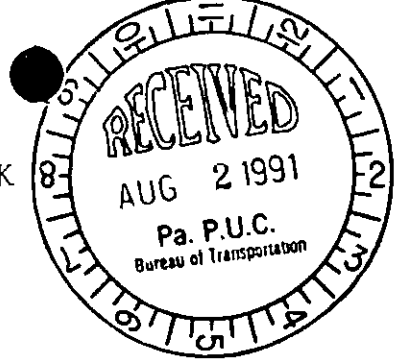


KRINER, KOERBER AND KIRK
ATTORNEYS-AT-LAW
110 NORTH SECOND STREET
P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830

TELEPHONE (814) 765-9611

FAX (814) 765-9503

August 1, 1991

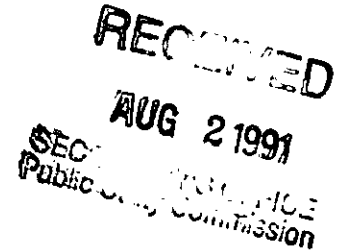


WILLIAM C. KRINER
DWIGHT L. KOERBER, JR.
ALAN F. KIRK

COUNSEL TO THE FIRM
WILLIAM T. DAVIS

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

RE: TIMOTHY R. ENGLER, t/d/b/a
ENGLER FAMILY MOVING
Docket No. A-109827

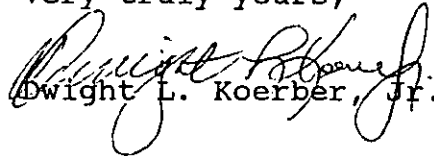


Dear Mr. Rich:

I am transmitting herewith the original and one copy of the Protest of Venco Trucking, Inc., in opposition to the above application. As shown, a copy has been served upon applicant's representative.

I am enclosing an additional copy of this letter of transmittal, and would ask that you affix onto this letter the date upon which the subject Protest is received, and then return the letter to me. A self-addressed, stamped envelope has been enclosed for that purpose.

Very truly yours,


Dwight L. Koerber, Jr.

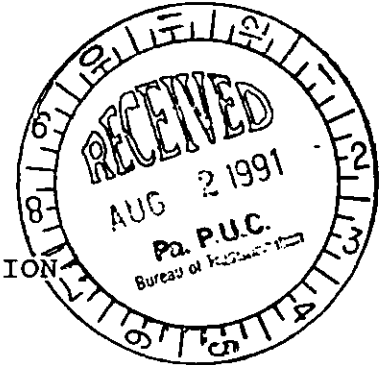
cc: Venco Trucking, Inc.
Mr. Timothy R. Engles

Enclosures: Protest
1 copy
Copy of letter
Envelope

DLK/kam



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION



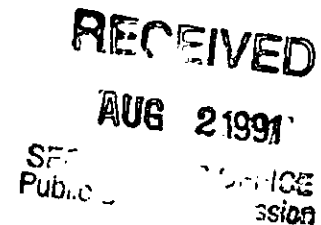
TIMOTHY R. ENGLES, t/d/b/a

ENGLES FAMILY MOVING

Docket No. A-109827

PROTEST OF

VENCO TRUCKING, INC.



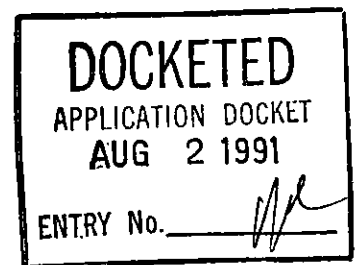
COMES NOW, VENCO TRUCKING, INC., a motor common carrier holding operating authority from the Pennsylvania Public Utility Commission, and files this, its Protest to the above application. A copy of the publication of that application is attached hereto as Appendix A.

1. The name and address of Protestant are as follows:

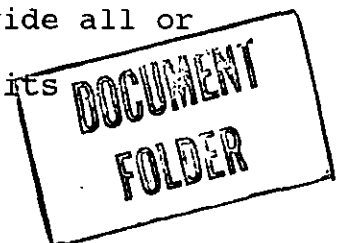
Venco Trucking, Inc.
R. D. 3
Emlenton, PA 16373

2. The name, address and telephone number of Protestant's attorney are as follows:

Dwight L. Koerber, Jr., Esquire
KRINER, KOERBER AND KIRK
110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611



3. Protestant is ready, willing and able to provide all or part of the services proposed herein, consistent with its operating authority.



4. In Docket Number A-83875, Protestant holds authority authorizing service for various accounts from or to the territory embraced within the present application where applicant is seeking to acquire certain operating authority. That authority is in direct conflict with the authority requested here. Attached hereto as Appendix B is a copy of the said operating authority.

Protestant submits that the authority sought to be acquired in the present proceeding is dormant and as such should not be approved for transfer before the Pennsylvania Public Utility Commission.

Protestant further maintains that there is an extremely undesirable phraseology, pertaining to service on emergency shipments, which requires revision and modification before any authority can be transferred. In particular, Protestant maintains that the phraseology is outdated and the authority should be totally eliminated from any transfer. As an alternative, Protestant would submit that a very clear definition of the term "emergency" should be given, consistent with the English language and the true meaning of that term.

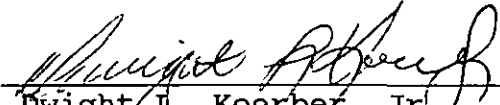
5. It is Protestant's position that granting this application would be contrary to the public interest, as it would have an adverse impact upon the operations of Protestant by depriving it of traffic necessary to Protestant's operations.

6. At this point, Protestant knows of no restrictive amendment that would satisfy his interests.

7. Protestant requests, pursuant to Section 333(c) of the Public Utility Code, that applicant furnish it with the names of supporting shippers and a summary of their testimony.

Respectfully submitted,

KRINER, KOERBER AND KIRK

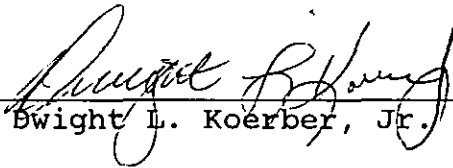
By: 
Dwight L. Koerber, Jr.
Attorney for Protestant
VENCO TRUCKING, INC.

DATE: August 1, 1991

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August, 1991,
I have served a copy of the foregoing Protest upon applicant, by
First Class Mail, at the following name and address:

Timothy R. Engles, t/d/b/a
ENGLES FAMILY MOVING
805 Atlantic Avenue
P. O. Box 123
Franklin, PA 16323



Dwight L. Koerber, Jr.

APPENDIX A

Attached hereto is a copy of the publication of the application of Timothy R. Engles, t/d/b/a Engles Family Moving, in Docket No. A-109827, as it appeared in the Pennsylvania Bulletin on July 13, 1991.

A-00103271, Folder 1, Am-E. Ned Bard & Son Co. (P. O. Box 6, Leola, Lancaster County, Pa. 17540), a corporation of the Commonwealth of Pennsylvania—building products, except commodities in bulk, between points in the county of Lancaster, and from points in said county, to points in Pennsylvania, and vice versa: so as to permit the transportation of property (except household goods in use and commodities in bulk) for Armstrong World Industries, Inc. from its facilities in the city of Beaver Falls, Beaver County, to points in Pennsylvania, and vice versa. *Attorney:* J. Bruce Walter, One South Market Square, P. O. Box 1146, Harrisburg, Pa. 17108-1146.

A-00106017, Folder 1, Am-B. Fenner Trucking, Inc. (Route 322 and 35 Interchange, P. O. Box 184, Mifflintown, Juniata County, Pa. 17059), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property for Standard Steel, from its facilities in the boroughs of Burnham, Mifflin County, and Latrobe, Westmoreland County, to points in Pennsylvania, and vice versa; subject to the following conditions: that no right, power or privilege is granted to render transportation in dump vehicles; that no right, power or privilege is granted to perform transportation to or from the plants and warehouses of Bethlehem Steel Corporation; that no right, power or privilege is granted to perform transportation to or from the facilities of Jersey Shore Steel Company; and that no right, power or privilege is granted to perform transportation originating at the facilities of Pennsylvania Glass Sand Corporation in the counties of Huntingdon and Mifflin: so as to permit the transportation of property, for General Electric Capital Railcar, Wheel Services Corporation, from its facilities located in the township of Granville, Mifflin County, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport petroleum, petroleum products and dry litharge in bulk. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, Pa. 17710.

A-00107925, Folder 1, Am-A. John H. McDowell (252 Hemlock Road, Grove City, Mercer County, Pa. 16127)—coal, lime, brick and building materials, in bulk, in dump trucks, between points not to exceed a distance of 25 miles from point of origin to point of destination in the counties of Lawrence, Butler, Beaver and Mercer: so as to permit the transportation of property, in bulk, in dump vehicles, for Adobe Mining Co.; Adobe Coal Co.; Coal Associates, Inc.; Darmac Coal, Inc.; Darmac Associates Corporation; Kittanning Coal Company, Inc.; and Atwell Coal Company, between points in Pennsylvania. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00108970, Folder 1, Am-A. (Corrected). Marian N. Shinsky (R. D. 2, Box 533, Mount Pleasant, Westmoreland County, Pa. 15666), *inter alia*—reddog, building materials and building supplies, such as are usually transported in bulk in dump trucks, between points in the city of Monongahela, Washington County, and within 25 miles of the usually traveled highways of the limits of said city, provided no haul shall exceed a distance of 25 miles from point of origin to point of destination: so as to permit the transportation of rip-rap rocks and stone, in bulk, in T-1 tool steel bed dump vehicles, for Davidson Sand & Gravel Company, between points in the city of Monongahela, Washington County and within an airline distance of 75 statute miles of the limits of said city, provided no haul shall exceed a distance of 75 statute

miles from point of origin to point of destination and vice versa. *Attorney:* Blair F. Green, 125 North McKean Street, Kittanning, Pa. 16201.

A-00109478, Folder 1, Am-B. Carlisle Carrier Corp. (1513 Commerce Drive, P. O. Box 637, Carlisle, Cumberland County, Pa. 17013-0367), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property for the Dial Corporation, between the facilities owned, leased or utilized by said company, and from said facilities, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport commodities in bulk: so as to permit the transportation of property between the facilities owned, leased or used by Exel Logistics-Grocery Service, Inc., and from said facilities to points in Pennsylvania, and vice versa. *Attorney:* David H. Radcliff, 407 North Front Street, Harrisburg, Pa. 17101.

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

A-00109827. Timothy R. Engles, t/d/b/a Engles Family Moving (805 Atlantic Avenue, P. O. Box 123, Franklin, Venango County, Pa. 16323)—(1) property between points in Venango County; (2) to distribute pool car shipments from the city of Franklin, Venango County, to points within 50 miles, by the usually traveled highways, of the limits of said city; (3) as a Class C carrier, property in emergency shipments from points in Venango County to points within 100 miles, by the usually traveled highways, of the limits of said county; (4) household goods in use from points in the county of Venango to other points in Pennsylvania and vice versa; and (5) property from station to station for Penn Central Transportation Company, between Oil City, Venango County, and Jamestown, Mercer County; which is to be a transfer of the rights authorized under the certificate issued at A-00100721 to Ronald H. Schick, subject to the same limitations and conditions.

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

A-00109517, Folder 2 (Corrected). Clover Associates, Inc. (131 Grant Avenue, Reading, Berks County, Pa. 19605), a corporation of the Commonwealth of Pennsylvania—contract carrier—dairy and dairy related products, fruit juices and other non-alcoholic beverages, for Keppel's Markets, from the facilities of Clover Farms Dairy located in the township of Muhlenberg, Berks County, to points in Pennsylvania, with the right to return refused, rejected or damaged shipments to the point of origin. Application for temporary authority has been filed at A-00109517, F. 2 seeking the right cited above. *Attorney:* Anthony J. Nestico, 240 North Third Street, Harrisburg, Pa. 17101.

A-00109828. John A. Allen, Inc. (906 Thornton Court, North Wales, Montgomery County, Pa. 19454), a corporation of the Commonwealth of Pennsylvania—contract carrier—liquid petroleum products, in straight truck tank vehicles not exceeding 4,600 gallon capacity, for Agway Petroleum Corporation, between points in the counties of Montgomery and Bucks. Application for temporary authority has been filed at A-00109828, seeking the right

APPENDIX B

Attached hereto is a copy of Protestant's operating authority in A-83875, and amendments thereto.

SECTION 1

OPERATING AUTHORITY

FOLDER 2

TO TRANSPORT AS A CLASS B CARRIER, PROPERTY BETWEEN POINTS THE CITY OF OIL CITY, VENANGO COUNTY, AND WITHIN FIVE (5) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF THE SAID CITY

TO TRANSPORT AS A CLASS C CARRIER, PROPERTY FROM POINTS IN CITY OF OIL CITY, VENANGG COUNTY, AND WITHIN FIVE (5) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF THE SAID CITY TO POINTS IN THE COUNTY OF VENANGO, AND VICE VERSA.

TO TRANSPORT AS A CLASS D CARRIER, HOUSEHOLD GOODS, IN USE, FROM POINTS IN THE CITY OF OIL CITY, VENANGO COUNTY, AND WITHIN FIVE (5) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF THE SAID CITY TO POINTS WITHIN FIFTY (50) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF THE SAID CITY.

TO TRANSPORT, AS A CLASS D CARRIER, OIL AND GAS WELL EQUIPM BETWEEN POINTS WITHIN TWENTY-FIVE (25) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF THE CITY OF OIL CITY.

TO TRANSPORT, AS A CLASS D CARRIER, COAL FROM MINES NOT SER BY RAILROADS, IN THE COUNTIES OF VENANGG, CLARION, JEFFERSON, EL CLEARFIELD, CAMERON AND BUTLER TO POINTS IN THE COUNTIES OF VENANGO, CRAWFORD, WARREN AND MCKEAN.

FOLDER 2 Am-A

TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY, BETWEEN POINTS IN THE BOROUGH OF SAINT PETERSBURG, CLARION COUNTY, AND WITHIN FIFTEEN (15) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF THE SAID BOROUGH.

TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY, FROM POINTS IN THE BOROUGH OF SAINT PETERSBURG, CLARION COUNTY, AND WITHIN FIFTE (15) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF THE SAID BOROUGH TO POINTS WITHIN THIRTY-FIVE (35) MILES BY THE USUAL TRAVELED HIGHWAYS OF THE LIMITS OF THE SAID BOROUGH, AND VICE VERSA.

THE FOREGOING TWO PARAGRAPHS ARE RESTRICTED TO THE EXTENT TH NO RIGHT, POWER, OR PRIVILEGE IS GRANTED TO TRANSPORT COAL AND CO PRODUCTS, LIMESTONE, SAND OR GRAVEL FROM OR BETWEEN POINTS IN THE COUNTIES OF CLARION, VENANGO AND BUTLER.

TO TRANSPORT, AS A CLASS D CARRIER, HOUSEHOLD GOODS IN USE, BETWEEN POINTS IN THE BOROUGH OF SAINT PETERSBURG, CLARION COUNTY AND WITHIN TWENTY-FIVE (25) MILES BY THE USUALLY TRAVELED HIGHWAY OF THE LIMITS OF THE SAID BOROUGH.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE ITEM 5000, PAGE 24.

ISSUED: FEBRUARY 15, 1983

EFFECTIVE: FEBRUARY 16, 1983

SECTION 1

OPERATING AUTHORITY

FOLDER 2 AM-A (CONTINUED)

TO TRANSPORT, AS A CLASS D CARRIER, HOUSEHOLD GOODS IN USE FROM POINTS IN THE BOROUGH OF SAINT PETERSBURG, CLARION COUNTY, WITHIN TWENTY-FIVE (25) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF THE SAID CITY, TO OTHER POINTS IN PENNSYLVANIA AND VICE VERSA.

TO TRANSPORT, AS A CLASS D CARRIER, BUILDING MATERIALS, CONTRACTORS' EQUIPMENT AND SUPPLIES, EXCAVATED MATERIALS AND ROAD 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 ORIGIN TO POINT OF DESTINATION IN THE COUNTIES OF CLARION, VENANGO, ARMSTRONG AND BUTLER.

TO TRANSPORT, AS A CLASS D CARRIER, NEW AND USED HAMMOND ORGANS AND NEW AND USED PIANOS, FROM THE RESIDENCE OF M. S. McAR IN THE BOROUGH OF FOXBURG, CLARION COUNTY, AND FROM THE WAREHOUSE OF THE CERTIFICATE HOLDER IN THE BOROUGH OF SAINT PETERSBURG, CLARION COUNTY, TO POINTS IN THE COUNTIES OF LAWRENCE, MERCER, ARMSTRONG, BUTLER, VENANGO, CLARION, JEFFERSON, CAMERON, ELK, AND CLEARFIELD AND VICE VERSA:

ALL OF THE ABOVE OPERATING RIGHTS ARE SUBJECT TO THE RESTRICTION THAT NO POWER, OR PRIVILEGE IS GRANTED TO TRANSPORT COMMODITIES IN BULK, IN TANK VEHICLES.

TO TRANSPORT, AS A CLASS D CARRIER, OIL IN DRUMS, FROM THE BOROUGH OF ELDRED, MCKEAN COUNTY, TO POINTS IN THE BOROUGH OF DUQUESNE, ALLEGHENY COUNTY, AND THE CITY OF PITTSBURGH, ALLEGHENY COUNTY.

TO TRANSPORT, AS A CLASS D CARRIER, DRUMS, FROM THE PLANT OF THE PITTSBURGH STEEL DRUM COMPANY AT EAST BUTLER, BUTLER COUNTY, TO POINTS WITHIN ONE HUNDRED TWENTY-FIVE (125) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS THEREOF AND VICE VERSA.

TO TRANSPORT, FERTILIZER, FROM WAREHOUSES IN THE CITY OF BUTLER, BUTLER COUNTY, TO POINTS WITHIN SEVENTY-FIVE (75) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF THE SAID CITY AND VICE VERSA.

TO TRANSPORT, AS A CLASS D CARRIER, CARNIVAL EQUIPMENT, BETWEEN POINTS IN THE CITY OF BUTLER, BUTLER COUNTY, AND WITHIN SEVENTY-FIVE (75) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF THE SAID CITY.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE ITEM 5000, PAGE 24.

ISSUED: FEBRUARY 15, 1983

EFFECTIVE: FEBRUARY 16, 1983

SECTION 1

OPERATING AUTHORITY

FOLDER 2 AM-A (CONTINUED)

TO TRANSPORT, AS A CLASS D CARRIER, BUILDING MATERIALS, EXCAVATED MATERIALS AND ROAD AND BUILDING CONSTRUCTION MATERIALS SUCH AS ARE USUALLY TRANSPORTED IN DUMP TRUCKS BETWEEN POINTS IN THE CITY OF BUTLER, BUTLER COUNTY, AND WITHIN TWENTY-FIVE (25) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF THE SAID CITY; PROVIDED, NO HAUL SHALL EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF CONSTRUCTION OR DISPOSAL.

TO TRANSPORT, AS A CLASS D CARRIER, FARM MATERIALS AND FARM SUPPLIES FROM POINTS IN THE CITY OF BUTLER, BUTLER COUNTY, TO POINTS WITHIN SEVENTY-FIVE (75) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF THE SAID CITY AND VICE VERSA.

TO TRANSPORT, AS A CLASS D CARRIER, CLAY PRODUCTS FROM THE PLANT OF THE GRAFF KITTANNING CLAY PRODUCTS COMPANY IN THE BOROUGH OF WORTHINGTON, ARMSTRONG COUNTY, TO DEALERS AND DISTRIBUTORS IN THE CITY OF BUTLER, BUTLER COUNTY, AND WITHIN ONE HUNDRED TWENTY-FIVE (125) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID CITY.

TO TRANSPORT, AS A CLASS D CARRIER, COAL, FROM STRIPPING OPERATIONS IN THE COUNTIES OF BUTLER AND ARMSTRONG TO RAILROAD SIDINGS IN THE SAID COUNTIES, PROVIDED THAT NO HAUL SHALL EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

TO TRANSPORT, AS A CLASS D CARRIER, MINE EQUIPMENT, MACHINERY AND SUPPLIES BETWEEN POINTS IN THE COUNTIES OF JEFFERSON AND CLARION.

TO TRANSPORT, AS A CLASS D CARRIER, MINE EQUIPMENT, MACHINERY AND SUPPLIES FROM POINTS IN THE COUNTIES OF JEFFERSON AND CLARION TO POINTS WITHIN FIFTY (50) MILES, BY THE USUALLY TRAVELED HIGHWAYS, OF THE LIMITS OF SAID COUNTIES, AND VICE VERSA.

TO TRANSPORT, AS A CLASS D CARRIER, LIVESTOCK, FARM PRODUCTS AND SUPPLIES BETWEEN POINTS IN THE COUNTY OF CLARION.

TO TRANSPORT, AS A CLASS D CARRIER, LIVESTOCK, FARM PRODUCTS AND SUPPLIES FROM POINTS IN THE COUNTY OF CLARION TO POINTS WITHIN FIFTY (50) MILES, BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID COUNTY AND VICE VERSA.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE ITEM 5000, PAGE 24.

ISSUED: FEBRUARY 15, 1983

EFFECTIVE: FEBRUARY 16, 1983

SECTION 1

OPERATING AUTHORITY

FOLDER 2 AM-A (CONCLUDED)

TO TRANSPORT, AS A CLASS D CARRIER, CONTRACTORS' EQUIPMENT AND MACHINERY, BUILDING MATERIALS, EXCAVATED MATERIALS AND ROAD 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 ORIGIN TO POINT OF CONSTRUCTION OR DISPOSAL, IN THE COUNTIES OF CLARION, MCKEAN, FOREST, JEFFERSON, VENANGO, CRAWFORD, ARMSTRONG, BUTLER AND WARREN.

FOLDER 2 AM-B

TO TRANSPORT, AS A CLASS D CARRIER, PETROLEUM PRODUCTS IN PACKAGES, AND EMPTY CONTAINERS, FOR PENNZOIL COMPANY FROM POINTS IN THE BOROUGHS OF SUGAR CREEK AND ROUSEVILLE, VENANGO COUNTY, TO POINTS IN PENNSYLVANIA, AND VICE VERSA.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE ITEM 5000, PAGE 24.

ISSUED: FEBRUARY 15, 1983

EFFECTIVE: FEBRUARY 16, 1983

ISSUED BY:

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 20, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of Venco Trucking, Inc., a corporation of the State of Delaware, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, petroleum products and packages, and empty containers, for Pennzoil Company, from points in the borough of Sugar Creek and Rouseville, Venango County, to points in Pennsylvania, and vice versa: SO AS TO PERMIT the transportation of petroleum products in containers, and materials and supplies used in the production and distribution of petroleum products (except commodities in bulk), from the Pennsylvania facilities owned, leased or used by Pennzoil Company, Pennzoil Products Company, Wolf's Head Oil Company and Barkman Oil Company, Inc., to points in Pennsylvania, and vice versa.

A-00083875
F. 2
Am-C

Kriner, Koerber & Kirk by Dwight L. Koerber, Jr. for the applicant.
McNees, Wallace & Nurick by William A. Chesnutz for the protestant,
Gilchrist Trucking, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 3, 1986. Public notice of the application was given in the Pennsylvania Bulletin of November 22, 1986. A protest was filed by Gilchrist Trucking, Inc., which was withdrawn when the applicant restrictively amended the application to exclude service for Barkman Oil Company, Inc. on shipments moving from, to or between points in the counties of Bradford, Columbia, Lackawanna and Luzerne.

The application is now 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 two supporting shippers.

DISCUSSION AND FINDINGS

Venco Trucking, Inc. (applicant or Venco), is a currently certificated common carrier which is seeking to expand its operations to include the transportation of petroleum products in containers, and materials and supplies used in the production and distribution of petroleum products (except commodities in bulk), from the Pennsylvania facilities owned, leased or used by Pennzoil Company, Pennzoil Products Company, Wolf's Head Oil Company and Barkman Oil Company, Inc., to points in Pennsylvania, and vice versa. The applicant has excluded from the proposed service transportation from, to or between points in the counties of Bradford, Columbia, Lackawanna and Luzerne for Barkman Oil Company, Inc.

Guy W. Shoup, president of the applicant, sets forth that the applicant is affiliated with H. E. Shoup, a certificated motor common carrier at A-30094495. Said carrier is operated by the wife of the president of the applicant, who conducts business as a sole proprietorship. This affiliation has existed for a number of years and has been in compliance with Commission and Interstate Commerce Commission regulations.

Venco is a common carrier specializing in the transportation of shipments that move in van trailers. Pursuant to its interstate authority, the applicant also engages in the transportation of similar commodities for which the applicant is seeking authority herein. Operations are conducted in both intrastate and interstate commerce from a terminal located in Emlenton, Clarion County. This facility is equipped with inbound and outbound WATS telephone service which permits close contact with shippers as well as drivers. The Emlenton facility serves as both a dispatch facility as well as administrative offices.

Available to provide transportation are 17 tractors and 77 trailers. It is anticipated that no additional equipment will be needed to provide the proposed transportation, however, the applicant has the financial wherewithal to acquire additional units if necessary.

Venco is currently providing service for both of the supporting shippers herein, Pennzoil Company (Pennzoil) and Barkman Oil Company, Inc. (Barkman Oil). For Pennzoil, the applicant transports approximately 34 to 38 shipments on a five-day basis. For Barkman Oil, it transports approximately two to four inbound shipments per week. The applicant has a close relationship with both of the supporting shippers and provides each with the type of service they require. Service for Pennzoil is specialized due to its need for the spotting of trailers and the dedication of specific equipment to its use. The personnel of the

applicant are thoroughly familiar with the needs of Pennzoil since they have provided extensive service for this shipper.

Lester L. Buchart, II, states that as retail manager for Barkman Oil Co., Inc. (Barkman Oil), he is thoroughly familiar with the transportation needs of Barkman Oil. Barkman Oil is a wholesale distributor of petroleum and petroleum products, and as such, distributes 10 major brands of packaged motor oil from its facilities in Woodbury and Everett, Bedford County.

The applicant would be utilized to transport outbound shipments from the aforementioned facilities to such points as Erie, New Kensington, Johnstown, Harrisburg, Philadelphia, Carlisle, Downingtown, Pittsburgh, Altoona, Chambersburg, York, Hazleton, State College and King of Prussia. The applicant would also be requested to provide inbound service to the two facilities in Bedford County. The total number of shipments to be tendered the applicant will be approximately five to 10 truckloads per month, in addition to the shipments it is already handling.

Barkman Oil requires a carrier that holds both interstate as well as Pennsylvania intrastate authority. The carrier should have available van tractor-trailer equipment. The shipper finds that the service provided by the applicant in the past has been excellent. Barkman Oil is familiar with the restrictive amendment which will not permit the applicant to provide service in the counties of Bradford, Columbia, Lackawanna and Luzerne, and is of the opinion that the restrictive amendment will not prevent the applicant from providing the service it requires.

George A. Anderson, marketing traffic manager for Pennzoil Products Company (Pennzoil) states that the parent company for Pennzoil, a Nevada corporation, is the Pennzoil Company. A separate division of Pennzoil Products Company is Wolf's Head Oil Company.

Pennzoil is a manufacturer and marketer of petroleum and petroleum products. Its production of petroleum products is shipped from facilities which it owns, leases and/or operates in Pennsylvania. There are additional shipments, which it receives inbound and consist of primarily of corrugated cardboard and containers.

The applicant is currently providing Pennzoil with service for approximately seven to eight shipments per day of which approximately three move on an intrastate basis in Pennsylvania. Upon approval of the application, it is projected that Pennzoil will increase its traffic tendered to the applicant by 15 to 20 percent.

Pennzoil uses three different types of facilities to market its products, with these facilities consisting of production facilities, branch warehouses and distributor warehouses. Due to the possibility of acquiring additional warehousing facilities, it desires a carrier that has statewide authority to serve any origin or any destination within

Pennsylvania. Pennzoil currently has facilities located in Mundy's Corner, Cambria County; Rouseville and Reno, Venango County; Karns City, Butler County, and Pittsburgh, Allegheny County. Branch warehouses are located in Pittston, Lackawanna County and Huntingdon Valley, Philadelphia County. On occasions, Pennzoil purchases petroleum products from another company and takes title to these products before they are shipped. In those cases, it uses the other company's facilities as an interim warehouse until it develops a need for the products. Representative destinations for its petroleum products would include such points as Erie, Washington, Altoona, Harrisburg, Pittsburgh, Johnstown, State College, York, Chambersburg, Wilkes-Barre, Philadelphia and Scranton. Pennzoil receives inbound shipments of corrugated material from Bradford, cans and plastic containers from Oil City, and empty containers from Kensington and Erie.

The applicant is being supported for the proposed service due to the nature of the service the applicant has provided in the past. The applicant has been highly responsive to the needs of Pennzoil and has provided the type of service it requires to handle its shipments. Ability of the applicant to provide service throughout Pennsylvania would be highly beneficial to Pennzoil.

The record in the instant proceeding indicates that the applicant is highly qualified to provide the service sought by the two supporting shippers. The applicant has the experience and equipment with which to meet the needs demonstrated by the supporting statements of Pennzoil and Barkman Oil. These two supporting shippers have indicated that the service provided by the applicant in the past has been highly responsive to their needs.

We find:

1. That the applicant is fit, willing and able to provide the proposed service, as amended.
2. That the applicant has met its statutory burden of demonstrating that a public need exists for the transportation proposed by the instant application, as amended.
3. That approval of the application, as amended, is necessary for the accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved, and that the certificate issued to the applicant on June 20, 1957, as amended, be further amended to include the following right:

To transport, as a Class D carrier, petroleum products in containers, and materials and supplies used in the production and distribution of petroleum products from the Pennsylvania facilities owned, leased or used by Pennzoil Company, Pennzoil

Products Company, Wolf's Head Oil Company and Barkman Oil Company, Inc., to points in Pennsylvania, and vice versa.

subject to the following condition:

That no right, power or privilege is granted to provide service for Barkman Oil Company, Inc. on shipments moving from, to or between points in the counties of Bradford, Columbia, Lackawanna and Luzerne.


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

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

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

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

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 20, 1987

ORDER ENTERED: AUG 31 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Application of Venco Trucking, Inc.,
a corporation of the State of Delaware,
for amendment to its common carrier
certificate, which grants the right,
inter alia, to transport, by motor
vehicle, property, between points in
the borough of St. Petersburg, Clarion
County, and within fifteen (15) miles
by the usually traveled highways of the
limits of said borough; subject to the
following condition: That no right,
power or privilege is granted to
transport coal and coal products,
limestone, sand or gravel from or
between points in the counties of
Clarion, Venango and Butler: SO AS
TO PERMIT the transportation of property
between points in the borough of
St. Petersburg, Clarion County, and
within an airline distance of thirty-five
(35) miles of the limits thereof, and from
points in said territory, to points in
Pennsylvania, and vice versa.

A-00083875, F. 2, Am-D

O R D E R

In accordance with the provisions of Act 294 of 1978 (66 Pa.
C.S. §332(h)), the decision of Administrative Law Judge Michael A. Nemecek dated
February 19, 1988, has become final without further Commission action;
THEREFORE,

IT IS ORDERED:

1. That the application of Venco Trucking, Inc., at A-00083875,
F.2, Am-D is hereby approved, and that the certificate issued to Applicant at
A-83875, F.2 dated February 15, 1983, as amended, be further amended to
include the following rights:

To transport, as a Class D carrier, iron and steel,
iron and steel articles, metal alloys, and materials
and supplies used in the manufacture and

distribution of the foregoing commodities, for Cyclops Corporation, from its facilities in the City of Titusville, Crawford County, to points in Pennsylvania, and vice versa;

PROVIDED that no right, power or privilege is granted to transport commodities in bulk; and

FURTHER PROVIDED, that no right, power or privilege is granted to transport contractors equipment and machinery and road builders equipment, materials, machinery and supplies, and other commodities requiring special equipment for hauling.

2. 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.

3. That the authority granted herein, to the extent it duplicates authority now held by or subsequently granted to the Applicant, shall not be construed as conferring more than one operating right.

4. That in the event said Applicant has not, on or before 60 days from the date of service of this Order, complied with the requirements set forth above, the application shall be dismissed without further proceedings.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ENTERED: April 6, 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 1, 1988

Commissioners Present:

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

Application of Venco Trucking, Inc.,
a corporation of the State of Delaware,
for amendment to its common carrier
certificate, which grants the right,
inter alia, to transport by motor
vehicle, property, between points in
the borough of Saint Petersburg, Clarion
County, and within fifteen (15) miles by
the usually travelled highways of the
limits of the said borough; subject to the
following conditions: That no right, power
or privilege is granted to transport coal
and coal products, limestone, sand or gravel
from or between points in the counties of
Clarion, Venango and Butler; and That no
right, power or privilege is granted to
transport commodities in bulk in tank vehicles:
SO AS TO PERMIT the transportation of property
(except commodities in bulk), from the Pennsyl-
vania facilities of Keystone Food Products,
Inc., to points in Pennsylvania, and vice versa.

A-00083875
P. 2
Am-2

Reiner, Koerber and Kirk, by Dwight L. Koerber, Jr., for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on
December 16, 1987, and published in the Pennsylvania Bulletin of January 30,
1988. There are no protests and the record is now certified to the Commission

for its decision without oral hearing. Verified statements were submitted by the applicant and the shipper.

The applicant was granted temporary authority to render service from the shipper's facilities in Easton, Northampton County, to points located on and west of U.S. Highway Route 219 by our order adopted at the Public Meeting of March 23, 1988. This application for permanent authority is of broader scope in that service would be provided from the shipper's Pennsylvania facilities to points in Pennsylvania, and vice versa.

Guy W. Shoup, president of Venco Trucking, Inc. (or applicant) located at R.D. 3, Eminton, Venango County, has entered a supporting verified statement. He sets forth, inter alia, that an affiliation exists between Venco Trucking and H. E. Shoup, a common carrier holding authority at A-00094495. The nature of the affiliation is that the witness' wife, Helen E. Shoup conducts a trucking business as a sole proprietor under the name of H. E. Shoup. She is also secretary/treasurer of Venco. An application docketed at A-00107849 for transfer of the H. E. Shoup authority to H. E. Shoup, Inc., has been approved and pending final compliance.

The applicant's operations are coordinated from the Eminton terminal. An additional facility is maintained in Franklin to help coordinate service for shippers and receivers in that area. It owns 41 tractors and 109 trailers, and leases 11 additional tractors. Most of the trailers are van-type units which are required by the supporting shipper. The applicant witness personally oversees a safety program and is assisted in this regard by a full-time employee.

The applicant's 1987 annual report, incorporated by reference, shows that at year end, it had current assets of \$97,048, total assets of \$240,754, with current liabilities of \$159,318 and total liabilities of \$215,623, leaving stockholders' equity of \$25,131. The statement of income shows that from operating revenues of \$1,472,549, the applicant incurred expenses of \$1,628,243, resulting in an operating deficit of \$155,594.

William A. Corriere, president of Keystone Food Products, Inc. (shipper) sets forth in a verified statement that the company has its headquarters, production and storage facilities in Easton, Northampton County, from which it distributes a variety of snack food items. Its shipping needs from Easton require a carrier with broad state-wide operating authority.

Among the items shipped are popcorn, cheese goods, bacon bits, corn chips, and other snack foods. Keystone Foods has requested the applicant to seek authority to transport a full range of property items so that it can transport other related materials and supplies such as packing materials and supplies used in the production process. Periodically, it receives machinery and machinery parts and other commodities which are not part of its normal distribution pattern.

The shipper states further that in the snack food business, it is common practice to assemble different types of products and then to distribute them under a brand name or to distribute them as part of a collective grouping.

Under these circumstances, it could be in a position of obtaining outside warehousing space or production facilities. For this reason, it supports the applicant for authority to render service from and to any facilities it might operate in Pennsylvania.

The shipper has customers scattered throughout Pennsylvania at points such as Berlin, Pittsburgh, Harrisburg, New Castle, Coraopolis, Sharon, Philadelphia and Scranton. Its sales efforts are such that it continually seeks new accounts in all areas of the state. Approximately two to three truckloads a week would be available for the applicant.

DISCUSSION AND FINDINGS

Venco Trucking, Inc., has held a common carrier certificate from this Commission since June 20, 1957. It is now before us seeking to amend the certificate so that it will have the right to transport property (except commodities in bulk), from the Pennsylvania facilities of Keystone Food Products, Inc., to points in Pennsylvania, and vice versa. The application is unprocessed.

The shipper has been convincing in its showing of need for the applicant's services. Due to the nature of the products involved, many common carriers are reluctant to participate in the traffic, and the shipper has encountered many such difficulties in this respect. It is for this reason that the shipper supported the application for temporary authority so that immediate relief could be obtained.

We find:

1. That the applicant has shown that a public need for the proposed service does exist.
2. That the applicant is fit, ready, willing and able to render 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 application be and is hereby approved and that the certificate issued to the applicant on June 20, 1957, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property, from the Pennsylvania facilities of Keystone Food Products, Inc., to points in Pennsylvania, and vice versa;

subject to the following condition:

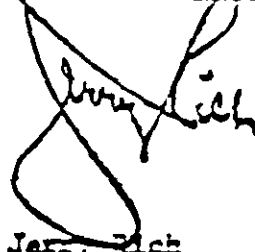
That no right, power or privilege is granted to transport commodities in bulk.

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

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

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 1, 1988.

ORDER ENTERED: SEP 8 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 3, 1989

Commissioners Present:

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

Application of Venco Trucking, Inc., a corporation of the State of Delaware, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, household goods in use, between points in the borough of St. Petersburg, Clarion County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough: SO AS TO PERMIT the transportation of property (except commodities in bulk), for Snyder of Berlin Division of Curtis-Burns, Inc., between points in Pennsylvania.

A-00083875
F. 2
Am-F

Dwight L. Koerber, Jr. for the applicant.

O R D E R

BY THE COMMISSION:

This application, filed February 21, 1989, is before the Commission for its decision without oral hearing. Public notice of the application was given in the Pennsylvania Bulletin of March 25, 1989. The application was amended by the applicant to read, Snyder of Berlin, Division of Curtice Burns Food. There were no protests and the record, which consists of statements entered by the applicant and the supporting shipper, is now certified to the Commission for its decision.

The applicant, Venco Trucking, Inc. (Venco) represented by Guy W. Shoup, president submitted a verified statement. The applicant is a corporation of the State of Delaware domiciled at R.D. #3, Emlenton, Venango County. The applicant operates thirty-two (32) tractors and one hundred thirty (130) trailers. Also four (4) tractors are permanently leased. Facilities at Emlenton are both an administrative and dispatch office. Communications are by commercial telephone service. Equipment is inspected

regularly and promptly removed from service for maintenance needs. Safety programs are constantly held for drivers by a full-time employee.

The applicant is familiar with the transportation requirements of the shipper, Snyder of Berlin, Division of Curtice Burns Foods. Venco has provided interstate service and are equipped to provide the service herein requested. Venco will provide timed pick-ups and deliveries, spotting of equipment and coordination of transportation to the shipper. An unaudited financial statement submitted by Venco shows total assets of \$203,648.29 with total liabilities of \$207,060.44 leaving a net stockholders' equity of (\$3,412.15).

The shipper, Snyder of Berlin represented by John Hornick, president submitted a verified statement in support of the application. Mr. Hornick states that the shipper is a manufacturer and distributor of various snack foods. Shipments are made to and from the shipper's facilities and from various manufacturers directly to customers and distributors. Shipments could range up to one or two loads a week. The shipper has been served by Venco Trucking in the past and sees the applicant as a very desirable carrier for its needs.

The application as filed contained an error in the name of the shipper, Snyder of Berlin, Division of Curtice Burns Foods. The authority will be amended to reflect the correct name.

A review of the record shows that the applicant has the equipment, experience, ability and fitness necessary to provide the service proposed.

We find:

1. That the applicant currently operates pursuant to a common carrier certificate granted April 1, 1957.
2. That the applicant has the equipment, experience and fitness necessary to provide the proposed service.
3. That the applicant has shown that a need exists for the service as proposed.
4. That the authority be amended to reflect the correct name of the shipper.
5. That approval of the application as amended is necessary for the accommodation and convenience of the public; THEREFORE.

IT IS ORDERED: That the application as amended is hereby approved and that the certificate issued to the applicant on April 1, 1957, be amended to include the following right:

To transport, as a Class D carrier, property, for Snyder of Berlin, Division of Curtice Burns Foods, between points in Pennsylvania.

subject to the following condition:

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

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

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

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

BY THE COMMISSION,

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 3, 1989

ORDER ENTERED: AUG 10 1989

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 8, 1990

Commissioners Present:

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

Application of Venco Trucking, Inc., a corporation of the State of Delaware, for amendment to its common carrier certificate, which grants the right, inter alia, to transport by motor vehicle, property, from the Pennsylvania facilities of Keystone Food Products, Inc., to points in Pennsylvania, and vice versa; subject to the following condition: That no right, power or privilege is granted to transport commodities in bulk: SO AS TO PERMIT the transportation of property (except commodities in bulk), from the facilities of Witco Corporation in the borough of Petrolia, Butler County, to points in Pennsylvania, and vice versa.

A-00083875
F. 2
Am-G

Kriner, Koerber & Kirk, by Dwight L. Koerber, Jr., for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on September 26, 1989, and published in the Pennsylvania Bulletin of October 14, 1989. There are no protests and the record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and the shipper.

Guy W. Shoup is president of Venco Trucking, Inc. (or applicant) and sets forth in a verified statement that the company is domiciled at R.D. 3, Emlenton, Venango County, and that it has held a common carrier certificate from this Commission since June 20, 1957. He states further that Venco Trucking, Inc. is affiliated with H. E. Shoup, Inc., a common carrier

holding authority at A-00107849. The nature of the affiliation is such that H. E. Shoup is the wife of Guy W. Shoup, the applicant principal.

The applicant operates from a terminal in Emlenton, Venango County, which places it in an ideal position to serve the Witco corporation, the shipper in this application which operates a plant in the borough of Petrolia, Butler County. At present, the applicant has 32 company-owned tractors and 130 company-owned trailers. All but eight of the trailers are closed vans. A safety program is administered by a full-time employee and is overseen by the applicant witness personally.

The latest financial statements available show that the applicant has total assets of \$203,648 and total liabilities of \$207,060, leaving a deficit in stockholder equity of \$3,412 at year end 1988. A statement of income for 1988 discloses that the applicant sustained a net operating loss of \$6,076 from revenues of \$1,773,207. After the addition of revenues of \$62,469 from other sources, a net income of \$51,795 was realized.

C. Wayne Fair, manager of traffic, supply and distribution for the Petrolia plant of Witco Corporation (or shipper), has submitted a verified statement. The plant in the borough of Petrolia, Butler County, is the world's largest white mineral oil refinery. Approximately 90 percent of its business is with food grade accounts and the pharmaceutical industry. It supports the applicant for statewide authority because of the company's ongoing sales efforts which continually result in business throughout all areas of Pennsylvania.

Some of the locations to which outbound shipments have been made are Clairton (Allegheny County), Duryea (Luzerne County), Washington (Washington County), Lititz (Lancaster County) and the Philadelphia area. The company also supports the need for inbound service pertaining to packaging materials which are received from scattered locations in Pennsylvania. Approximately four to five truckloads a month would be tendered to the applicant. A very desirable factor is the applicant's close proximity to the Petrolia plant which places it in an ideal position to furnish equipment when needed. The applicant has provided very good service for Witco on interstate traffic.

DISCUSSION AND FINDINGS

Venco Trucking, Inc., has held a common carrier certificate in Pennsylvania since 1957 and has considerable authority thereunder in which it has been providing uninterrupted service. It seeks to amend the certificate so that it will have the additional right to transport property (except in bulk) from the facilities of Witco Corporation in the borough of Petrolia, Butler County, to points in Pennsylvania, and vice versa.

We believe the applicant is well-qualified to provide the proposed service based on the evidence of record before us. We also conclude that the approval of this application will serve a useful purpose.

We find:

1. That a public need for the proposed service does exist.

2. That the applicant is fit, ready, willing and able to provide 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 application be and is hereby approved and that the certificate issued to the applicant on June 20, 1957, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property, from the facilities of Witco Corporation located in the borough of Petrolia, Butler County, to points in Pennsylvania, and vice versa;

subject to the following condition:

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

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

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

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 8, 1990

ORDER ENTERED: MAR 16 1990

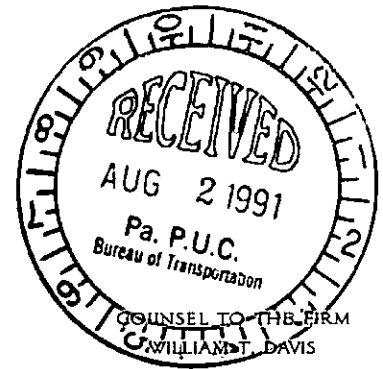
KRINER, KOERBER AND KIRK
ATTORNEYS-AT-LAW
110 NORTH SECOND STREET
P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830

TELEPHONE (814) 765-9611

FAX (814) 765-9503

August 1, 1991

WILLIAM C. KRINER
DWIGHT L. KOERBER, JR.
ALAN F. KIRK



Jerry Rich, 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-109827

RECEIVED

AUG 2 1991

3FC
Public Utility Commission

Dear Mr. Rich:

I am transmitting herewith the original and one copy of the Protest of H. E. Shoup, Inc. in opposition to the above application. As shown, a copy has been served upon applicant's representative.

I am enclosing an additional copy of this letter of transmittal, and would ask that you affix onto this letter the date upon which the subject Protest is received, and then return the letter to me. A self-addressed, stamped envelope has been enclosed for that purpose.

Very truly yours,

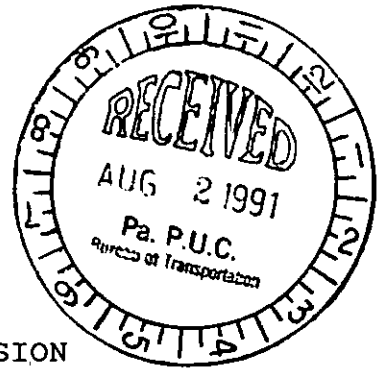

Dwight L. Koerber, Jr.

cc: H. E. Shoup, Inc.
Mr. Timothy R. Engles

Enclosures: Protest
1 copy
Copy of letter
Envelope

DLK/kam





BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

AUG 2 1991

CLERK'S OFFICE
Public Utility Commission

TIMOTHY R. ENGLES, t/d/b/a

ENGLES FAMILY MOVING

Docket No. A-109827

PROTEST OF

H. E. SHOUP, INC.

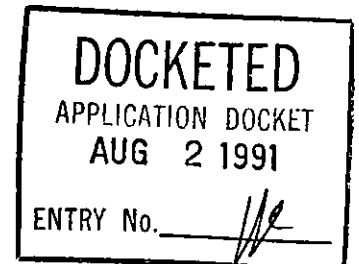
COMES NOW, H. E. SHOUP, INC., a motor common carrier holding operating authority from the Pennsylvania Public Utility Commission, and files this, its Protest to the above application. A copy of the publication of that application is attached hereto as Appendix A.

1. The name and address of Protestant are as follows:

H. E. Shoup, Inc.
R.F.D. 1
Emlenton, PA 16373

2. The name, address and telephone number of Protestant's attorney are as follows:

Dwight L. Koerber, Jr., Esquire
KRINER, KOERBER AND KIRK
110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611



3. Protestant is ready, willing and able to provide all or part of the services proposed herein, consistent with its operating authority.



4. In Docket Number A-107849, Protestant holds authority authorizing service for various accounts from or to the territory embraced within the present application where applicant is seeking to acquire certain operating authority. That authority is in direct conflict with the authority requested here. Attached hereto as Appendix B is a copy of the said operating authority.

Protestant submits that the authority sought to be acquired in the present proceeding is dormant and as such should not be approved for transfer before the Pennsylvania Public Utility Commission.

Protestant further maintains that there is an extremely undesirable phraseology, pertaining to service on emergency shipments, which requires revision and modification before any authority can be transferred. In particular, Protestant maintains that the phraseology is outdated and the authority should be totally eliminated from any transfer. As an alternative, Protestant would submit that a very clear definition of the term "emergency" should be given, consistent with the English language and the true meaning of that term.

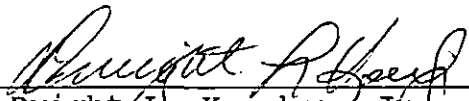
5. It is Protestant's position that granting this application would be contrary to the public interest, as it would have an adverse impact upon the operations of Protestant by depriving it of traffic necessary to Protestant's operations.

6. At this point, Protestant knows of no restrictive amendment that would satisfy his interests.

7. Protestant requests, pursuant to Section 333(c) of the Public Utility Code, that applicant furnish it with the names of supporting shippers and a summary of their testimony.

Respectfully submitted,

KRINER, KOERBER AND KIRK


By: 
Dwight L. Koerber, Jr.
Attorney for Protestant
H. E. SHOUP, INC.

DATE: August 1, 1991

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August, 1991,
I have served a copy of the foregoing Protest upon applicant, by
First Class Mail, at the following name and address:

Timothy R. Engles, t/d/b/a
ENGLES FAMILY MOVING
805 Atlantic Avenue
P. O. Box 123
Franklin, PA 16323


Dwight L. Koerber, Jr.

APPENDIX A

Attached hereto is a copy of the publication of the application of Timothy R. Engles, t/d/b/a Engles Family Moving, in Docket No. A-109827, as it appeared in the Pennsylvania Bulletin on July 13, 1991.

A-00103271, Folder 1, Am-E. Ned Bard & Son Co. (P. O. Box 6, Leola, Lancaster County, Pa. 17540), a corporation of the Commonwealth of Pennsylvania—building products, except commodities in bulk, between points in the county of Lancaster, and from points in said county, to points in Pennsylvania, and vice versa: *so as to permit* the transportation of property (except household goods in use and commodities in bulk) for Armstrong World Industries, Inc. from its facilities in the city of Beaver Falls, Beaver County, to points in Pennsylvania, and vice versa. *Attorney:* J. Bruce Walter, One South Market Square, P. O. Box 1146, Harrisburg, Pa. 17108-1146.

A-00106017, Folder 1, Am-B. Fenner Trucking, Inc. (Route 322 and 35 Interchange, P. O. Box 184, Mifflintown, Juniata County, Pa. 17059), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property for Standard Steel, from its facilities in the boroughs of Burnham, Mifflin County, and Latrobe, Westmoreland County, to points in Pennsylvania, and vice versa; subject to the following conditions: that no right, power or privilege is granted to render transportation in dump vehicles; that no right, power or privilege is granted to perform transportation to or from the plants and warehouses of Bethlehem Steel Corporation; that no right, power or privilege is granted to perform transportation to or from the facilities of Jersey Shore Steel Company; and that no right, power or privilege is granted to perform transportation originating at the facilities of Pennsylvania Glass Sand Corporation in the counties of Huntingdon and Mifflin: *so as to permit* the transportation of property, for General Electric Capital Railcar, Wheel Services Corporation, from its facilities located in the township of Granville, Mifflin County, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport petroleum, petroleum products and dry litharge in bulk. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, Pa. 17710.

A-00107925, Folder 1, Am-A. John H. McDowell (252 Hemlock Road, Grove City, Mercer County, Pa. 16127)—coal, lime, brick and building materials, in bulk, in dump trucks, between points not to exceed a distance of 25 miles from point of origin to point of destination in the counties of Lawrence, Butler, Beaver and Mercer: *so as to permit* the transportation of property, in bulk, in dump vehicles, for Adobe Mining Co.; Adobe Coal Co.; Coal Associates, Inc.; Darmac Coal, Inc.; Darmac Associates Corporation; Kittanning Coal Company, Inc.; and Atwell Coal Company, between points in Pennsylvania. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00108970, Folder 1, Am-A. (Corrected). Marian N. Shinsky (R. D. 2, Box 533, Mount Pleasant, Westmoreland County, Pa. 15666), *inter alia*—reddog, building materials and building supplies, such as are usually transported in bulk in dump trucks, between points in the city of Monongahela, Washington County, and within 25 miles of the usually traveled highways of the limits of said city, provided no haul shall exceed a distance of 25 miles from point of origin to point of destination: *so as to permit* the transportation of rip-rap rocks and stone, in bulk, in T-1 tool steel bed dump vehicles, for Davidson Sand & Gravel Company, between points in the city of Monongahela, Washington County and within an airline distance of 75 statute miles of the limits of said city, provided no haul shall exceed a distance of 75 statute

miles from point of origin to point of destination and vice versa. *Attorney:* Blair F. Green, 125 North McKean Street, Kittanning, Pa. 16201.

A-00109478, Folder 1, Am-B. Carlisle Carrier Corp. (1513 Commerce Drive, P. O. Box 637, Carlisle, Cumberland County, Pa. 17013-0367), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property for the Dial Corporation, between the facilities owned, leased or utilized by said company, and from said facilities, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport commodities in bulk: *so as to permit* the transportation of property between the facilities owned, leased or used by Exel Logistics-Grocery Service, Inc., and from said facilities to points in Pennsylvania, and vice versa. *Attorney:* David H. Radcliff, 407 North Front Street, Harrisburg, Pa. 17101.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as common carriers for transportation of *property* by *transfer of rights* as described under each application.

A-00109827. Timothy R. Engles, t/d/b/a Engles Family Moving (805 Atlantic Avenue, P. O. Box 123, Franklin, Venango County, Pa. 16323)—(1) property between points in Venango County; (2) to distribute pool car shipments from the city of Franklin, Venango County, to points within 50 miles, by the usually traveled highways, of the limits of said city; (3) as a Class C carrier, property in emergency shipments from points in Venango County to points within 100 miles, by the usually traveled highways, of the limits of said county; (4) household goods in use from points in the county of Venango to other points in Pennsylvania and vice versa; and (5) property from station to station for Penn Central Transportation Company, between Oil City, Venango County, and Jamestown, Mercer County; which is to be a transfer of the rights authorized under the certificate issued at A-00100721 to Ronald H. Schick, subject to the same limitations and conditions.

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

A-00109517, Folder 2 (Corrected). Clover Associates, Inc. (131 Grant Avenue, Reading, Berks County, Pa. 19605), a corporation of the Commonwealth of Pennsylvania—contract carrier—dairy and dairy related products, fruit juices and other non-alcoholic beverages, for Keppel's Markets, from the facilities of Clover Farms Dairy located in the township of Muhlenberg, Berks County, to points in Pennsylvania, with the right to return refused, rejected or damaged shipments to the point of origin. Application for temporary authority has been filed at A-00109517, F. 2 seeking the right cited above. *Attorney:* Anthony J. Nestico, 240 North Third Street, Harrisburg, Pa. 17101.

A-00109828. John A. Allen, Inc. (906 Thornton Court, North Wales, Montgomery County, Pa. 19454), a corporation of the Commonwealth of Pennsylvania—contract carrier—liquid petroleum products, in straight truck tank vehicles not exceeding 4,600 gallon capacity, for Agway Petroleum Corporation, between points in the counties of Montgomery and Bucks. Application for temporary authority has been filed at A-00109828, seeking the right

APPENDIX B

Attached hereto is a copy of Protestant's operating authority in A-107849 and Amendments thereto.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 25, 1988

Commissioners Present:

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

Application of H. E. Shoup, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, (1) coal, limestone, sand and gravel between points in the counties of Venango, Clarion and Butler, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination; subject to the following condition: that no right, power or privilege is granted to transport coal between or from points in Clarion County; (2) coal and coal products between points in the county of Jefferson; (3) coal and coal products from points in the county of Jefferson to points in the counties of Crawford, Warren and McKean; (4) empty containers including steel, wood, fiber and other types of empty containers, between points in the city of Butler, Butler County, and within an airline distance of one hundred twenty-five (125) statute miles of the limits of said city, and from said territory to points in Pennsylvania, and vice versa; and (5) pallets, between points in the city of Butler, Butler County, and within an airline distance of one hundred twenty-five (125) statute miles of the limits of said city, and from said territories to points in Pennsylvania, and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00094495 to H. E. Shoup, subject to the same limitations and conditions.

A-00107849

Kriner, Koerber and Kirk by Dwight L. Koerber, Jr., for
the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 23, 1987. Public notice of the application was given in the Pennsylvania Bulletin of December 12, 1987. No protests were filed and the application is certified to the Commission for its decision without an oral hearing.

H. E. Shoup, Inc. (applicant or transferee), R. D. #3, Emlenton, Venango County, is a Pennsylvania corporation which was organized on October 26, 1987. The sole officer and stockholder of the applicant is Helen E. Shoup, who is president and holds 100 shares of common stock. Helen E. Shoup is married to Guy W. Shoup who owns all of the stock of Venco Trucking, Inc., A-00083875. Helen E. Shoup is a director and secretary/treasurer for Venco Trucking, Inc.

The transfer application was submitted because the transferor, H. E. Shoup, has elected to operate as a corporation, rather than a sole proprietorship. Pursuant to the sales agreement of November 19, 1987, the applicant intends to purchase all of the common carrier authority of the transferor, which totals five rights. The total consideration for the five common carrier rights is the nominal sum of one dollar (\$1.00). There is no tangible property involved in the transfer proceeding.

The pro forma balance sheet of the applicant sets forth that the corporation has total assets of \$4,000, notes payable of \$3,500 and capital stock of \$500. Since the corporation is new, it has no revenue statement.

The transferor, H. E. Shoup, is authorized to transport the commodities of coal, coal products, limestone, sand, gravel, empty containers and pallets. The Annual Reports for the years 1984, 1985 and 1986, set forth that the transferor generated total revenue of \$54,111, \$68,380 and \$239,039, respectively. The transferor has evidence of insurance on file, has paid her due assessments and has no outstanding complaints.

We find:

1. The applicant is fit to hold a certificate of public convenience.
2. That there is a continuing necessity for the rights herein involved.
3. That approval of the instant application is necessary for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for transfer of the rights held by E. E. Shoup at A-00094495, be and is hereby approved, and that a certificate be issued to the applicant granting the following rights:

- (1) To transport, as a Class D carrier, coal, limestone, sand and gravel between points in the counties of Venango, Clarion and Butler, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination;

with right No. 1 subject to the following condition:

That no right, power or privilege is granted to transport coal between or from points in Clarion County.

- (2) To transport, as a Class D carrier, coal and coal products between points in the county of Jefferson.
- (3) To transport, as a Class D carrier, coal and coal products from points in the county of Jefferson to points in the counties of Crawford, Warren and McKean.
- (4) To transport, as a Class D carrier, empty containers including steel, wood, fiber and other types of empty containers, between points in the city of Butler, Butler County, and within an airline distance of one hundred twenty-five (125) statute miles of the limits of said city, and from said territory to points in Pennsylvania, and vice versa.
- (5) To transport, as a Class D carrier, pallets, between points in the city of Butler, Butler County, and within an airline distance of one hundred twenty-five (125) statute miles of the limits of said city, and from said territory to points in Pennsylvania, and vice versa.

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 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, \$1.00, 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.
4. 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(3).

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

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

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1987 Annual Report of the transferor.

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

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor, H. E. Shoup, at A-00094495 be cancelled and the record be marked closed.

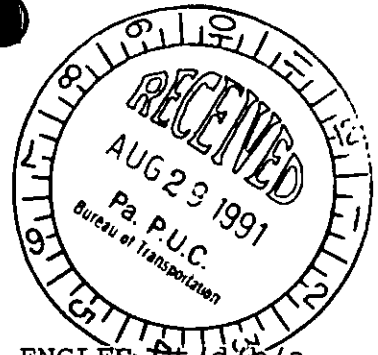
BY THE COMMISSION,

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: February 25, 1988

ORDER ENTERED:



TIMOTHY R. ENGLES, t/d/b/a
ENGLES FAMILY MOVING
805 Atlantic Avenue
P. O. Box 123
Franklin, PA 16323

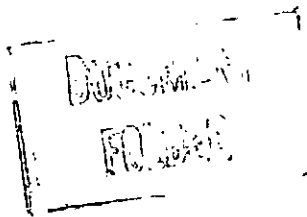
Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

RE: TIMOTHY R. ENGLES, t/d/b/a
ENGLES FAMILY MOVING
A-109827

Dear Mr. Rich:

I am transmitting herewith a Restrictive Amendment to be filed in the above-referenced proceeding. Also enclosed are a Stipulation of Withdrawal on behalf of Protestant Venco Trucking, Inc. and a Restrictive Amendment on behalf of Protestant H. E. Shoup, Inc.

I would point out that the Stipulations of Withdrawal are conditioned upon the Restrictive Amendment being implemented, so if there is any difficulty in having that done, I would ask that I immediately be contacted.

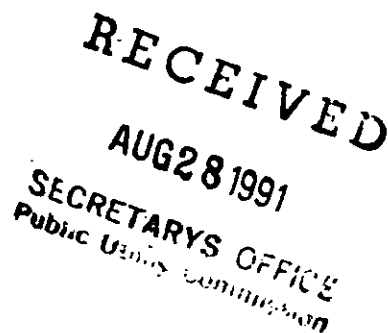
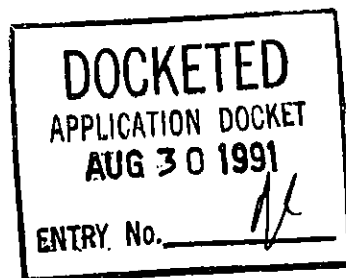


Sincerely,

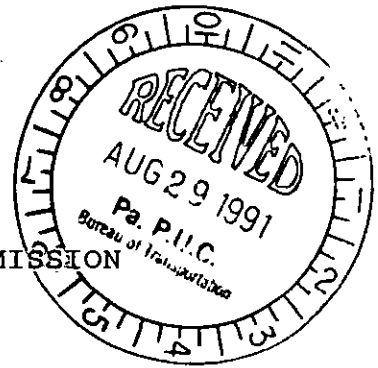
ENGLES FAMILY MOVING

By: Timothy R. Engles
Timothy R. Engles

Enclosures
cc: Dwight L. Koerber, Jr., Esquire



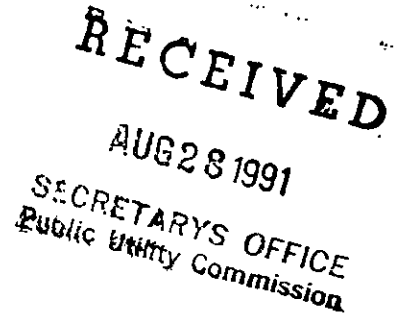
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120



TIMOTHY R. ENGLES, t/d/b/a
ENGLES FAMILY MOVING

DOCKET NO. A-109827

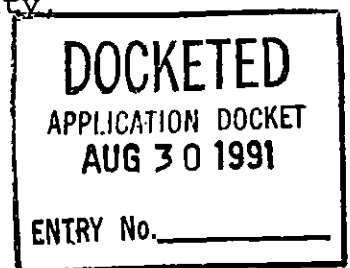
RESTRICTIVE AMENDMENT



Applicant hereby restrictively amends the scope of the present application in this matter so as to delete any authority to serve the facilities of Pennzoil Products Company and Continental Can Company. The application, as now amended, would read as follows:

So as to permit the transportation:

- (1) Of property between points in Venango County;
- (2) Of pool car shipments from the city of Franklin, Venango County, to points within fifty (50) miles, by the usually traveled highways, of the limits of said city;
- (3) Of property, as a Class C carrier, in emergency shipments from points in Venango County to points within one hundred (100) miles, by the usually traveled highways, of the limits of said county;
- (4) Of household goods in use from points in the county of Venango to other points in Pennsylvania and vice versa; and
- (5) Of property from station to station for Penn Central Transportation Company, between Oil City, Venango County, and Jamestown, Mercer County;



Provided that no right, power or privilege is granted to provide service from or to the facilities of, or for, Pennzoil Products Company; and

Provided that no right, power or privilege is granted to provide service from or to the facilities of, or for, Continental Can Company.

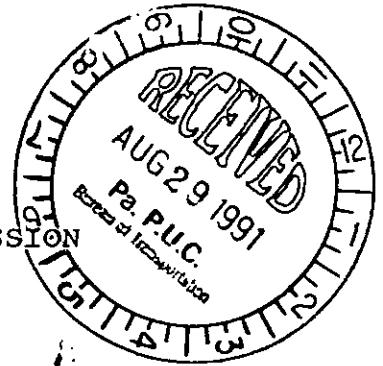
Respectfully submitted,

ENGLES FAMILY MOVING

By: Timothy R. Engles
Timothy R. Engles

DATE: August 21, 1991

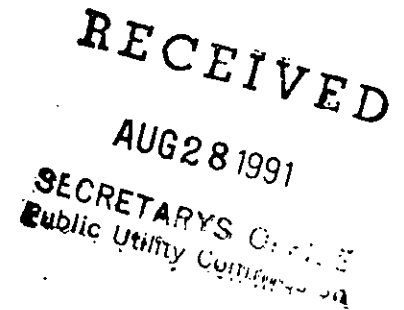
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120



TIMOTHY R. ENGLER, t/d/b/a
ENGLER FAMILY MOVING

DOCKET NO. A-109827

STIPULATION OF WITHDRAWAL



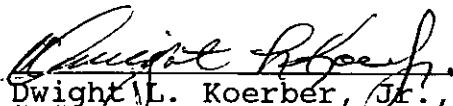
H. E. Shoup, Inc., by and through its counsel, hereby stipulates and agrees that the attached Restrictive Amendment, dated August 21, 1991, satisfies its interest in the above-captioned case.

Furthermore, by this Stipulation of Withdrawal, H. E. Shoup, Inc. hereby agrees and acknowledges that, conditioned upon the Commission's acceptance of the Restrictive Amendment and conditioned upon any grant of authority being consistent with the Restrictive Amendment, its Protest to the above-captioned application is hereby withdrawn.

Counsel for H. E. Shoup, Inc., whose name and address are set forth below, will remain a party of record for the purpose of receiving copies of all future notices and orders issued by the Commission in this proceeding.

DATED: 8/23/91

KRINER, KOERBER & KIRK, P.C.
110 North Second Street
P. O. Box 1320
Clearfield, PA 16830


Dwight L. Koerber, Jr., Esq.
Counsel for Protestant,
H. E. SHOUP, INC.

DOCKETED
APPLICATION DOCKET
AUG 30 1991
ENTRY No. 116

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

TIMOTHY R. ENGLES, t/d/b/a
ENGLES FAMILY MOVING

DOCKET NO. A-109827

STIPULATION OF WITHDRAWAL

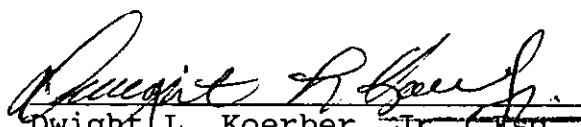
Venco Trucking, Inc., by and through its counsel, hereby stipulates and agrees that the attached Restrictive Amendment, dated August 21, 1991, satisfies its interest in the above-captioned case.

Furthermore, by this Stipulation of Withdrawal, Venco Trucking, Inc. hereby agrees and acknowledges that, conditioned upon the Commission's acceptance of the Restrictive Amendment and conditioned upon any grant of authority being consistent with the Restrictive Amendment, its Protest to the above-captioned application is hereby withdrawn.

Counsel for Venco Trucking, Inc., whose name and address are set forth below, will remain a party of record for the purpose of receiving copies of all future notices and orders issued by the Commission in this proceeding.

DATED: 8/23/91

KRINER, KOERBER & KIRK, P.C.
110 North Second Street
P. O. Box 1320
Clearfield, PA 16830


Dwight L. Koerber, Jr., Esq.
Counsel for Protestants
VENCO TRUCKING, INC.

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
AUG 30 1991
ENTRY No. W