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Peter G. Loftus

Laura M. Siberski-Scanlon

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July 13, 1993

RECEIVED
JUL 15 1993
SECRETARY'S OFFICE
Public Utility Commission

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

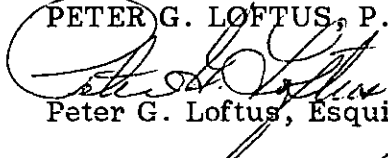
**RE: Timothy R. Engles t/d/b/a
Engles Family Moving
Docket No. A-00109827, F. 1, Am-A
Our File No. PGL-163**

Dear Secretary Alford:

Enclosed for filing are the original and two (2) copies of a Protest and a copy of the Interrogatories directed to the above-captioned applicant by Seaboard Tank Lines, Inc. Copies have been mailed to the applicant's Counsel of record.

Your prompt attention to this matter is appreciated.

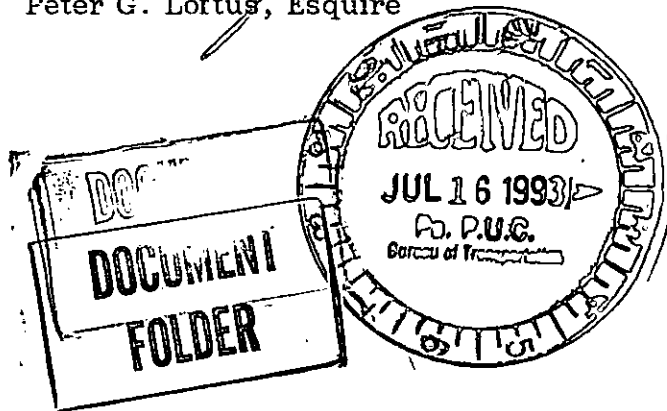
Very truly yours,

PETER G. LOFTUS, P.C.

Peter G. Loftus, Esquire

PGL/dak
Enclosure

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

Timothy R. Engles
805 Atlantic Avenue
P.O. Box 123
Franklin, PA 16323



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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JUL 5 1993

IN RE:
APPLICATION OF:

DOCKET NO.
A-00109827, F.1, Am-A

Timothy R. Engles, t/d/b/a
Engles Family Moving

P R O T E S T

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In accordance with 52 Pa. Code Section 31.3 (b) and 3.381 (a), SEABOARD TANK LINES, INC., Box 166 Monahan Avenue, Dunmore, Pennsylvania 18512, Docket No. 00071220, herein protests the captioned application on the following grounds:

1. The Protestant is Seaboard Tank Lines, Inc., which has its principal place of business located at Box 166 Monahan Avenue, in the Borough of Dunmore, County of Lackawanna and Commonwealth of Pennsylvania. The telephone number of the Protestant is (717) 343-2491.

2. Protestant's attorney is Peter G. Loftus, Esquire, Suite 724, Bank Towers, Scranton, Pennsylvania 18503. The telephone number is (717) 347-1453.

3. Protestant has the authority to haul petroleum products and dry litharge throughout the Commonwealth of Pennsylvania with only several minor restrictions. Since the applicant is requesting the general category of property, approval of the application would have the following adverse impacts:

- (i) property obviously could be construed to include petroleum products and/or dry litharge, thus giving applicant at least

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FOLDER

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DOCKET APPLICATION
ENTRY No. *Jes*

equal, if not greater authority than the Protestant.

- (ii) even if it is not the intent of the applicant to haul petroleum products at present, if at any time the applicant sells his rights to another company, that company would then be able to haul petroleum products unless a restrictive amendment has been made prior to the transfer.
- (iii) the number of applicants to haul petroleum products has increased substantially during the last several years and have eroded the Protestant's shipper's list which conversely has not increased substantially, thus having an adverse impact.

4. The Protestant operates under Docket No. A-00071220. A copy of the Protestant's authority is attached hereto, intended to be made a part hereof, and market as Exhibit "A".

5. The Protestant's interest would be protected resulting in a withdrawal of the protest if the following amendment were made:

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

PETER G. LOFTUS, P.C.

BY:



PETER G. LOFTUS, ESQUIRE
Counsel for Protestant
Suite 724, Bank Towers
321 Spruce Street
Scranton, PA 18503-1447

Date: _____

7/13/93

SEABOARD TANK LINES, INC.

FOLDER NOS. 3 and 7

To transport, as a Class D. Carrier, petroleum products in bulk, in tank vehicles from points within five (5) miles by the usually traveled highways of the limits of the Boroughs of Bradford and Eldred, McKean County; Warren, Warren County; Titusville, Crawford County; Oil City, Venango County; Butler and Karns City, Butler County, to points in the Pennsylvania east of a line running northeast and southwest from the New York-Pennsylvania State line near Eldred, McKean County, Southwesterly through Renovo, Clinton County and Tyrone, Blair County and hereinafter referred to as the Renovo-Tyrone Line.

To transport, as a Class D. Carrier, petroleum products in bulk, in tank vehicles for the Tulsa Petroleum Corporation from Marcus Hook, Delaware County, and Eldred, McKean County and from point to point in Pennsylvania, as designated by the Tulsa Petroleum Corporation and vice versa.

To transport, as a Class D. Carrier, petroleum products in bulk, in tank vehicles for the Pennsylvania Refining Company from points in the City of Scranton, Lackawanna County, to points in the territory east of the Renovo-Tyrone Line, starting a point in the northeasterly part of Pennsylvania on the New York-Pennsylvania Border at or near Hallstead; thence to Honesdale; thence to Stroudsburg; thence to Easton; thence to Marcus Hook; thence to Reading; thence to Clarks Ferry; thence to Butler; thence to Franklin; thence to Titusville; thence to Warren; thence to Bradford; thence to Eldred; thence in a straight line along the Pennsylvania-New York Border to the place of beginning.

To transport, as a Class D. Carrier, petroleum and petroleum products in bulk, in tank vehicles, between points in the borough of Macungie, Lehigh County and within one hundred fifty (150) miles of the limits of said Borough.

FOLDER 7, AM-A

To transport, as a Class D. Carrier, litharge, dry, in bulk, from the Borough of Dunmore, Lackawanna County, to points in Pennsylvania, with the right to return refused, rejected, or damaged shipments to point of origin.

FOLDER 7, AM-B

To transport, as a Class D. Carrier, petroleum and petroleum products, in bulk, in tank-type vehicles, between points in Pennsylvania; subject to the following conditions:

1. That no right, power or privilege is granted to provide service from points in the Borough of Warren, Warren County, to points in the Borough of Northeast, Erie County, and the Borough of Corsica, Jefferson County.
2. That no right, power or privilege is granted to provide service for United Refining Company; Pennzoil Products Co.; Witco Chemical Co.; Kendall-Analis Division, from, to or between points in the counties of Warren, Venango and McKean.

EXHIBIT "A"

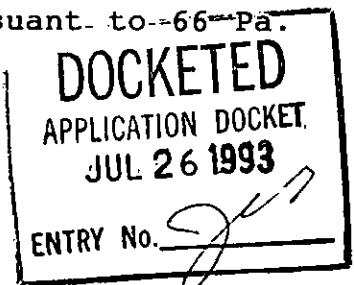
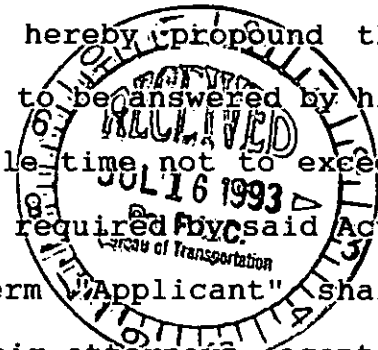
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION DOCKET
APPLICATION OF: A-00109827, F. 1, Am-A
Timothy R. Engles t/d/b/aa
Engles Family Moving

INTERROGATORIES PROPOUNDED BY THE PROTESTANT
UNDER 62 PA. C.S.A., SECTION 333

The Protestant, Seaboard Tank Lines, Inc., through its attorney, Peter G. Loftus, Esquire, does hereby propound the following Interrogatories upon the applicant to be answered by him personally and under oath within a reasonable time not to exceed thirty (30) days after the receipt hereof as required by said Act. As used in these Interrogatories, the term "Applicant" shall include, in addition to the named party, their attorneys, agents, servants, employees, representatives, private investigators and others who are in possession of, or who may have obtained information for or on behalf of the said named party.

These Interrogatories shall be deemed to be continuing and any information secured subsequent to the filing of answers thereto which would have been includable in the answers had it been known or available shall be supplied by supplemental answers as soon as such information becomes known or available and in all events, prior to the hearing of this matter pursuant to 66 Pa. C.S.A., Section 333.



1. Identify by name and address all proposed shippers you plan to service, if the captioned application is granted.

2. For each said shipper, identify the product or products you propose to haul. If petroleum products, identify specifically what types of petroleum products, their derivatives, and/or by-products, by their generally accepted commercial names.

3. For each such product, identify by name and address to whom said product is to be delivered.

4. For each such product, identify what is the anticipated annual volume.

5. Identify by name, address and telephone number each witness you propose to call at the hearing and the subject matter of their expected testimony.

6. Will you produce, without the necessity of issuing a subpoena duces tecum, all documents, photographs, maps, recordings or other material whatsoever which you plan to introduce at the hearing? If so, please attach copies of same to your answers.

PETER G. LOFTUS, P.C.

BY:



PETER G. LOFTUS, ESQUIRE
Suite 724, Bank Towers
321 Spruce Street
Scranton, PA 18503-1447

Dated: _____


7/13/93

CERTIFICATE OF SERVICE

PETER G. LOFTUS, ESQUIRE, hereby certifies that he served a true and correct copy of the foregoing Protest and Interrogatories in the afore-captioned action by depositing same in the regular United States mail, first-class rate, postage prepaid, and addressed to Timothy R. Engles, 805 Atlantic Avenue, P.O. Box 123, Franklin, Venango County, PA 16323 13th day of July, 1993.

PETER G. LOFTUS, P.C.

BY:



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

(717) 347-1453



BOYERTOWN, PA 19512

215-367-2611

FAX 215-367-9788

July, 19, 1993

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SECRETARY'S OFFICE
Public Utility Commission

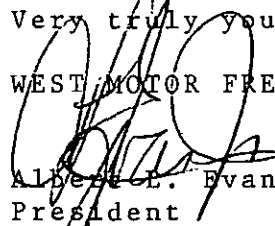
RE: A-00109827, Folder 1, Am-A
Timothy R. Engles, t/d/b/a Engles Family Moving
Protest of West Motor Freight of Pa.

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

Gentlemen:

On behalf of West Motor Freight of Pa., I enclosed herewith an original and one(1) copy of a Protest to the above-captioned application. Copies have been mailed this date to Applicant and Applicant's Attorney.

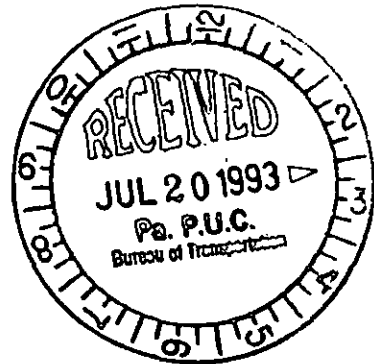
7-26-93 per ph conv. with Mr. Evans and he advised me that he only protested Engles Family Moving. LM

Very truly yours,
WEST MOTOR FREIGHT of Pa.

Albert E. Evans, Jr.
President

bfm

Enclosure

cc: Timothy R. Engles
Engles Family Moving
P. O. Box 123
Franklin, PA. 16323



JUL 20 1993
PUBLIC UTILITY COMMISSION

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RE: A-00109827, Folder 1, Am-A, Timothy R. Engles, t/d/b/a Engles Family Moving (805 Atlantic Avenue, P. O. Box 123, Franklin, Venango County, PA. 16323), -- property from station to station for the Penn Central Transportation Company, between the city of Oil City, Venango County, and the borough of Jamestown, Mercer County: so as to permit the transportation of property, for Joy Technologies, Inc. from the city of Franklin, Venango County, to points in Pennsylvania, and vice versa; and property for Franklin Steel Company from the city of Franklin, Venango County, to points in Pennsylvania, and vice versa.

Pennsylvania Bulletin Reference: July 3, 1993, Vol. 23, No. 27, page 3183.

PROTEST OF
WEST MOTOR FREIGHT of PA.
A-00108347

1. The name, address and telephone number of Protestant are:

West Motor Freight of Pa.
740 South Reading Avenue
Boyertown, PA. 19512
Telephone: 215-367-2611

2. The Protestant possesses Authority at A-00108347 which enables him to service the area. Protestant performs an adequate and satisfactory service within the scope of its authority.

3. Protestant seeks a restriction limiting service to shipments weighing less than 10,000 lbs., and is willing to discuss the matter with applicant.

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WHEREFORE, Protestant prays this instant application be dismissed.

WEST MOTOR FREIGHT of Pa.

By [Signature]
Albert L. Evans, Jr.

Dated: 7/19/93

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Pa. P.U.C.
Bureau of Transportation

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APPLICATION DOCKET
JUL 20 1993
ENTRY NO. [Signature]



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

September 5, 1990

IN REPLY PLEASE
REFER TO OUR FILE

A. 00108347

E. F. Corporation
51 Blossom Lane
Schuylkill Haven, PA 17072

Request of E.F. CORPORATION to change his name on certificate of public convenience to E. F. CORPORATION, trading and doing business as WEST MOTOR FREIGHT OF PA

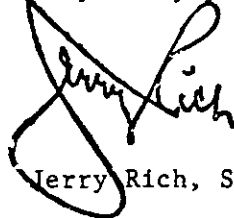
Dear Sir:

The records of the Commission show that applicant has complied with the necessary tariff and insurance requirements and the Commission's records are so noted showing the new name on the certificate of public convenience.

If you wish to have the original certificate changed to reflect the new name you will have to send it to the Commission. Please send the certificate to Elzy Ditzler, Service Section, at the above address. Otherwise you can simply attach the Commission's order adopted to show the name change in public meeting.

Thank you for your cooperation in this matter.

Very truly yours,



Jerry Rich, Secretary

EMD
Certified Mail

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 17, 1988

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Linda C. Taliaferro
Joseph Rhodes, Jr.
Frank Fischl

Application of E.F. Corporation for the transfer of all of the operating rights of West Motor Freight, Inc., under the certificate issued at A-00080224, F. 2, F. 3 and F. 4 subject to the same limitations and conditions.

A-00108347

John Fullerton for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 15, 1988. Public notice of the application was given in the Pennsylvania Bulletin of October 8, 1988. The unopposed application is certified to the Commission for its decision without oral hearing.

The applicant, E.F. Corporation is a Pennsylvania corporation domiciled at 51 Blossom Lane, Schuylkill Haven, Schuylkill County. Albert L. Evans, Jr., president and treasurer holds 260 shares of stock. Albert L. Evans holds 120 shares and Mary S. Bates holds the remaining 120 shares outstanding. Abraham H. Frumkin is secretary. Albert L. Evans, Jr. presently owns controlling interest in Evans Delivery, Inc., holding authority from this Commission at A-00095172. However, he is not an officer or employee of Evans and will devote his full-time efforts to management of applicant.

This application was filed with this Commission for notice purposes since the transfer of West Motor Freight, Inc., Pennsylvania operating rights to E.F. Corporation is included in the Notice of Exemption filed by E.F. Corporation with the Interstate Commerce Commission at MC-F-19245 on August 29, 1988, pursuant to Section 11343 of the Interstate Commerce Act (49 USC 11343). E.F. began operating the rights of West as of September 12, 1988 and is covered by the required insurance. E.F. has adopted the existing West tariffs.

West has determined that it lacks the personnel, expertise and finances necessary to operate effectively and to efficiently serve the shipping public. It has consistently lost money over the past several years and continues to do so. Consequently, there appears to be no reason to continue operating in a losing situation.

The total consideration for the rights is \$500. No tangible assets are involved. The sales agreement requires the consideration to be paid in full by the transferee as soon as practical after approval of the transfer by this Commission.

It is the policy of this Commission where rights containing archaic language or provisions are transferred, to eliminate that language and to consolidate those rights which are overlapping or duplicative. We have in this case removed language such as "lawfully mined and lawfully prepared" coal from right number 13 and the word "road" from former right number 43. Right number 12 contains what were rights number 2, 3 and 14, now consolidated into one right. Former rights number 16 and 17 are now consolidated in right number 14. Rights number 31 and 32 were combined and now appear as right number 28. Right number 29 contains rights formerly found in right 33 and as part of right number 35. The remainder of right number 35 and right number 34 are eliminated as this authority is contained in right number 12.

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

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

We find:

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

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following right(s):

1. To transport, as a Class D carrier, property for the Fleetwood Craftman, Inc., from points in the borough of Fleetwood, Berks County, to points within one hundred (100) miles, by the usually

traveled highways of the limits of the said borough and vice versa.

2. To transport, as a Class C carrier, batteries and advertising materials, for Reading Batteries, Inc., from the plant of said company near the city of Reading, Berks County, to points in Pennsylvania, and the return of adjustment batteries and junk batteries;

with right No. 2 subject to the following condition:

That no right, power or privilege is granted to transport to or from the cities of Scranton and Carbondale, Lackawanna County, and intermediate points served by the Karn's Transfer, Inc., between the cities of Scranton and Carbondale.

3. To transport, as a Class C carrier, scrap lead from the plants of Reading Batteries, Inc., and Bowers Battery Manufacturing Company, Inc., near the city of Reading, Berks County, to the city of Philadelphia.
4. To transport, as a Class C carrier, lead, batteries, separators, jars, cases, compounds, and other raw materials used in the manufacturing of batteries, for Reading Batteries, Inc., and Bowers Battery Manufacturing Company, Inc., from the city of Philadelphia and the borough of Ambridge, Beaver County, to the plants of the said companies near the city of Reading.
5. To transport, as a Class C carrier, fresh apples for the Berks-Lehigh Fruit Growers Association from orchards in the counties of Berks, Chester, Lehigh and Montgomery, to the apple juice plant of the said company in the borough of Boyertown, Berks County.
6. To transport, as a Class D carrier, fresh peaches, from orchards in the counties of Berks, Chester, Lehigh and Montgomery, to points in Pennsylvania.
7. To transport, as a Class C carrier, apple juice in cans packed in cartons, for the Berks-Lehigh Fruit Growers Association from its plant in the borough of Boyertown, Berks County, to points within one hundred (100) miles, by the usually traveled highways, of the limits thereof.

8. To transport, as a Class D carrier, fruit for the Berks-Lehigh Fruit Growers Association between points in Pennsylvania.
9. To transport, as a Class D carrier, fruit juices from the processing plant in the borough of Fleetwood, Berks County, to points in Pennsylvania.
10. To transport, as a Class D carrier, property for the Berks-Lehigh Fruit Growers Association from points in the borough of Fleetwood, Berks County, to points in Pennsylvania, and vice versa.
11. To transport, as a Class D carrier, oil for Boyertown Oil Company, Inc., from the city and county of Philadelphia to Boyertown, Berks County.
12. To transport, as a Class D carrier, property for Eastern Foundry Company from points in the borough of Boyertown, Berks County, to points in Pennsylvania, and vice versa.
13. To transport, as a Class D carrier, coal from mines in the counties of Carbon, Schuylkill, and Luzerne, to points in the borough of Boyertown, Berks County, and within ten (10) miles by the usually traveled highways of the limits thereof.
14. To transport, as a Class D carrier, property for J.H. Robinson Company from points in the borough of Boyertown, Berks County, and within five (5) miles by the usually traveled highways of the limits of the said borough, to points in Pennsylvania and vice versa.
15. To transport, as a Class D carrier, property for Boyertown Burial Casket Company from its plants in the boroughs of Boyertown, Berks County and East Greenville, Montgomery County, to points in Pennsylvania, and vice versa.
16. To transport, as a Class D carrier, for Fleetwood-Airflow, Inc., show cases, refrigerated display cases, coolers, cabinets, store fixtures and electric beer systems manufactured by said company (all the foregoing articles uncrated) accessories to the above named articles and advertising materials from the plant of said company in the city of Wilkes-Barre, Luzerne County to points in Pennsylvania, and return of damaged, rejected and trade-in articles of a kindred nature.

17. To transport, as a Class D carrier, property for Pinnacle Equipment Company from points in the borough of Fleetwood, Berks County to points in Pennsylvania, and vice versa.
18. To transport, as a Class D carrier, property for East Penn Manufacturers between points in the borough of Lyons, Berks County, and within five (5) miles of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa.
19. To transport, as a Class D carrier, tallow in tank vehicles between points in the borough of Boyertown, Berks County and within one hundred fifty (150) miles of the limits thereof and from points in the said territory to points in Pennsylvania, and vice versa.
20. To transport, as a Class D carrier, property for Gor-May Foods from points in the township of Oley, Berks County, to points in Pennsylvania, and vice versa.
21. To transport, as a Class D carrier, butter from the plant of Dairy Sales Corporation in the city of Coatesville, Chester County, to points in Pennsylvania and butter supplies and equipment used in the business of cutting and packaging butter from points in Pennsylvania to said plant.
22. To transport, as a Class D carrier, batteries, spark plugs, battery cables, auto polish, voting machines and voting machine parts for General Battery and Ceramic Corporation from its plants and warehouses in the city of Reading, Berks County, and within five (5) miles of the limits of said city to points in Pennsylvania, and vice versa;

with rights number 21 and 22 above subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk in tank vehicles or in hopper-type vehicles.

23. To transport, as a Class D carrier, racks and decks and accessories for the assembling and installation of same, from the plant of Fulmer-Shile Co. in the township of Plymouth, Montgomery County, to points in Pennsylvania, and the return of refused or returned items;

with right number 23 subject to the following condition:

That no right, power or privilege is granted to transport from said plant to points in the counties of Montgomery, Philadelphia, Bucks, Chester and Delaware in other than open top vehicles or drop frame vehicles.

24. To transport, as a Class D carrier, property from the plants and warehouses of Penco Products, Inc., in the village of Oaks, Upper Providence Township, Montgomery County, to points in Pennsylvania, and vice versa;

with right number 24 subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk in tank vehicles or in hopper-type vehicles, and excluding transportation from the plants of the United States Steel Corporation at Fairless, Bucks County, and the plants of Lukens Steel Company at Coatesville, Chester County.

25. To transport, as a Class D carrier, fruit from Funk Fruit Farms in the borough of Boyertown, Berks County, and within fifteen (15) miles by the usually traveled highways of the limits thereof and from the Lenape Orchards in the village of Barto, Berks County, to points in Pennsylvania.
26. To transport, as a Class D carrier, coal for M.E. Diefenderfer from the borough of Coaldale, Schuylkill County, and Oak Hill Collieries, Schuylkill County, to the borough of Bechtelsville, Berks County.
27. To transport, as a Class D carrier, coal for Alfred Siesholtz Estate from the borough of Coaldale, Schuylkill County, and Lydle Mines, Schuylkill County, to the borough of Boyertown, Berks County.
28. To transport, as a Class C carrier, property for Sanitary Company of America from the village of Linfield and the borough of East Greenville, Montgomery County, to points in Pennsylvania, and vice versa.

29. To transport, as a Class D carrier, property, for Berkmont Industries, Inc., from the borough of Boyertown, Berks County, to points in Pennsylvania, and vice versa.
30. To transport, as a Class D carrier, used egg crates from points in the cities of Wilkes-Barre, Luzerne County, and Scranton, Lackawanna County, to points in the village of Worcester, Montgomery County.
31. To transport, as a Class D carrier, farm products and farm supplies from farms in the counties of Berks, Lehigh, Montgomery and Chester to points in Pennsylvania and vice versa.
32. To transport, as a Class D carrier, oil in drums, containers, crates, cases or boxes from points in the city of Oil City, Venango County, to points in the city of Altoona, Blair County, and to points and places on Highway Route 22 between Altoona and the Pennsylvania-New Jersey State Line, and the return of empty containers to Oil City.
33. To transport, as a Class D carrier, property requiring special equipment, handling or rigging, between points in the village of Gilbertsville, Montgomery County and within ten (10) miles by the usually traveled highways of the limits of the said village and from points in said area to points in Pennsylvania, and vice versa.
34. To transport, as a Class D carrier, iron and steel articles, including fabricated steel and materials used in the erection thereof, for Bethlehem Steel Corporation from its plants in the borough of Pottstown, Montgomery County, and the city of Bethlehem, Northampton and Lehigh Counties, to points in Pennsylvania, and vice versa.
35. To transport, as a Class D carrier, iron and steel articles, including fabricated steel and erection equipment, from one location to another location on job sites; and erection equipment from one job site to another job site in the Commonwealth of Pennsylvania for Bethlehem Steel Corporation, limited to property originally transported by applicant from the plants of Bethlehem Steel Corporation located in Pottstown and Bethlehem;

with right number 35 subject to the following condition:

That no right, power or privilege is granted to render service between points in Allegheny County.

36. To transport, as a Class D carrier, cigar boxes from the borough of Boyertown, Berks County, to the borough of West Pittston and the city of Wilkes-Barre, Luzerne County, and the city of Philadelphia, Philadelphia County.
37. To transport, as a Class D carrier, coal, building construction materials and articles such as are usually transported in dump trucks and equipment, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of destination in the borough of Norristown, Montgomery County, and within twenty-five (25) miles by the usually traveled highways of the limits of the said borough, provided that all transportation shall originate in the county of Montgomery.
38. To transport, as a Class D carrier, prestressed concrete bridge and building members and materials used in the loading, unloading and erection thereof, for American Marietta Company and Eastern Prestressed Concrete Corporation from the borough of Pottstown and the township of Hatfield, Montgomery County, respectively, to points in Pennsylvania, and the return of refused or damaged shipments;

with with number 38 subject to the following condition:

That no right, power or privilege is granted to render service to or from the borough of Chambersburg, Franklin County.

39. To transport, as a Class D carrier, concrete culvert and sewer pipe, precast concrete, architectural items and precast prestressed reinforced concrete building and bridge members and materials and equipment used in the loading, unloading and erection thereof, for Schuylkill Products, Inc., from points in the borough of Cressona, Schuylkill County, to points in Pennsylvania, and the return of refused or damaged shipments from points in Pennsylvania to points in the said borough.
40. To transport, as a Class D carrier, property for Wagner Electric Corporation from its places of business in the city of Hazleton,

Luzerne County, the boroughs of Boyertown, Berks County, and Weatherly, Carbon County, and the township of Lower Southampton, Bucks County, to points in Pennsylvania, and vice versa;

with right number 40 subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk in tank vehicles or in hopper-type vehicles.

41. To transport, as a Class D carrier, property for Jones and Hunt, Inc., from its plant sites and facilities in West Brunswick Township, Schuylkill County, to points in Pennsylvania.
42. To transport, as a Class D carrier, property, between points in the village of Gilbertsville, Montgomery County, and within ten (10) miles by the usually traveled highways of the limits of the said village;

with rights numbers 1 through 42 subject to the following condition:

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

43. To transport, as a Class D carrier, property from the facilities of Boyertown Packaging Service Corporation in the borough of Boyertown and the township of Colebrookdale, Berks County, and in the city of Harrisburg, Dauphin County, to points in Pennsylvania, and vice versa.
44. To transport, as a Class C carrier, property, excluding household goods, in use, from points in the city and county of Philadelphia to points within twenty-five (25) miles by the usually traveled highways of the limits of said city.
45. To transport, as a Class C carrier, property for Friel-Bernheim Company from points in the city and county of Philadelphia to points within one hundred fifty (150) miles by the usually traveled highways of the limits of said city and the return of used merchandise.
46. To transport, as a Class D carrier, coal, dirt, building materials and building construction materials, such as are usually transported in dump trucks, between points not to exceed a

distance of twenty-five (25) miles from point of construction in the counties of Philadelphia, Bucks, Delaware and Montgomery.

47. To transport, as a Class C carrier, heavy objects, structures, parts, fabricated materials, machinery, plant equipment requiring rigging and/or special handling, and contractors' tools, equipment and parts in emergency service between points in the county of Philadelphia and between points within the area defined within the county of Philadelphia and an air-line distance of one hundred fifty (150) statute miles of the limits of said county;

with right number 47 subject to the following condition:

That no right, power or privilege is granted to transport silk products.

with rights number 44, 45, 46 and 47 subject to the following conditions:

1. That no right, power or privilege is granted to transport property between points in the county of Philadelphia.
 2. That no right, power or privilege is granted to transport tires, tubes, crude rubber and materials used and useful in the manufacture and distribution of tires, from the plant site and facilities of the Lee Tire Company in the borough of Conshohocken, Montgomery County, to the plant site and facilities of said company, in the village of Devault, in the townships of Charleston and East Whiteland, Chester County, and vice versa.
48. To transport, as a Class D carrier, boiler tubing, from the facilities of Leighton Industries, Inc., in the borough of Phoenixville, Chester County, to points in Pennsylvania;

with right number 48 subject to the following condition:

That no right, power or privilege is granted to render service to points in the counties of Montgomery and Philadelphia.

49. To transport, as a Class D carrier, glass and plastic containers, from the plant site of Drug Plastic & Glass Co., Inc., in the township

of Colebrookdale, Berks County, to points in Pennsylvania.

50. To transport, as a Class D carrier, materials and supplies used and useful in the manufacture and distribution of glass and plastic containers, from points in Pennsylvania, to the plant site of Drug Plastic & Glass Co., Inc., in the township of Colebrookdale, Berks County.
51. To transport, as a Class D carrier, glass and plastic containers and materials used in the manufacture and distribution of glass and plastic containers from the facilities of Drug Plastic & Glass Co., Inc., located in the borough of Kittanning, Armstrong County, to points in Pennsylvania, and vice versa.
52. To transport, as a Class D carrier, property from the facilities of Bachman Foods, Inc., located in the borough of Phoenixville, Chester County, the city of Reading and the borough of West Reading, Berks County, to points in Pennsylvania, and vice versa.
53. To transport, as a Class D carrier, zinc, zinc alloys and zinc products, and materials, equipment and supplies used in the manufacture and distribution of zinc, zinc alloys and zinc products for St. Joe Zinc Company, between points in Pennsylvania;

with rights number 50, 51, 52 and 53 subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk.

54. To transport, as a Class D carrier, mushrooms and metal cans and can ends from the facilities of Giorgio Foods, Inc. and Can Corporation of America, located in the township of Maiden creek, Berks County, to points in Pennsylvania;

with right number 54 subject to the following condition:

That no right, power or privilege is granted to render service in vehicles equipped with mechanical refrigeration.

55. To transport, as a Class D carrier, property from the facilities of W. A. Schmidt, Inc.

located in the township of Warrington, Bucks County, to points in Pennsylvania, and vice versa.

56. To transport, as a Class D carrier, property from the facilities of West Agro-Chemicals, Inc., located in the city and county of Philadelphia, to points in Pennsylvania, and vice versa.
57. To transport, as a Class D carrier, property, from the facilities of Wyomissing Corporation, located in the city of Reading, Berks County, to points in Pennsylvania, and vice versa;

with rights number 55, 56 and 57 subject to the following condition:

That no right, power or privilege is granted to transport property in bulk.

58. To transport, as a Class D carrier, property from the facilities of Just Born, Inc., located in the city of Bethlehem, Lehigh and Northampton Counties, to points in Pennsylvania, and vice versa.
59. To transport, as a Class D carrier, property from the facilities of General Battery Corporation, located in the borough of Hamburg, Berks County, to points in Pennsylvania and vice versa.
60. To transport, as a Class D carrier, property, from the facilities of Lockhart Iron and Steel Company, located in the borough of McKees Rocks, Allegheny County, to points in Pennsylvania, and vice versa;

with right number 60 subject to the following condition:

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

61. To transport, as a Class D carrier, property (except commodities of unusual value, dangerous explosives, household goods in use and commodities in bulk), between points in Pennsylvania;

with right number 61 subject to the following conditions:

1. That the service authorized herein is restricted to the transportation of shipments weighing 10,000 pounds or more, a shipment being defined as a quantity of freight received from one consignor at one location at one origin point on one

day or destined to one consignee at one location at one destination point.

2. That no right, power or privilege is granted to transport to or from the facilities of Sutton Engineering Company or the facilities of Cerro Metal Products, Inc. in Centre County; to or from the facilities of Patterson-Kelly Company, Inc., or International Boiler Works in Monroe County; or to or from the facilities of American Home Foods Division of American Home Products Corporation, located in the township of Turbot and the borough of Milton, Northumberland County.
 3. That no right, power or privilege is granted to transport limestone and limestone products from the facilities of J. E. Baker Company in West Manchester Township, York County.
 4. That no right, power or privilege is granted to transport to or from the facilities of Allegheny Ludlum Steel Corporation in the city of Coatesville, Chester County; to or from the facilities of National Rolling Mills Company in the township of East Whiteland, Chester County; or to or from the facilities of Lukens Steel Company in the township of Plymouth, Montgomery County and the city of Coatesville, Chester County.
62. To transport, as a Class A carrier, property over the following routes:

Between Pottstown and Philadelphia, beginning at Pottstown, Montgomery County, thence via Highway Route 100 to the intersection of Highway Route 83, thence via Highway Route 83 to the intersection of Highway Route 23, thence via Highway Route 23 to the borough of Phoenixville, thence via Highway Route 29 to the intersection of Egypt Road, thence via Egypt Road to Jeffersonville, thence via Highway Route 422 to terminus in the city of Philadelphia, and vice versa.

Between Spring City and Philadelphia, beginning in the borough of Spring City, Chester County, thence via Highway Routes 83, 683 and 100 to Pottstown, thence via Highway Route 422 and Germantown Pike to terminus in the city of Philadelphia, and vice versa.

Between Pottstown and Limerick, beginning in the borough of Pottstown, Montgomery County, thence via Highway Route 100 to Boyertown, thence via Highway Route 73 to Gilbertsville, thence via Swamp Pike to Limerick, and vice versa;

and over the following extension:

Between Stowe and Pottstown, beginning in the village of Stowe, Montgomery County, thence via Highway Route 422 to the borough of Pottstown, Montgomery County, and vice versa.

63. To transport, as a Class D carrier, grocery products, paper, paper products, twine and motor oil in cans, drums and barrels from the city of Philadelphia to the boroughs of Ashland, Auburn, Frackville, Mahanoy City, Minersville, Schuylkill Haven, Shenandoah, Saint Clair, Tamaqua and Tremont and the city of Pottsville, Schuylkill County, the borough of Mount Carmel and the city of Shamokin, Northumberland County, and the borough of Lykens, Dauphin County, and vice versa.
64. To transport, as a Class D carrier, foodstuffs for the Department of Public Assistance from points in the city of Pottsville, Schuylkill County, to points in the counties of Schuylkill, Berks, Dauphin and Northumberland, and vice versa.
65. To transport, as a Class D carrier, steel, metal products and castings for Aetna Steel Products Company between points in the city of Pottsville, Schuylkill County, and from points in said city to other points in Pennsylvania, and vice versa, excluding however, the right to make deliveries at any point within twenty-five (25) miles of Ashland, Schuylkill County, except Hamburg, Berks County, and Auburn and Pottsville, Schuylkill County.
66. To transport, as a Class D carrier, meat and packing house products between points in the city of Pottsville, Schuylkill County, and from points in said city to points within an airline distance of thirty-five (35) miles thereof, and vice versa.
67. To transport, as a Class D carrier, sugar and syrups from the city of Philadelphia to points

in the city of Pottsville, Schuylkill County, and within thirty (30) miles by the usually traveled highways of the limits thereof.

68. To transport, as a Class D carrier, metal products, for United Metal Cabinet Company between points in the city of Pottsville, Schuylkill County, and from points in said city to other points in Pennsylvania, and the return of refused or damaged merchandise;

with rights 61 through 68 subject to the following condition:

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

69. To transport, as a Class D carrier, such merchandise as is dealt in by automobile supply houses, from the facilities of G.A.C. Merchandising, Inc., in the city of Pottsville, Schuylkill County, to points in Pennsylvania and the return of rejected or returned shipments to the point of origin.

70. To transport, as a Class D carrier, such merchandise as is dealt in by automobile supply houses, from points in Pennsylvania west of a line drawn north and south through Lock Haven, Clinton County, to the facilities of G.A.C. Merchandising, Inc., in the city of Pottsville, Schuylkill County;

with rights number 69 and 70 subject to the following condition:

That no right, power or privilege is granted to render service to or from the borough of Martinsburg, Blair County, and points within an airline distance of thirty (30) statute miles of the limits of said borough or to or from the city of Johnstown, Cambria County, and the boroughs or townships contiguous to said city.

subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal

to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$500, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(a)(3).

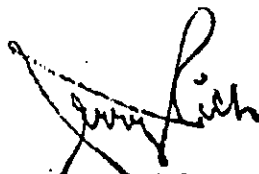
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff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

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, West Motor Freight, Inc. at A-00080224, F. 2, F. 3 and F. 4 be cancelled and the record be marked closed.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 17, 1988

ORDER ENTERED: NOV 23 1988

RHOADS & SINON

HENRY W. RHOADS
ROBERT H. LONG, JR.*
SHERILL T. MOYER
JAN P. PADEN
RICHARD B. WOOD
LAWRENCE B. ABRAMS III*
J. BRUCE WALTER
JOHN P. MANBECK
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OF COUNSEL
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JOHN M. MUSSELMAN
1919-1980
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1922-1980

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BOCA RATON, FL 33432
TELEPHONE (407) 395-5595
FAX (407) 395-9497

DIRECT DIAL NO.
FILE NO. 3132/03

*ALSO ADMITTED TO THE FLORIDA BAR

Re: Application of Timothy R. Engles, t/d/b/a
Engles Family Moving, A.109827, F.1, Am-A -
Protest of Keen Transport, Inc.

July 22, 1993

RECEIVED

JUL 23 1993

SECRETARY'S OFFICE
Public Utility Commission

John G. Alford, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Dear Secretary Alford:

We forward to you herewith the protest of Keen Transport, Inc. to the above Application.

Copies have been served upon Applicant.

Very truly yours,

RHOADS & SINON

By: 
J. Bruce Walter

JBW/dah

Enclosure

cc: Timothy R. Engles, t/d/b/a Engles Family Moving
Keen Transport, Inc.

**DOCUMENT
FOLDER**

RECEIVED
JUL 23 1993
Pa. P.U.C.
Bureau of Transportation

Before the
Pennsylvania Public Utility Commission.

A.109827, F.1, Am-A

Application of Timothy R. Engles, t/d/b/a Engles Family Moving, 805 Atlantic Avenue, P.O. Box 123, Franklin, Venango County, Pennsylvania 16323. Property from station to station for the Penn Central Transportation Company, between the city of Oil City, Venango County, and the borough of Jamestown, Mercer County: so as to permit the transportation of property, for Joy Technologies, Inc. from the city of Franklin, Venango County, to points in Pennsylvania, and vice versa; and property for Franklin Steel Company from the city of Franklin, Venango County, to points in Pennsylvania, and vice versa. Pennsylvania Bulletin of July 3, 1993, page 3183.

PROTEST OF
KEEN TRANSPORT, INC.
A.102431

RECEIVED

JUL 23 1993

SECRETARY'S OFFICE
Public Utility Commission

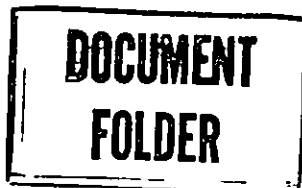
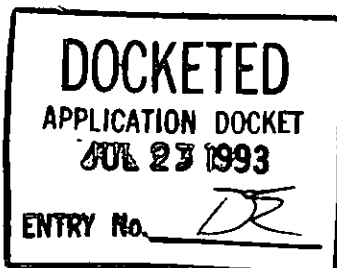
AND NOW comes Keen Transport, Inc., 2001 Barlow, P.O. Box 1417, Hudson, Ohio 44236, and protests the above application for the following reasons:

1. The approval of said application is not necessary or proper for the accommodation, convenience, service or safety of the public.

2. The facilities of protestant and other authorized carriers are ample to meet all of the requirements of the shipping and receiving public in the territory involved in the above application.

3. The approval of this application will be prejudicial to your protestant since it will authorize additional unnecessary competition, with the resulting loss in revenues by protestant. Operations of protestant will be endangered or impaired, a result contrary to the public interest.

4. Protestant is authorized to provide in part the service applied for, inter alia, at A.102431, F.1, Am-A, and various amendments, as per copy attached.

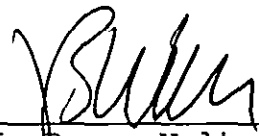


5. This protest will be withdrawn upon amendment excluding assembled machinery and such described commodities which, because of their size or weight, require special handling equipment, service or permits.

WHEREFORE, Protestant respectfully prays that the above application be dismissed.

RHOADS & SINON

By: _____


J. Bruce Walter
One South Market Square
P.O. Box 1146
Harrisburg, PA 17108-1146
(717) 233-5731

Counsel for Protestant

Dated: July 22, 1993

To transport, as a Class D carrier, self-propelled road building, construction and earth moving equipment and parts thereof, to include driveway and truckaway service, for State Equipment, a Division of Secorp National, Inc., Cleveland Bros., Inc., and L. B. Smith, Inc., between points in Pennsylvania;

Subject to the following condition:

That no right, power or privilege is granted to render service for the transportation of contractors' equipment and machinery between points in the counties of Centre, Blair, Jefferson, Mifflin and Indiana, unless any such haul exceeds a distance of twenty-five (25) statute miles from point of origin to points of destination;

That no right, power or privilege is granted to render service for the transportation of building and structural contractors' equipment, materials and supplies, which because of size and weight cannot be handled without the use of trucks and trailers of special design, between points in the territory bounded as follows: Beginning at a point on the New York-Pennsylvania boundary line directly north of Milesburg, Centre County; thence southwardly following a line due south through Milesburg to the Centre-Huntingdon County boundary lines of Centre and Clearfield Counties; thence northwardly along the western boundary line of Clearfield, Elk and McKean Counties to the Pennsylvania-New York State boundary line; thence eastwardly along said state boundary line to the point and place of beginning.

↓
To transport, as a Class D carrier, mining machinery and mining machinery parts, from the facilities of Joy Manufacturing Company, located in the city of Franklin, Venango County, to points in Pennsylvania, and vice versa.

Subject to the following conditions:

That no right, power or privilege is granted to transport mining machinery parts between facilities owned or utilized by Joy Manufacturing Company.

That the transportation of mining machinery parts shall be limited to transportation at the same time as the shipment of mining machinery to a single consignee, or to transportation of mining machinery parts moving to a separate consignee in combination with a shipment of mining machinery, and moving on the same vehicle.

To transport, as a Class D carrier, construction, earth moving, industrial and mining machinery and equipment, self-

propelled machinery, and parts of or for the commodities named, to include driveaway and towaway service, between points in Pennsylvania, for State Equipment, a Division of Secorp National, Inc.; Cleveland Bros., Inc.; L. B. Smith, Inc.; Beckwith Machinery Co.; and Giles & Ransome, Inc.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Keen :
Transport, Inc. for :
amendment so as to permit :
the transportation of :
construction, earth moving, :
industrial and mining :
machinery; and equipment, :
self-propelled machinery, :
and parts for the commodities :
named, to include driveaway - :
towaway service and such :
described commodities which, :
because of their size or :
weight, require special :
handling equipment, service :
or permits, between points in :
Pennsylvania. :

Docket No.
A-00102431, F001, Am-C

the certificate issued to the Applicant at Docket No. A-102431, Folder 1 on May 29, 1981, as amended, be further amended to include the following rights:

To transport, as a Class D carrier, construction, earth moving and mining machinery, such self-propelled machinery and parts for the described commodities and such described commodities which, because of their size and weight, require special handling equipment, service or permits, for Kiewit Eastern Company, Highway Equipment Company, Anderson Equipment Company, Stephenson Equipment, Inc., Road Machinery Company and Rudd Equipment Company, between points in Pennsylvania.

2. That Keen Transport shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the Rules and Regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW
SUITE 700

312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15222-1916

TELEPHONE (412) 471-3300
FAX: (412) 471-6068

JOHN A. PILLAR
THOMAS M. MULROY
LYNN E. MACBETH

Of Counsel:
ANTHONY A. SEETHALER, JR.
MARIA M. VERARDI

July 22, 1993

Re: Timothy R. Engles, t/d/b/a
Engles Family Moving
Docket No. A-00109827, F.1, Am-A

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

RECEIVED
JUL 22 1993
SECRETARY
Public Utility Commission

Dear Mr. Alford:

Enclosed is a protest filed on behalf of the following
to the above-captioned application:

Klapec Trucking Co.

A copy of this protest has been served on applicant's
representative named below in accordance with the Commission's
Rules of Practice.

Very truly yours,


JOHN A. PILLAR

sw
Enclosure
cc: Engles Family Moving (w/encl.)

RECEIVED
JUL 22 1993
Pa. P.U.C.
Bureau of Transportation

DOCUMENT
FOLDER

application as summarized in Appendix "B" attached hereto. A true and correct copy of the pertinent portions of authority held by protestant(s), or a summary thereof, is attached hereto as Appendix "C".

5. Protestant(s) is/are presently providing service in the application area and/or is/are willing and able to provide such service. To the extent of protestant(s) authority, there is no need or demand for additional service and the proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public. Diversion of traffic and loss of revenues in connection with the transportation proposed by applicant will be so seriously detrimental to protestant(s) so as to have a substantial adverse impact upon the public or may result in destructive competition.

6. Protestant(s) hereby request(s) that the application be set for oral hearing. If an oral hearing is held, protestant(s) represent(s) that it/they will appear and present evidence pertinent to the application.

7. Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S.A. Sec. 333(c)), protestant(s) hereby request(s) a list of the witnesses expected to testify in the above entitled proceeding, together with the subject matter of their anticipated testimony and, in particular, any complaints or any evidence pertaining to the service of the protestant(s).

8. If a restrictive amendment will satisfy the interest(s)

of protestant(s), a proposed amendment is attached hereto as Appendix "D".

Respectfully submitted,

PILLAR AND MULROY, P.C.

By: John A. Pillar
JOHN A. PILLAR
Attorney for Protestant(s)

Due Date: July 26, 1993

A-00109827, Folder 1, Am-A. Timothy R. Engles, t/d/b/a Engles Family Moving (805 Atlantic Avenue, P. O. Box 123, Franklin, Venango County, PA 16323)—property from station to station for the Penn Central Transportation Company, between the city of Oil City, Venango County, and the borough of Jamestown, Mercer County: *so as to permit* the transportation of property, for Joy Technologies, Inc. from the city of Franklin, Venango County, to points in Pennsylvania, and vice versa; and property for Franklin Steel Company from the city of Franklin, Venango County, to points in Pennsylvania, and vice versa.

PENNSYLVANIA BULLETIN

July 3, 1993

APPENDIX "B"

Re: **TIMOTHY R. ENGLES, t/d/b/a**
ENGLES FAMILY MOVING
Docket A-00109827,
Folder 1, Am-A

The foregoing protest to the above application is filed on behalf of:

KLAPEC TRUCKING CO.
P. O. Box 1278
Oil City, PA 16301-5278

Klapec Trucking Co. holds authority from this Commission at Docket No. A-00102306. As pertinent to the application involved herein, Klapec holds authority, at Folder 1, Am-E, to transport property, between points in Venango County, and from points in said County to points in Pennsylvania, and vice versa. Klapec Trucking Co. holds other authority which may be in conflict with that sought herein as more fully set forth in Appendix "C" hereto.

KLAPEC TRUCKING COMPANYDocket No. A-00102306

1. To transport, as a Class D carrier, cinders, slag, limestone, stone, rock, soil, tile, amesite, concrete and cinder blocks, building materials, brick, coal, sand and gravel between points in the Counties of Venango and Clarion, excluding the right to transport brick, clay or clay products, including tile, from or to the New Bethlehem Tile Company plant located in Porter Township, Clarion County.
2. To transport, as a Class D carrier, scrap iron, scrap steel, junk and other waste materials, in dump vehicles, for M. N. Adelson and Sons, Inc., from its junk yards in the City of Oil City, Venango County, and in the Borough of Kittanning, Armstrong County, to points in the City of Oil City, Venango County, and within an airline distance of one hundred (100) statute miles of the limits of said city, and vice versa.
3. To transport, as a Class D carrier, coal, in dump vehicles, between points in the County of Clarion and from points in the said county to points in the Counties of Venango, Crawford, Erie, Warren and Forest.
4. To transport, as a Class D carrier, sand and gravel, in dump vehicles, from points in the Borough of Ticonesta, Forest County, and the City of Oil City, and the Township of Sugar Creek, Venango County, to points in the Counties of Venango, Crawford, Warren, Clarion, Forest, Jefferson, McKean and Elk.
5. To transport, as a Class D carrier, limestone in dump vehicles, between points in the County of Clarion and from points in the said county to points in the Counties of Venango, Crawford, Warren, Forest, Jefferson, McKean and Elk.
6. To transport, as a Class D carrier, blacktop or amesite, in dump vehicles, from points in the Township of Sugar Creek, Venango County, to points in the Counties of Venango, Crawford, Warren, Forest, Jefferson, McKean and Elk.
7. To transport, as a Class D carrier, scrap tin, scrap iron, scrap steel, junk and other waste materials, in dump vehicles and flat bottomed trailers, from the junk yards of the Continental Can Company at 15 Mineral Street in the City of Oil City, Venango County, to the yards of Vulcan Materials Company, De-Tinning Division, in the Township of Neville, Allegheny County.

Docket No. A-00102306 (continued)

8. To transport, as a Class D carrier, steel ingots or billets for remelt purposes only, weighing in excess of 3,800 pounds each, in dump vehicles, for the Electralloy Corporation, from its plant in the City of Oil City, Venango County, to points within an airline distance of one hundred fifty (150) statute miles of the limits of said city.
9. To transport, as a Class D carrier, ingots and ingot molds weighing in excess of thirty-eight hundred (3,800) pounds each, in dump vehicles, for the Electralloy Corporation, from its plant in the City of Oil City, Venango County, to points in Pennsylvania, and vice versa.
10. To transport, as a Class D carrier, steel ingots and pig, for Electralloy Corporation, from the facility of said shipper in the City of Oil City, Venango County, to points in Pennsylvania.
11. To transport, as a Class D carrier, steel castings for Venango Metallurgical Products, from the facility of the shipper in the City of Oil City, Venango County, to points in Pennsylvania.
12. To transport, as a Class D carrier, materials and supplies used in the production of steel ingots, pig and steel castings, for Electralloy Corporation and Venango Metallurgical Products, from points in Pennsylvania to the facilities of the Electralloy Corporation and Venango Metallurgical Products in the City of Oil City, Venango County;

With right No. 12 above subject to the following conditions:

No right, power or privilege is granted to transport commodities in bulk in tank or hopper-type vehicles.

No right, power or privilege is granted to transport refractory products for Pittsburgh Metals Purifying Division of Susquehanna Corporation.

No right, power or privilege is granted to transport refractory products from points in Armstrong County.

No right, power or privilege is granted to provide service from points in Beaver County.

No right, power or privilege is granted to transport limestone and limestone products from points in the County of Centre

No right, power or privilege is granted to transport steel and steel products from points in the City of Williamsport, Lycoming County.

13. To transport, as a Class D carrier, property (excluding household goods and office furniture in use) between points in the City of Oil City, Venango County, and within twenty-five (25) miles, by the usually traveled highways of the limits of the said city.
14. To transport, as a Class C carrier, tanks, boilers, machinery, structural steel, accessories and equipment incidental to these commodities from points in the City of Oil City, Venango County, and within ten (10) miles by the usually traveled highways of the limits of said city to oil leases and coal mines within one hundred (100) miles by the usually traveled highways of the point of origin in the Counties of Clarion, Forest, Warren, McKean, Elk, Potter, Venango and Jefferson, provided such transportation shall be limited and restricted to not more than twenty (20) trips in each calendar year, and that such trips shall be reported to the Commission when made.
15. To transport, as a Class D carrier, iron and steel articles, from the facilities of Electralloy Corporation at Oil City, Venango County, and Titusville, Crawford County, to points in Pennsylvania.
16. To transport, as a Class D carrier, equipment, materials and supplies used in the manufacture of iron and steel articles, from points in Pennsylvania to the facilities of Electralloy Corporation at Oil City, Venango County.
17. To transport, as a Class D carrier, iron and steel articles, from the facilities of Bethlehem Steel Corporation at Steelton, Dauphin County, and Milton Steel Corporation at Milton, Northumberland County, to the facilities of Titusville Fabricators, Inc., at Titusville, Crawford County.
18. To transport, as a Class D carrier, scrap metals, in bulk, in dump vehicles, from points within an airline distance of twenty-five (25) statute miles of the limits of Oil City, Venango County, to the facilities of Pyromet Technology, Inc., in Mercer County, and vice versa.
19. To transport, as a Class D carrier, scrap steel, in bulk, in dump vehicles, from the facilities of Universal Cyclops Corporation at Titusville, Crawford County to Ellwood City and Bridgeville.

Docket No. A-00102306 (continued)

with rights Nos. 15 through 19 above subject to the following condition:

No right, power or privilege is granted to perform service in bulk, in tank vehicles.

20. To transport, as a Class D carrier, silica sand and chromite sand, in bulk, in pneumatic vehicles, from the plant site of Ore Reclamation, Inc., in the Borough of Wheatland, Mercer County, to points in the Counties of Mercer, Allegheny, Beaver, Lawrence, Venango, Erie, Westmoreland, Washington, Crawford, Butler, Warren, Armstrong and Indiana.
21. To transport, as a Class D carrier, plastic pipe in straight lengths, fittings and accessories used in the installation thereof, and materials and supplies used in the manufacture thereof, (excluding commodities in bulk), from the plant site of Johns-Manville Corporation in the City of Franklin, Venango County, to points in Pennsylvania, and vice versa.
22. To transport, as a Class D carrier, untreated railroad ties, from the City of Oil City, Venango County, and points within an airline distance of twenty-five (25) statute miles of the limits of said city, to the plant site of Kerr-McGee Chemical Corporation, Forest Products Division, located in the borough of Avoco, Luzerne County.

Docket No. A-00102306, F.1, Am-A

To transport, as a Class D carrier, machinery and machine parts, and equipment, materials and supplies used or useful in the manufacture, distribution or installation of machinery and machine parts, from the facilities of Polish American Machinery Corporation in the City of Titusville, Crawford County, to points in Pennsylvania, and vice versa.

Docket No. A-00102306, F.1, Am-B

1. To transport, as a Class D carrier, iron and steel, iron and steel articles, and supplies, materials and equipment, used or useful in the manufacture and distribution of iron and steel and iron and steel articles, for Electralloy Corporation, between points in Pennsylvania.
2. To transport, as a Class D carrier, scrap steel, in bulk, in dump vehicles, from the facilities of Universal Cyclops Specialty Steel Division, located in the City of Titusville, Crawford County, to points in the Borough of Greenville, Mercer County and vice versa.

Docket No. A-00102306, F.1, Am-C

To transport, as a Class D carrier, iron and steel, iron and steel articles, and machinery and machinery parts, between points in the City of Oil City, Venango County, and within an airline distance of thirty (30) statute miles of the limits of said city, and from points in said territory, to points in Pennsylvania, and vice versa;

subject to the following conditions:

1. Provided that no right, power or privilege is granted to transport property in bulk in dump vehicles, between points within fifty (50) miles of the limits of the Borough of Homestead, Allegheny County, and from points in said territory to points in Pennsylvania, and vice versa;
2. Provided that no right, power or privilege is granted to transport used and rebuilt equipment that is used in the deep mining of coal, for the Barnes and Tucker Company, from points in the Counties of Cambria and Indiana to points within an airline distance of seventy-five (75) statute miles of the limits of the Borough of Barnesboro, Cambria County, and vice versa;
3. Provided that no right, power or privilege is granted to transport new, used and rebuilt machinery, equipment, supplies and parts for Greenwich Collieries Company, from the plant site of the Joy Manufacturing Company located in the City of Franklin, Venango County, and from points in Pennsylvania east of the eastern boundaries of the Counties of McKean, Cameron, Clearfield, Indiana and Bedford, to its mines located in the Counties of Indiana, Clearfield and Cambria;
4. Provided that no right, power or privilege is granted to transport property for Cyclops Corp. and its divisions located at plants in the City of Titusville, Crawford County, the City of Pittsburgh and the Township of Collier, Allegheny County, and West Aliquippa, Beaver County.

Docket No. A-00102306, F.1, Am-D

To transport, as a Class D carrier, property for Witco Chemical Corporation, from points in the City of Bradford, McKean County, the Borough of Petrolia, Butler County, the Township of Conewango,

Docket No. A-00102306, F.1, Am-D (Continued)

Warren County, and the Borough of Plum and the Township of Richland, Allegheny County, to points in the said city, boroughs and townships; and from points in said city, boroughs and townships, to other points in Pennsylvania, and vice versa;

subject to the following conditions:

- (1) That no right, power or privilege is granted to transport refined petroleum products, in bulk in tank vehicles.
- (2) That no right, power or privilege is granted to transport fertilizer, sand and stone between points within an airline distance of one hundred (100) statute miles of the limits of the Township of Conemaugh, Somerset County.
- (3) That no right, power or privilege is granted to transport coal, solid fuels, limestone, lime, sand and clay between points within an airline distance of sixty (60) statute miles of the limits of the Borough of Curwensville, Clearfield County.
- (4) That no right, power or privilege is granted to transport property in bulk for R. T. Merryman Trucking, Inc. and Merryman Enterprises.

Docket No. A-00102306, F.1, Am-E

To transport, as a common carrier, property, between points in the County of Venango, and from points in said county, to points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, property, between points in the City of Titusville, Crawford County, and from points in said city, to points in Pennsylvania, and vice versa.

subject to the following conditions:

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

That no right, power or privilege is granted to transport commodities requiring dump vehicles.

That no right, power or privilege is granted to transport shipments weighing less than 10,000 pounds from one consignor to one consignee.

That no right, power or privilege is granted to transport refined petroleum products, in bulk, in tank vehicles.

That no right, power or privilege is granted to transport sand, in bulk, from Pennsylvania Glass Sand Corporation located in the Counties of Mifflin and Huntingdon.

That no right, power or privilege is granted to transport limestone and limestone products from points in York County.

That no right, power or privilege is granted to provide any service to or from the Townships of Penn and Shrewsbury and the Boroughs of New Freedom, Shrewsbury and Hanover, York County.

That no right, power or privilege is granted to provide service to or from the facilities of (1) American Home Foods Division located in Turbot Township and the Borough of Milton, Northumberland County, and (2) Hammermill Paper Company located in the City of Erie, Erie County, and the City of Lock Haven, Clinton County.

That no right, power or privilege is granted to provide service to or from the facilities of Zurn Industries, Inc., Copes-Vulcan, General Electric Co. and Insul-Board Co., located in the County of Erie.

Docket No. A-00102306, F.1, Am-G

To transport, as a Class D carrier, property for Pennzoil Products Company, between points in Pennsylvania; restricted to shipments originating at or destined to facilities owned or used by Pennzoil Products Company;

subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk.

Docket No. A-00102306, F.1, Am-H

To transport, as a Class D carrier, property, between points in Crawford County, and from points in said county to points in Pennsylvania, and vice versa;

subject to the following conditions:

- (a) That no right, power or privilege is granted to transport commodities in bulk, in tank vehicles, household goods and office furniture in use, and commodities which, because of size or weight, require the use of special equipment or special handling;
- (b) That no right, power or privilege is granted to transport any shipment weighing less than 10,000 pounds, except for a shipment that may weigh less than 10,000 pounds but which fills a full visible capacity of a trailer, a shipment being defined as a quantity of freight moving from one consignor to one consignee on one bill of lading;
- (c) That no right, power or privilege is granted to provide service for PPG Industries, Inc., to or from its facilities located in Meadville, Crawford County.

Docket No. A-00102306, F. 1, Am-J

To transport, as a Class D carrier, property between points in the county of Forest, and from points in said county to points in Pennsylvania, and vice versa,

subject to the following conditions:

- (1) That no right, power or privilege is granted to transport household goods in use.
- (2) That no right, power or privilege is granted to transport any shipment weighing less than 10,000 pounds, except for a shipment that may weigh less than 10,000 pounds, but which fills the full visible capacity of a trailer; a shipment being defined as a quantity of freight moving from one consignor to one consignee on one bill of lading.
- (3) That no right, power or privilege is granted to transport plastic bottles.
- (4) That no right, power or privilege is granted to transport petroleum and petroleum products, in bulk, in tank vehicles, or dry litharge in bulk.

APPENDIX "D"

Re: TIMOTHY R. ENGLER, t/d/b/a
ENGLER FAMILY MOVING
Docket A-00109827,
Folder 1, Am-A

Protestant, Klapec Trucking Co., knows of no restrictive amendment that would satisfy its interest in the within proceeding.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
August 31, 1993

In Re: A-00109827; F0001, Am-A

(See attached list)

Application of Timothy R. Engles, t/d/b/a Engles Family Moving

For amendment so as to permit the transportation of property, for Joy Technologies, Inc. from the city of Franklin, Venango County, to points in Pennsylvania, and vice versa; and property for Franklin Steel Company from the city of Franklin, Venango County, to points in Pennsylvania, and vice versa.

NOTICE

The Public Utility Code directs that hearings shall be commenced in this case by the Administrative Law Judge within 90 days after the proceeding is initiated.

In compliance with this directive, an initial hearing is hereby scheduled for Friday, October 22, 1993 at 10:00 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

The presiding officer in this proceeding is Administrative Law Judge Michael A. Nemec. Judge Nemec can be contacted at 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania 15222; telephone (412) 565-3550.

The Commission's Rules require that all parties (except individuals appearing on their own behalf) be represented by counsel at hearing, therefore, will you please have counsel of your choice file an appearance on your behalf prior to the hearing date herein stated.

If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

cc: Judge Nemec
John Frazier - PIO
Norma Lewis
Susan Licon
Beth Plantz
Docket Room

DOCKETED
SEP 2 1993

**DOCUMENT
FOLDER**