suite 400
Two PPG Place
Pittsburgh, PA 15222

In re: A-00109621 - Application of Independent Equipment Transfer
Co., Inc.

Dear Sir:

Acknowledgement is made of an application filed by you on behalf of Independent Equipment Transfer Co., Inc. for the rights of Balistreri Trucking, Inc.

The application has been captioned as attached and will be submitted for review, provided no protests are filed on or before March 11, 1991. If protests are filed, you will be advised as to further procedure.

This application is accepted with the understanding that Balistreri Trucking, 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 February 16, 1991.

Very truly yours,

David Ehrhart
Supervisor - Application Section
Bureau of Transportation

DE:RP:kmb

cc: Applicant
R.D. #1, Thomas Run Road
Box 865
Oakdale, PA 15071

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
FEB 15 91
ENTRY No. AM

A-00109621 INDEPENDENT EQUIPMENT TRANSFER CO., INC. (R.D. #1, Thoms Run Road, Box 865, Oakdale, Allegheny County, PA 15071), a corporation of the Commonwealth of Pennsylvania - (1) as a Class C and D carrier, plastic insulation for Koppers Company, Inc., between points in the counties of Allegheny, Beaver and Westmoreland, and from points in said counties, to other points in Pennsylvania; (2) materials used in the manufacture of plastic insulation from points in Pennsylvania to points in the counties of Allegheny, Beaver and Westmoreland; (3) structural steel, architectural metal products, steel gratings, steel plate, steel and aluminum stairs and railings, and bolts, machinery, materials, and supplies used in the production and assembly thereof, for the Mulach Steel Corp., between points in Pennsylvania; and (4) air and gas equipment and machinery, and compound parts thereof, and trailer mounted air compressors, for Tidewater Compression NE, Inc., from the facilities of said company in the township of South Fayette, Allegheny County, to points in Pennsylvania, and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00099470 to Balistreri Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. Attorney: John W. Lewis, II, Suite 400, Two PPG Place, Pittsburgh, PA 15222.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____ SERVICE _____

FEB 16 1991

BUREAU OF TRANSPORTATION
COMMON CARRIER
FEBRUARY 1991

A-00109621

Application of Independent Equipment Transfer Co., Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, (1) as a Class C and D carrier, plastic insulation for Koppers Company, Inc., between points in the counties of Allegheny, Beaver and Westmoreland, and from points in said counties, to other points in Pennsylvania; (2) materials used in the manufacture of plastic insulation from points in Pennsylvania to points in the counties of Allegheny, Beaver and Westmoreland; (3) structural steel, architectural metal products, steel gratings, steel plate, steel and aluminum stairs and railings, and bolts, machinery, materials, and supplies used in the production and assembly thereof, for the Mulach Steel Corp., between points in Pennsylvania; and (4) air and gas equipment and machinery, and compound parts thereof, and trailer mounted air compressors, for Tidewater Compression NE, Inc., from the facilities of said company in the township of South Fayette, Allegheny County, to points in Pennsylvania, and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00099470 to Balistreri Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

FW:11
2/1/91

Application received: 1/7/91
Application docketed: 1/30/91

NH

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
FEB 15 91
ENTRY No. *111*

Protests due on No Hearings _____
Protests due on Hearings - (5 days prior to date of hearing)
Notice of the above application was mailed to all certificate
holders and railroad companies in the service area as noted above.

MAR 11 1991



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

March 15, 1991

IN REPLY PLEASE
REFER TO OUR FILE

John W. Lewis, II
Attorney at Law
Suite 400 Two PPG Place
Pittsburgh, PA 15222

In re: A-00109621 - Application of Independent Equipment Transfer
Co., Inc.

Dear Sir:

The application filed by you for the transfer of the rights of
Balistreri Trucking, Inc., has been reviewed and further information is
necessary.

Please advise this office the portion of the purchase price
ascrivable to the P.U.C. rights.

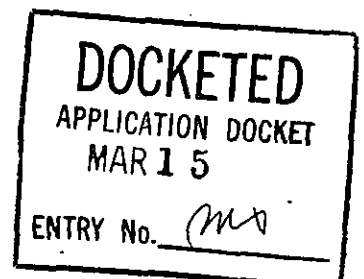
We will hold this application in abeyance pending your reply.

Very truly yours,

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

DAP:kmb

cc: David M. O'Boyle
Attorney at Law
1452 Chatham Center
Pittsburgh, PA 15219-3247



LAW OFFICES OF
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A PROFESSIONAL CORPORATION

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DAVID J. ARMSTRONG
RICHARD D. KLABER
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HERMAN C. KIMPEL
WILBUR MCCOY OTTO
CLAYTON A. SWEENEY
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MARCELLE M. THEIS
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ANTHONY J. RASH
PETER A. SANTOS
CHRISTOPHER PASSODELIS, JR.
KIMBERLY C. ROBERTS
EUGENE A. GIOTTO

OF COUNSEL
J. LAWRENCE MCBRIDE

March 18, 1991

Direct Dial: 412/392-5457

VIA TELECOPIER & REGULAR MAIL

Mr. Douglas Pike
Pennsylvania Public Utilities Commission
P.O. Box 3265
Harrisburg, PA 17120

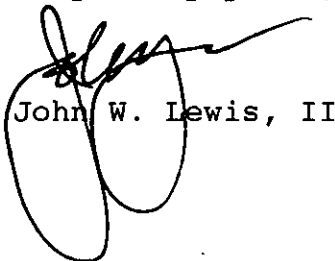
RE: A-00109621 - Application of Independent
Equipment Transfer Co., Inc.
Our File No.: 81240

Dear Mr. Pike:

This letter is in response to your recent inquiry in the above-captioned matter. Independent Equipment Transfer Co., Inc. is purchasing the ICC and PUC Operating Rights of Balestreri Trucking Co., Inc. for the total sum of Fifty Thousand (\$50,000.00) Dollars. The PUC Operating Rights are valued at Forty-Five Thousand (\$45,000.00) Dollars and the ICC Operating Rights are valued at Five Thousand (\$5,000.00) Dollars.

Should you have any further questions, please do not hesitate to call.

Very truly yours,


John W. Lewis, II

JWL:jsm

cc: Mr. Daniel Kail
David O'Boyle, Esquire

