

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

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

March 1, 1991
File: 284.200

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

RE: MARIANNE INDUSTRIES, INC., A.00109648 -
Protest of Morgan Drive Away, Inc.

RECEIVED

MAR 4 1991

SECRETARYS OFFICE
Public Utility Commission

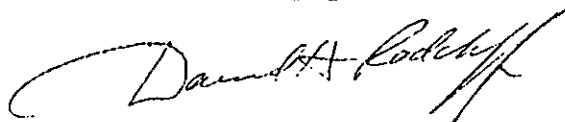
Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

FILE

Dear Mr. Rich:

On behalf of Morgan Drive Away, Inc., I enclose the original and one copy of a protest to the above-captioned application. Copies are being forwarded to applicant, applicant's counsel and to protestant.

Very truly yours,



David H. Radcliff

DHR/kr
Enclosure

cc: Marianne Industries, Inc.
P.O. Box 300
Shippenville, PA 16254

William J. Lavelle, Esquire
2310 Grant Building
Pittsburgh, PA 15219

William Becker, Operations Manager
Morgan Drive Away, Inc.
28651 U.S. 20 West
Box 1168
Elkhart, IN 46514

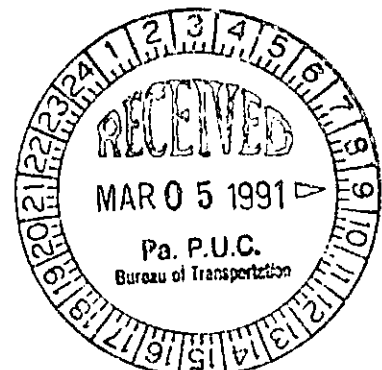
Ron Waschman, Regional Director
Morgan Drive Away, Inc.
160 Greenfield Road
Lancaster, PA 17601

DOCUMENT
FOLDER

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MAR 4 1991

SECRETARYS OFFICE
Public Utility Commission





BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

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MAR 4 1991

SECRETARY'S OFFICE
Public Utility Commission

In Re: PA-00109648. Marianne Industries, Inc. (P.O. Box 300, Shippensburg, Clarion County, PA 16254), a corporation of the Commonwealth of Pennsylvania--mobile and modular homes, trailers, additions thereto and appurtenant articles, chassis, undercarriages and frames, between points in the county of Clarion, and from points in said county, to points in Pennsylvania, and vice versa.

Applicant's attorney: William J. Lavelle
2310 Grant Building
Pittsburgh, PA 15219

RECEIVED

MAR 4 1991

SECRETARY'S OFFICE
Public Utility Commission

Pennsylvania Bulletin reference: February 23, 1991, page 796

PROTEST OF
MORGAN DRIVE AWAY, INC.
A.86646

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

MORGAN DRIVE AWAY, INC.
28651 U.S. 20 West
Box 1168
Elkhart, IN 46514

Telephone: (219) 295-2200

2. The name, address and telephone number of protestant's attorney is:

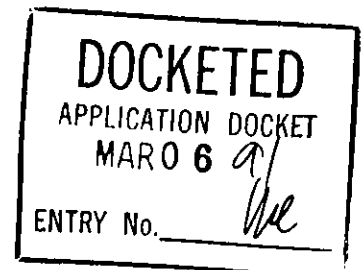
GRAF, ANDREWS & RADCLIFF, P.C.
Christian V. Graf, Esquire
David H. Radcliff, Esquire
407 North Front Street
Harrisburg, PA 17101

Telephone: (717) 236-9318

3. Protestant possesses authority at A. 86646, a copy of which is attached as Exhibit A.



1



a. Thereunder protestant can provide all of the service which applicant seeks.

4. Absent knowledge as to who, if anyone, supports this application, a meaningful traffic exhibit cannot be provided.

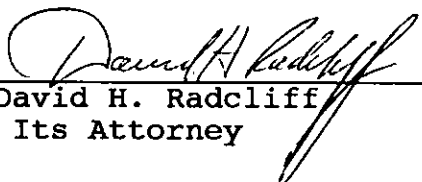
5. Applicant knows of no amendment at this time which will satisfy its interest, but is willing to discuss the matter with applicant's attorney.

6. Pursuant to Sec. 333(c) of the Public Utility Code, protestant requests applicant or its attorney to forward to protestant's attorney a list of the names and addresses and the company names and addresses of all witnesses who may be called to testify.

WHEREFORE, absent an appropriate amendment, Protestant prays the instant application be dismissed.

AND IT WILL EVER PRAY.

MORGAN DRIVE AWAY, INC.

By: 
David H. Radcliff
Its Attorney

March 4, 1991

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 85546
Folder 2, Am-A

Application of MORGAN DRIVE AWAY, INC.,
a corporation of the State of Indiana

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of MORGAN DRIVE AWAY, INC., a corporation of the State of Indiana, dated March 19, 1953, for modification of report and order issued under date of January 4, 1950 and certificate of public convenience issued thereunder, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that applicant amended his application whereby protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, September 23, 1953, IT IS ORDERED: That the rights contained in the report and order issued under date of January 4, 1950 and certificate of public convenience issued thereunder, be and is hereby modified and amended so that the said right shall now read as follows:

To transport, as a Class D carrier, trailers designed to be drawn by passenger automobiles, in truckaway service, between points in Pennsylvania;

subject to the following condition:

That no right, power or privilege is granted to pick up trailers in the Borough of Lewistown, Mifflin County, and within an airline distance of twenty-five (25) miles of the limits of said borough, other than those points in the Borough of State College, Centre County, and points within an airline distance of five (5) miles of the limits of said borough and those points in the Borough of Bellefonte, Centre County, and points within an airline distance of five (5) miles of the limits of said borough.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

/s/ William P. Ross

Secretary

/s/ Joseph Sharfsin

Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 86646
Folder 2, Am-B

Application of MORGAN DRIVE AWAY, INC., a
corporation of the State of Indiana

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of MORGAN DRIVE AWAY, INC., a corporation of the State of Indiana, dated February 23, 1970 for modification of report and order issued under date of January 4, 1960 and the certificate of public convenience issued thereunder, as modified and amended, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, August 10, 1970, IT IS ORDERED: That the report and order issued under date of January 4, 1960 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, self-propelled mobile homes and self-propelled trailers (excluding trailers used for the transportation of property), in towaway, driveaway and truckaway service, between points in Pennsylvania.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:



George Bloom
Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 86646
Folder 2, Am-C

Application of MORGAN DRIVE AWAY, INC.,
a corporation of the State of Indiana

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of MORGAN DRIVE AWAY, INC., a corporation of the State of Indiana, dated February 9, 1971 for modification of the report and order issued under date of January 4, 1960 and the certificate of public convenience issued thereunder, as modified and amended, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the applicant amended the application whereby the protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, April 16, 1973, IT IS ORDERED: That the report and order issued under date of January 4, 1960 and the certificate of public convenience issued thereunder, as modified and amended, be further modified and amended so as to include the following rights:

To transport, as a Class D carrier, mobile homes and other buildings in sections, mounted on wheeled undercarriages, between points in Pennsylvania.

To transport, as a Class D carrier, modular buildings and sections of modular buildings and the component parts thereof, between points in Pennsylvania.

and subject to the following conditions:

That transportation of the component parts shall be limited to transportation from point of manufacture to the job sites of the aforesaid buildings or sections of buildings.

That no right, power or privilege is granted to transport structural steel members.

That no right, power or privilege is granted to perform transportation from Bentleyville, Washington County, Elizabeth, Allegheny County, and Belle Vernon, Fayette County.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

William R. ...

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 86646
Folder 2, Am-D

Application of MORGAN DRIVE AWAY, INC., a
corporation of the State of Indiana

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of MORGAN DRIVE AWAY, INC., a corporation of the State of Indiana, dated February 15, 1974, for modification of the report and order issued under date of January 4, 1960 and the certificate of public convenience issued thereunder, as modified and amended, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by JAMES H. BROWER, trading and doing business as RIVERSIDE MOBILE-HOME TRANSPORT, under report and order issued at A. 86097 on March 23, 1959 and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled as of the date of this order, upon compliance with the tariff requirements of the Commission by MORGAN DRIVE AWAY, INC., a corporation of the State of Indiana, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, April 23, 1974, IT IS ORDERED: That the report and order issued under date of January 4, 1960 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, new and used mobile homes, office trailers, vacation trailers, utility trailers and boat trailers between points in the borough of Lewistown, Mifflin County, and within an airline distance of twenty-five (25) statute miles of the limits of said borough and from points in said territory to points in Pennsylvania, and vice versa;

and subject to the following conditions:

FIRST: 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 right 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.

SECOND: That applicant shall not record in its utility accounts any amount representing the right herein granted, in excess of the actual cost of such right to the original holder thereof.

A. 86646
Folder 2, Am-D

THIRD: That the applicant charge to Account 1550,
Other Intangible Property, \$5,000, being the
amount of the consideration payable by it for the right
and going concern value attributable thereto; less
any amount recorded under condition 2 above.

IT IS FURTHER ORDERED: That the applicant will not be
permitted to operate or engage in any transportation granted
herein until compliance with the requirements of the Public
Utility Law, relative to the filing and acceptance of a tariff
establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

Will Peter

Secretary

George Bloom

Chairman

ORDER ADOPTED: April 23, 1974
ORDER ENTERED: April 29, 1974

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held September 9, 1975
Harrisburg, Pa. 17120

COMMISSIONERS PRESENT:

Chairman Carter
Commissioner Kelly
--Commissioner Bloom

Application Docket No. 86646, Folder 2, Am-E—Application of
MORGAN DRIVE AWAY, INC., a corporation of the State of Indiana

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of MORGAN DRIVE AWAY, INC., a corporation of the State of Indiana, received May 13, 1975, for modification of the report and order issued under date of January 4, 1960 and the certificate of public convenience issued thereunder, as modified and amended, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, September 9, 1975, a IT IS ORDERED: That the report and order issued under date of January 4, 1960 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to exclude the following condition contained in the supplemental report and order issued under date of April 16, 1973 which reads as follows:

That no right, power or privilege is granted to perform transportation from Bentleyville, Washington County, Elizabeth, Allegheny County, and Belle Vernon, Fayette County.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

(SEAL)

BY THE COMMISSION

C. J. McElwee

C. J. McELWEE
Acting Secretary

ORDER ADOPTED: September 9, 1975
ORDER ENTERED: September 24, 1975

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held September 8, 1976
Harrisburg, PA. 17120

COMMISSIONERS PRESENT:

Commissioner Kelly
Commissioner Bloom
Commissioner O'Bannon

Application Docket No. 86646, Folder 2, Am-F - Application of
MORGAN DRIVE AWAY, INC., a corporation of the State of Indiana

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of MORGAN DRIVE AWAY, INC., a corporation of the State of Indiana, received October 30, 1975, the modification of the report and order issued under date of January 4, 1960, under certificate of public convenience issued thereunder, as modified and amended, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, September 8, 1976, IT IS ORDERED: That the report and order issued under date of January 4, 1960, and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further amended so as to include the following right:

To transport, as a Class D carrier, buildings, building panels, building parts, and materials, accessories and supplies used in the installation, erection and construction of buildings, building panels, and building parts, except commodities in bulk, from the plant site and storage facilities of Butler Manufacturing Company in the townships of Annville and North Annville, Lebanon County to points in Pennsylvania.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law relative to the filing and acceptance of a tariff establishing just and reasonable rates.

BY THE COMMISSION,



C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: September 8, 1976

ORDER ENTERED: September 14, 1976

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 4, 1979

Commissioners Present:

W. Wilson Goode, Chairman
Robert K. Bloom
Louis J. Carter
Helen B. O'Bannon
Michael Johnson

Application of Morgan Drive Away, Inc., a corporation of the state of Indiana, for amendment to its common carrier certificate:

A. 86646
F. 2
Am-G

SO AS TO PERMIT the transportation of, by means of driveaway, towaway or truckaway, trailers, semi-trailers, trailer chassis, semi-trailer chassis (except mobile homes and those designed to be drawn by passenger automobiles); vehicle bodies, trailer bodies, semi-trailer bodies, containers (except those having a capacity of nine cubic feet or less); material and supplies used in the manufacture of the foregoing items; and tractors, only when drawing trailers or chassis moving in driveaway, towaway or truckaway service, from the plant site of the Fruehauf Corporation in the township of Lower Swatara, Dauphin County, to points in Pennsylvania, and vice versa.

Christian V. Graf for applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 6, 1978. Public notice of the application was given in the Pennsylvania Bulletin of May 13, 1978. A protest was filed by Arco Auto Carriers, Inc. The protest was withdrawn without amendment.

The application is unopposed and is now certified to the Commission without hearing. Verified statements have been submitted by applicant and the supporting shipper.

Richard A. Hall, district manager of Morgan Drive Away, Inc. (hereinafter Morgan or applicant), city of Wilkes-Barre, Luzerne County and Walter Vukin, director of traffic for the Fruehauf Corporation, Detroit, Michigan made the following statements in support of the proposed service.

Morgan currently holds authority both interstate and intrastate and specializes in the moving of mobile homes, modular homes, office trailers and the like. Applicant holds authority from the Commission at A. 86646, F. 2 and is operating pursuant thereto (Exhibit 1).

The instant application seeks authority to transport by means of driveaway, towaway or truckaway, trailers, semi-trailers, trailer chassis, semi-trailer chassis (except mobile homes and those designed to be drawn by passenger automobile); vehicle bodies, trailer bodies, semi-trailer bodies, containers (except those having a capacity of nine cubic feet or less); materials and supplies used in the manufacture of the foregoing items; and tractors, only when drawing trailers or chassis moving in driveaway, towaway or truckaway service, from the plant site of Fruehauf Corporation located in the township of Lower Swatara, Dauphin County, to points in Pennsylvania, and vice versa.

Its district office and main terminal are located at Wilkes-Barre. Terminals are also operated at Chambersburg, Leola, West Mifflin, Northumberland. In the near future, the main terminal and district

office will be moved to Harrisburg. Until the Harrisburg terminal is operational, the proposed service will be furnished from the Chambersburg terminal. All terminals are interconnected by telephone and a WATS line is available for requests for service. Morgan has 35 tractors, 200 flatbed trailers and 35 drivers available to render the required service. Most items movings without wheels would be handled on the flatbed units of Fruehauf, but five to ten flatbed units of its owns are available, if required. Insurance in excess of the Commission's requirements is maintained. A safety program is conducted for drivers and a preventive maintenance program followed on its equipment.

A balance sheet as of December 31, 1977, was submitted showing current assets of \$6,023,226 and current liabilities of \$1,906,155. A income statement as of December 31, 1977, was also submitted showing a net income after taxes of \$975,174.

Morgan proposes to provide service seven days a week, make prompt pickups and deliveries, supply competent drivers on units moved by means of driveaway service as, for example, tractors with trailers affixed, exercise care so as not to damage equipment in transit, supply flatbed trailer units as required, and return equipment traded in or sent back for repair. Morgan will also handle interplant movements between the Fruehauf plants in Dauphin County and Uniontown and traffic between the plant in Dauphin County and distributors, dealers and customers. No dual operations or duplication of authority will result from approval of the application.

Fruehauf Corporation is a manufacturer of trailers, semi-trailers, trailer chassis, semi-trailer chassis, vehicle bodies, trailer

bodies, semi-trailer bodies and cargo containers used in the trucking industry. A manufacturing plant for construction of these commodities is located in the township of Lower Swatara, Dauphin County.

Outbound traffic moves daily to dealers, distributors and customers at Bath, Bradford, Brockway, Dunmore, Greenville, Harrisburg, Hershey, Millersburg, Milton, News Kensington, Wilkes-Barre and York; and to factory-owned sales and service branches at Allentown, Scranton, Philadelphia and Pittsburgh. On occasion, Fruehauf will supply company-owned tractors, and/or trailers, due to specialized requirements with applicant furnishing drivers. Interplant movements are required between the Lower Swatara plant and its other factory at Uniontown. Various materials and supplies used in the manufacturing process are received inbound from Berwick, Red Lion, Pittsburgh, Philadelphia and Bethlehem. Trade-ins of old equipment and equipment for repairs are received inbound at the Lower Swatara Township plant on occasion. Through August, 1978, it has shipped 8,062 units. Fruehauf will tender up to a maximum of 10 per cent of its production to applicant. Fruehauf anticipates expanding production in the near future.

Traffic now moves by private carriage and Arco Auto Carriers, Inc. Dealer Transit, Inc. also has authority to handle the traffic, however, it is not interested in the traffic and has not accepted any Fruehauf shipments for some time. As an example of the deficiencies of the service being provided by Arco, Fruehauf had 656 movements available during February 1978 and Arco handled only 13. Arco did not have equipment available when needed. Fruehauf operates only 39 tractors in private carriage from the Lower Swatara plant. On days when more than

39 trips are necessary, shipments must be delayed. Fruehauf does not desire to enlarge its private carriage fleet and Arco does not have equipment available when demanded. Its volume of production is expanding and it believes there is ample traffic for applicant, Arco and its private fleet. Additional service is necessary to supplement private carriage and the service of Arco.

Fruehauf is not supporting any application for similar authority.

DISCUSSION AND FINDINGS

The application seeks authority to transport various types of trailers, vehicle bodies, semi-trailer bodies, and containers in truckaway, driveaway and towaway service from the plant site of the Fruehauf Corporation in the township of Lower Swatara, Dauphin County to points in Pennsylvania and vice versa. Private carriage and two existing carriers have been used. The existing carriers do not appear interested in handling the traffic or do not have equipment available when demanded by shipper. Fruehauf does not wish to expand its private carriage fleet. Fruehauf needs supplemental service, such as applicant proposes from its plant site in Lower Swatara Township to points in Pennsylvania and vice versa.

We find that:

1. Applicant has the equipment, experience and financial ability to render the proposed service.
2. A need exists for the proposed service.
3. Existing service is inadequate to meet the current volume of traffic tendered by Fruehauf and Fruehauf expects to increase its volume of production in the near future.

4. The proposed service will tend to substantially improve the condition.

5. 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, as modified, and that the certificate issued to applicant on January 29, 1960, as amended, be further amended to include the following rights:

To transport, as a Class D carrier, in driveaway, towaway or truckaway service, trailers, semi-trailers, trailer chassis, semi-trailer chassis (except mobile homes and those designed to be drawn by passenger automobiles); vehicle bodies, trailer bodies, semi-trailer bodies, containers (except those having a capacity of nine cubic feet or less); materials and supplies used in the manufacture of the foregoing items; and tractors, only when drawing trailers or chassis moving in driveaway, towaway or truckaway service; from the plant site of the Fruehauf Corporation in the township of Lower Swatara, Dauphin County, to points in Pennsylvania, and vice versa.

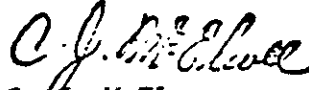
IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Law 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 said applicant has not, on or before thirty (30) days from the date of the service of this

order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: January 4, 1979

ORDER ENTERED: JAN 12 1979

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 8, 1980

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of Morgan Drive Away, Inc.,
a corporation of the State of Indiana,
for amendment to its common carrier
certificate: SO AS TO PERMIT the
transportation of buildings, building
panels, building parts, and materials,
accessories and supplies used in the
installation, erection and construction
of buildings, building panels, and
building parts, except commodities in
bulk, from the plant site and storage
facilities of Star Manufacturing Co. in
the borough of Homer City, Indiana
County, to points in Pennsylvania, and
vice versa.

A-00086646
F. 2
Am-H

Christian V. Graf for the applicant.
Pope and Pope by H. Ray Pope for the protestants, Ace Motor Freight,
Inc. and Paul L. Zamberland & Sons, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application
filed August 21, 1979. Public notice of the application was given in
the Pennsylvania Bulletin of September 8, 1979. Protests were filed by
Ace Motor Freight, Inc. and Paul L. Zamberland & Sons, Inc. The protests
were withdrawn when the applicant restrictively amended its application
to exclude the transportation of brick and clay products from Lewis Run,
McKean County; Summerville, Jefferson County; and Lawrence and Bradford
Townships, Clearfield County.

The application is now unopposed and the record is certified to the Commission without hearing. The record consists of verified statements submitted by the applicant and supporting shipper.

Morgan Drive Away, Inc. (hereinafter Morgan) with corporate offices located in Elkhart, Indiana, and Pennsylvania offices located in Wilkes-Barre, Luzerne County, is represented herein by its Pennsylvania manager, Richard A. Hall. Pertinent to this application is its Indiana County terminal. The supporting shipper is being provided equipment from this terminal for the transportation of interstate shipments, with no transportation being provided for intrastate shipments.

Available at the Indiana County terminal are three tractors and six trailers with which to provide the proposed service. If additional equipment is needed, it has 79 pieces of equipment under lease that can be used to provide the transportation proposed. Flatbed equipment will be provided with the required tiedown equipment.

Overnight services will be available to all points in Pennsylvania with the transportation of truckload shipments with multiple deliveries also available. Because its terminal is located only three miles from the shipper's facilities, equipment can be provided promptly. Deliveries to job site locations will be made on schedules provided by the contractor.

As indicated on its unaudited balance sheet and profit and loss statement for the first six months of 1979, the applicant has current assets of \$7,737,636, total assets of \$12,018,876, current liabilities of \$1,956,661, and retained earnings of \$10,009,925. From operating revenue of \$17,888,155 it generated a net income of \$887,433.

Star Manufacturing Co. (hereinafter Star), Homer City, Indiana County, is represented herein by its transportation supervisor for the Homer City plant, J. E. Elliot. Star is a manufacturer of buildings, building panels, building parts, materials and accessories used in the construction of buildings. Outbound traffic from this facility is approximately 1,250,000 pounds per week. Its intrastate traffic totals approximately 187,500 pounds of which 70 percent will be tendered to applicant.

Shipments will originate at Homer City facilities and will be destined for customers located in every county within the Commonwealth. A partial points list would include Aliquippa, Altoona, Beaver, Bedford, Carlisle, Catawissa, Dallastown, Dover, East Butler, Eighty-Four, Gettysburg, Harrisburg, Lancaster, Pittsburgh, Philadelphia, Waynesburg and York. Shipments are moving to these destinations on equipment supplied by W. H. Johns, Inc., John Benkart & Sons, Inc., Breman's Express and by private carriage. These carriers do not possess authority to transport shipments to all points within the Commonwealth, nor do they have sufficient flatbed equipment to handle all the available traffic. Private carriage is not always available at the Pennsylvania shipping points.

Star's shipping requirements consist of a need for 40-foot flatbed trailers, overnight service, transportation of truckload shipments, multiple delivery service, prompt pickup and deliveries, the meeting of construction schedules for deliveries, sequential deliveries and to have equipment spotted on occasions in advance.

DISCUSSION AND FINDINGS

The applicant seeks to amend its certificate of public convenience through its instant application, whereby it will be authorized to transport buildings, building panels, building parts, and materials, accessories and supplies used in the installation, erection and construction of buildings and parts thereof. All traffic will originate in the borough of Homer City, Indiana County and will be destined to points throughout Pennsylvania.

We find that a need exists for service proposed and amended, as evidenced by the statement of the supporting shipper that presently certificated carriers lack sufficient territorial authority and ample flatbed equipment. They also have found that private carriage equipment is not always available at their Pennsylvania facilities, thereby requiring them to use common carriers.

We further find that the supporting shipper has expressed no interest in using the applicant for the transportation of shipments originating at points in Pennsylvania that have a destination of Star's facilities located in the borough of Homer City, Indiana County. Having failed to establish that a need exists for vice versa authority, the following grant will exclude the requested vice versa authority.

We also find that the applicant possesses the necessary equipment, experience and financial capabilities to provide the service proposed and amended, and that the approval of the amended application will be an 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 January 29, 1960, as amended, be further amended to include the following right:

To transport, as a Class D carrier, buildings, building panels, building parts, and materials, accessories and supplies used in the installation, erection and construction of buildings, building panels, and building parts, except commodities in bulk, from the plant site and storage facilities of Star Manufacturing Co. in the borough of Homer City, Indiana County, to points in Pennsylvania.

subject to the following condition:

That no right, power or privilege is granted to transport brick and clay products from Lewis Run, McKean County; Summerville, Jefferson County; and Lawrence and Bradford Townships, Clearfield County.

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 Law and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

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

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

BY THE COMMISSION,


William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: February 8, 1980

ORDER ENTERED: FEB 22 1980

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 17, 1982

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro
Clifford L. Jones

Application of Morgan Drive-Away, Inc., a corporation of the State of Indiana, for amendment to its common carrier certificate, which grants the rights, inter alia, to transport, by motor vehicle, in driveaway, towaway or truckaway service, trailers, semi-trailers, trailer chassis, semi-trailer chassis (except mobile homes and those designed to be drawn by passenger automobiles); vehicle bodies, trailer bodies, semi-trailer bodies, containers (except those having a capacity of nine cubic feet or less); materials and supplies used in the manufacture of the foregoing items; and tractors, only when drawing trailers or chassis moving in driveaway, towaway or truckaway service; from the plant site of the Fruehauf Corporation, in the township of Lower Swatara, Dauphin County, to points in Pennsylvania, and vice versa: SO AS TO PERMIT the transportation of trucks and truck bodies, between points in the borough of Mayfield, Lackawanna County, and the township of Clinton, Lycoming County; and from said borough and township, to points in Pennsylvania, and vice versa.

A-00086646
F. 2
Am-I

Graf, Knupp & Andrews, by Christian V. Graf for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on May 25, 1982. Public notice was given in the Pennsylvania Bulletin of June 12, 1982. 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 one supporting shipper.

Wayne M. Widders is district manager of Morgan Drive-Away, Inc. (Morgan or applicant) and submits verified information on the company's behalf in this proceeding. The company is domiciled in Elkhart, Indiana, and as herein pertinent, operates terminals in Pennsylvania at Selinsgrove, West Mifflin, Leola and Carlisle. A terminal located in Williamsport, Maryland serves certain Pennsylvania areas such as Franklin County.

The applicant's current operations involve the movement of mobile homes which are normally transported by the use of hitch ball connectors and the towing of trailers which have the customary fifth-wheel attachment. Vehicles of both types are stationed at certain terminals. Another segment of its operation entails a drive-away service in which the vehicle equipped with its own motive power is driven over the road by one of Morgan's drivers. The equipment fleet consists of 47 mobile home tractors, 54 tractors with fifth-wheel connectors and 18 lowboy trailers. The lowboys would be utilized in the service proposed in this application.

Morgan maintains public liability and cargo insurance in excess of the amounts required. Its drivers are familiar with the safety rules and regulations and complete personnel records are kept on each driver. All of the equipment is inspected as required by law and is also checked by each terminal manager to which the unit is assigned.

The shipper will be offered various types of services such as:

1. Morgan will have its drivers drive the trucks on their own wheels and under their own power from either of the plants to any point in Pennsylvania. It will tow a second unit with a towbar connector.
2. The same drivers will be available to return trade-in units to both locations.
3. In those instances where the consignees desire the equipment to be handled on lowboy trailers rather than driven, it has a sufficient number of units available to provide such service.
4. It will handle a truck and a truck body together in a multiple shipment load on a lowboy trailer when necessary.
5. It will provide next-day delivery to any point in Pennsylvania and same-day delivery to points close to the shipper facilities.

An unaudited balance sheet as of December 31, 1981, discloses that the applicant had current assets of \$9,786,044, total assets of \$13,382,504 with current liabilities of \$2,258,904 and total liabilities of \$2,344,881, leaving a net worth in excess of \$11,000,000. An unaudited statement of income as of December 31, 1981, reveals that from operating revenues of \$35,459,679, it incurred operating expenses of \$33,789,482, providing a net profit before taxes of \$1,670,197.

David W. Simmons is vice-president of Grumman Olson Division of Grumman-Allied Industries, Inc. (Grumman or shipper) which is headquartered in Melville, New York with plants in Mayfield, Lackawanna County, and Clinton Township, Lycoming County, as pertinent here. He has entered a verified statement on the company's behalf in this matter.

Grumman manufactures and ships truck bodies and also mounts the truck bodies on truck chassis. Production at the Mayfield plant averages two units per day and the Clinton Township plant averages three units per day. The applicant would be given approximately 50 percent of the available traffic. The trucks are of the step-in or local delivery type.

The shipper's customers are located statewide at points such as Philadelphia, Lancaster, Reading, Pittsburgh, Harrisburg, Scranton, Allentown, Williamsport, State College, Erie, Altoona, Chambersburg, Washington, New Castle, Gettysburg, Stroudsburg, Hanover, Oil City and Franklin, to name a few. The traffic is now moving by Kenosha Auto Transport or by customer pickup.

Grumman's customers object strenuously when it utilizes Kenosha because, in the eyes of the customers, their freight charges are excessive. As a result, many customers elect to make their own pickups which is unsatisfactory to Grumman for various reasons. When the customer comes to drive the truck away, they frequently fly in, which means that Grumman must detail someone to meet them at the airport, a practice which is not always convenient. At other times they arrive when it is inconvenient and Grumman must disrupt its operation to accommodate them. The customer's representative must wait on occasion which creates ill feelings.

In order to alleviate its service problems, Grumman feels it would be better to utilize the applicant which can now provide service from and to both plants in interstate commerce and also serves its plant in Sturgis, Michigan. It believes that by tendering more business to the applicant, it would be able to rely upon a more realistic rate and at the same time, discourage customer pickups.

Grumman needs service in the form of the driveaway of a complete truck; the driveaway of one unit with a towbar hookup on the second; the return of bodies or trucks to either plant; the movement of bodies and trucks on lowboy trailers in both directions; and direct customer delivery on a same-day or overnight basis. Its present use of the applicant on interstate traffic has shown that it is a reliable carrier who can meet these demands.

DISCUSSION AND FINDINGS

Morgan Drive-Away, Inc., seeks authority to amend its certificate of public convenience so that it will have the right to transport trucks and truck bodies between points in the borough of Mayfield, Lackawanna County and Clinton Township, Lycoming County; and from the borough and township to points in Pennsylvania, and vice versa. The trucks and bodies involved are of the step-in or local delivery variety.

It is our opinion that the applicant is well qualified, both financially and from an experience standpoint, to provide the service in a manner responsive to the shipper's needs. We deem it necessary to expound only on certain minor aspects of the application.

The proposed service will be provided only from the facilities of the single supporting shipper in Mayfield and Clinton Township as opposed to the general public. We therefore deem it appropriate to limit the service from and to those facilities only. In the same vein, the applicant will provide service in several ways, i.e., it will provide drivers to drive the vehicles away under their own power (driveaway service); it will transport the vehicles on lowboy trailers (truckaway service); and it will furnish towbar equipment for use in towing one or more vehicles (towaway service). We find it further appropriate to insert these types of services in the authority conveyed here. This action in no way will lessen the applicant's ability to provide the required service but may prevent future enforcement problems.

We find:

1. That the applicant has shown that a public need for the proposed service does exist from the shipper's facilities in Mayfield and Clinton Township.
2. That the proposed service will be provided by the driveaway, towaway and truckaway methods.
3. That the applicant is fit, ready, willing and able to adequately provide the service as proposed and hereafter modified.
4. That approval of the application, as modified, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved as modified and that the certificate issued to the applicant on January 29, 1960, as amended, be further amended to include the following right:

To transport, as a Class D carrier, in driveaway, towaway or truckaway service, trucks and truck bodies, from the facilities of Grumman Olson Division of Grumman-Allied Industries, Inc., located in the borough of Mayfield, Lackawanna County, and the township of Clinton, Lycoming County, to points in said borough and township and other points in Pennsylvania, and vice versa.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Law 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 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 applicant, shall not be construed as conferring more than one operating right.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich". The signature is written in dark ink and is positioned above the typed name.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 17, 1982

ORDER ENTERED: SEP 27 1982

LAW OFFICES
ZEIGLER & REYNOLDS, P.C.

355 N. 21ST STREET, SUITE 301

P.O. BOX 1080

CAMP HILL, PA 17011

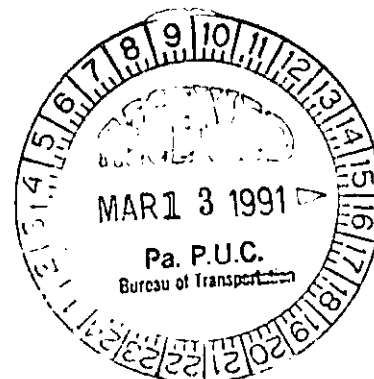
(717) 731-1484

PAUL L. ZEIGLER
BARBARA A. REYNOLDS

FAX
(717) 731-1498

March 11, 1991

Mr. Jerry Rich, Secretary
Pennsylvania Public
Utility Commission
Room B-20
North Office Building
P.O. Box 3265
Harrisburg, PA 17120



FILE

RE: Application of Marianne Industries, Inc.
No. A-00109648

Dear Secretary Rich:

Enclosed please find the protest of Herman F. Miller, t/a H.F. Miller Mobile Home Transport, with regard to the above-noted Application. Also enclosed you will find an Affidavit indicating service has been made by Certified Mail upon Marianne Industries, Inc.

Please enter our appearance on behalf of Herman F. Miller t/a H.F. Miller Mobile Home Transport in this matter.

Very truly yours,


Paul L. Zeigler

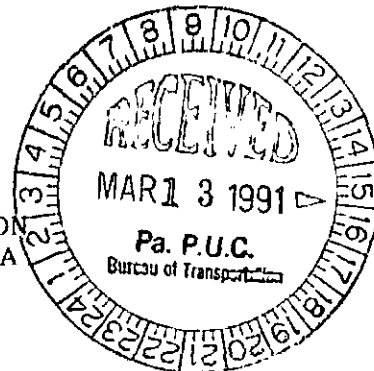
PLZ/cmm

Enc.

cc Mr. H.F. Miller
Marianne Industries, Inc.
William J. Lavelle, Esquire

RECEIVED
MAR 13 1991
SECRETARYS OFFICE
Public Utility Commission

BEFORE THE PUBLIC UTILITY COMMISSION
OF THE COMMONWEALTH OF PENNSYLVANIA



RE: A-00109648

Application of Marianne Industries, P.O. Box 300, Shippenville, Clarion County, Pennsylvania 16254, a corporation of the Commonwealth of Pennsylvania, for mobile and modular homes, trailers, additions thereto and appurtenant articles, and chassis, undercarriages and frames, between points in the County of Clarion, and from points in said County, to points in Pennsylvania, and vice versa.

NOTICE OF PROTEST

Herman F. Miller, t/a H.F. Miller Mobile Home Transport, by his attorneys, Zeigler & Reynolds, P.C., hereby serves notice on the Application in the above-entitled proceeding that they will be represented at the hearing and will protest the above Application on the following grounds:

1. Herman F. Miller, t/a H.F. Miller Mobile Home Transport, of 900 Keckler Road, Harrisburg, Pennsylvania, operates under Certificate of Public Convenience No. A.99581, a copy of which is attached hereto.

2. The relevant portions of the protestant's authority upon which this Protest is predicted is its authority pursuant to Certificates of Public Convenience A.99581 containing the following rights:

To transport, as a Class D Carrier, mobile homes and office trailers between points in the said County to points in Pennsylvania and vice versa.

To transport, as a Class D Carrier, by means of towing, mobile homes and office trailers between points in the County of Cumberland and from points in said County to points in Pennsylvania and vice versa.

3. That the services provided will be competitive with the service of existing transportation companies, including the protestant, to the detriment of such existing services.

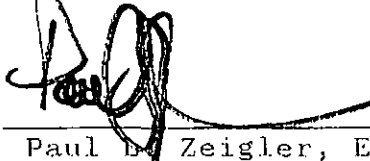
3. There is no public need for the proposed service, nor is the approval of the Application for such proposed service necessary

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FOLDER**

or proper for the services, accommodation, convenience or safety of the public.

HERMAN F. MILLER t/a
H. F. MILLER MOBILE HOME TRANSPORT



Paul D. Zeigler, Esquire
ZEIGLER & REYNOLDS, P.C.
355 North 21st Street, Suite 301
P.O. Box 1080
Camp Hill, PA 17011
(717) 731-1484

DATED: 12 March 1991

cc H.F. Miller Mobile Home Transport

BEFORE THE PUBLIC UTILITY COMMISSION
OF THE COMMONWEALTH OF PENNSYLVANIA

RE: A-00109648

Application of Marianne Industries, P.O. Box 300, Shippenville, Clarion County, Pennsylvania 16254, a corporation of the Commonwealth of Pennsylvania, for mobile and modular homes, trailers, additions thereto and appurtenant articles, and chassis, undercarriages and frames, between points in the County of Clarion, and from points in said County, to points in Pennsylvania, and vice versa.

AFFIDAVIT

AND NOW, this 12th day of March, 1991, Paul L. Zeigler, Esquire, of the firm of Zeigler & Reynolds, P.C., after being duly sworn according to law, deposes and says that he mailed a copy of the Notice of Protest in the above-captioned matter to Marianne Industries, Inc., P.O. Box 300, Shippenville, Clarion County, Pennsylvania 16254, and William J. Lavelle, Esquire, 2310 Grant Building, Pittsburgh, Pennsylvania 15219.

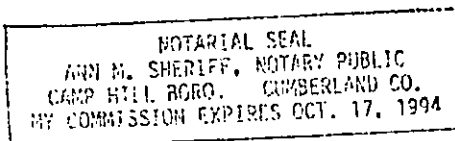


Paul L. Zeigler, Esquire

Sworn to and subscribed
before me this 12th
day of March, 1991.

Ann M. Spuff
Notary Public

My Commission Expires:



A. 99581

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF

HERMAN FRANKLIN MILLER, trading and doing
business as H.F. MILLER MOBILE HOME
TRANSPORT

CERTIFICATE
OF
PUBLIC CONVENIENCE

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and entered, a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

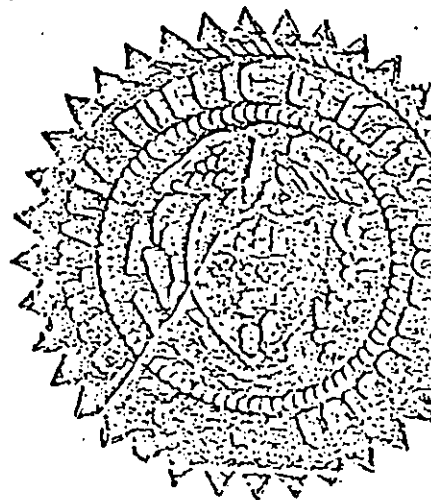
In Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 27th day of May, 19 76.

Attest:

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

C. J. McElvool

Secretary



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held May 5, 1976
Harrisburg, PA 17120

COMMISSIONERS PRESENT:

Chairman Carter
Commissioner Bloom
Commissioner O'Bannon
Commissioner Johnson

Application Docket No. 99581 - Application of HERMAN FRANKLIN MILLER,
trading and doing business as H. F. MILLER MOBILE HOME TRANSPORT

REPORT AND ORDER
APPROVING SERVICE AS A MOTOR CARRIER

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of HERMAN FRANKLIN MILLER, trading and doing business as H. F. MILLER MOBILE HOME TRANSPORT, received December 12, 1975, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by JAMES A. PLASTERER, JR., under report and order issued at A. 85615 on December 22, 1958 and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by HERMAN FRANKLIN MILLER, trading and doing business as H. F. MILLER MOBILE HOME TRANSPORT, the Commission finds and determines that approval of the application limited to the following rights:

To transport, as a Class D carrier, mobile homes and office trailers between points in the county of Dauphin and from points in the said county to points in Pennsylvania and vice versa.

To transport, as a Class D carrier, by means of towing, mobile homes, and office trailers between points in the county of Cumberland and from points in said county to points in Pennsylvania and vice versa;

and subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public:

FIRST: 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.

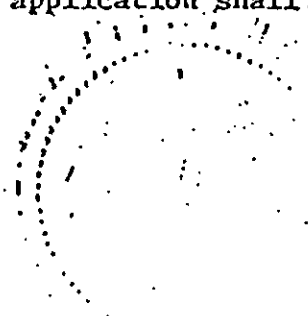
SECOND: That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.

THIRD: That the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereafter be amended, and revised General Order No. 29, effective July 1, 1939 or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, May 5, 1976, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience 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 thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



C. J. McElwee

C. J. McELWEE
Secretary

(SEAL)

Order Adopted: May 5, 1976
Order Entered: May 11, 1976

McNEES, WALLACE & NURICK

ATTORNEYS AT LAW

100 PINE STREET

P. O. BOX 1166

HARRISBURG, PA. 17108-1166

TELEPHONE (717) 232-8000

FAX (717) 236-2665

OF COUNSEL
GILBERT NURICK
EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
SAMUEL A. SCHRECKENGAUST, JR.

THOMAS C. HERWEG
EXECUTIVE DIRECTOR

March 15, 1991

FRANCIS B. HAAS JR.
G THOMAS MILLER
DONALD R. WAISEL
RICHARD R. LEFEVER
CLYDE W. MCINTYRE
S. BERNE SMITH
ROD J. PERA
EDWARD W. ROTHMAN
ROBERT A. MILLS
W. JEFFRY JAMOUNEAU
HERBERT R. NURICK
DAVID E. LEHMAN
NORMAN I. WHITE
RICHARD W. STEVENSON
WILLIAM A. CHESNUTT
HENRY R. MACNICHOLAS
WILLIAM M. YOUNG JR.
ROBERT M. CHERRY
DAVID B. DISNEY
H. LEE ROUSSEL

C. GRAINGER BOWMAN
BURTON H. SNYDER
JOHN S. OYLER
DELANO M. LANTZ
HARVEY FREEDENBERG
JASON S. SHAPIRO
ERIC L. BROSSMAN
ROBERT D. STETS
TERRY R. BOSSERT
MARY JANE FORBES
DAVID M. KLEPPINGER
NEAL S. WEST
FRANKLIN A. MILES JR.
MICHAEL A. DOCTROW
STEPHEN A. MOORE
DANA STEVENS SCADUTO
ELIZABETH A. DOUGHERTY
ALAN R. BOYNTON, JR.
BRUCE D. BAGLEY

F. MURRAY BRYAN
MICHAEL G. JARMAN
GARY F. YENKOWSKI
DIANE M. TOKARSKY
BERNARD A. LABUSKES JR.
DAVID M. WATTS JR.
LAWANA M. JOHNS
WILLIAM G. PRINS
JAMES L. FRITZ
STEVEN J. WEINGARTEN
LAWRENCE R. WIEDER
STEPHEN E. GEDULDIG
DONALD B. KAUFMAN
ABIGAIL A. TIERNEY
ROBERT B. ARMOUR
MARKIAN R. SLOBODIAN
DONNA J. LONG
P. NICHOLAS GUARNESCHELLI
LESLIE A. LEWIS JOHNSON
MARK M. VAN BLARGAN

JONATHAN H. RUDD
ROBERT F. YOUNG
CAROL A. STEINOUR
LOUIS J. SHEEHAN
GLENN P. HEISEY
MICHAEL R. KELLEY
SHARON R. PAXTON

In re: Application of Marianne Industries, Inc.
A-00109648

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17120

Dear Mr. Rich:

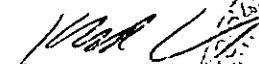
On behalf of Transit Homes of America, Inc., we enclose the original and two copies of a protest to the above-captioned application.

As indicated in the certificate of service, a copy has been served upon the applicant and applicant's representative.

Very truly yours,

McNEES, WALLACE & NURICK

By


Herbert R. Nurick

HRN/ec

Enclosures

cc: Marianne Industries, Inc. (w/enc.)
William J. Lavelle, Esquire (w/enc.)
Mr. Larry E. Kling (w/enc.)

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MAR 15 1991
SECRETARYS OFFICE
Public Utility Commission



DOCUMENT
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re:

APPLICATION OF

MARIANNE INDUSTRIES, INC.
A-00109648

PROTEST ON BEHALF OF TRANSIT HOMES OF AMERICA, INC.

AND NOW COMES Transit Homes of America, Inc., and protests the above-^{FILE}
captioned application representing as follows:

1. The name, business address, and telephone number of the protestant
are as follows:

Transit Homes of America, Inc.
P. O. Box 5155
Boise, ID 83705
Telephone: (208) 362-8640

2. The name, business address, and telephone number of the
protestant's attorneys are:

Herbert R. Nurick, Esquire
McNees, Wallace & Nurick
P. O. Box 1166
Harrisburg, PA 17108-1166
Telephone: (717) 232-8000

3. Protestant holds authority with the Commission in conflict with
what the applicant seeks in this proceeding. Protestant transports a
substantial amount of property included in the application between points in
the application territory. This service, as well as other service which
protestant could perform within the scope of the application, and the
revenue derived, or to be derived, therefrom are important to protestant.

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Said traffic and revenue could be diverted from protestant by approval of the instant application. Diversion of present and future traffic would have an adverse impact on protestant. The entry of applicant into the field authorized to protestant would endanger or impair the operations of protestant to such an extent that, on balance, the granting of authority to applicant would be contrary to the public interest.

4. Protestant operates under docket number A-00107835, Folder 1. A copy of protestant's authority held with the Commission, upon which its protest is predicated, is set forth on Appendix "A," attached hereto.

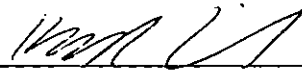
5. If applicant would amend its application so as to eliminate the conflicting authority of protestant, as shown on Appendix "A," this would satisfy the interest of protestant and protestant would withdraw its protest conditioned upon acceptance of the amendment by the Commission and any grant being consistent therewith.

6. Approval of this application in conflict with the authority of protestant is not necessary or proper for the service, accommodation, convenience, or safety of the public.

7. This protest also relates to the fitness of the applicant.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the applicant, Marianne Industries, Inc., P. O. Box 300, Shippenville, PA 16254, and applicant's representative, William J. Lavelle, Esquire, 2310 Grant Building, Pittsburgh, PA 15219, by first class mail, postage prepaid and properly addressed.



Herbert R. Nurick

Harrisburg, PA
March 15, 1991

TRANSIT HOMES OF AMERICA, INC.
Operating Authority

A-00107835

- (1) To transport, as a Class D carrier, by towing, house trailers between points in the borough of Columbia, Lancaster County, and within an airline distance of fifty (50) statute miles of the limits of said borough.

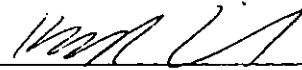
- (2) To transport, as a Class D carrier, by towing, house trailers between points in the borough of Columbia, Lancaster County, and within an airline distance of two hundred and fifty (250) statute miles of the limits of said borough provided that no right, power or privilege is granted to originate transportation within an airline distance of twenty-five (25) statute miles of the the limits of the borough of Shoemakersville and further provided that any rights, power or privilege granted to transport repossessed mobile homes for lending institutions is limited to transportation originating in Dauphin, Cumberland and Lancaster Counties.

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.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the applicant, Marianne Industries, Inc., P. O. Box 300, Shippenville, PA 16254, and applicant's representative, William J. Lavelle, Esquire, 2310 Grant Building, Pittsburgh, PA 15219, by first class mail, postage prepaid and properly addressed.



Herbert R. Nurick

Harrisburg, PA
March 15, 1991

McNEES, WALLACE & NURICK

ATTORNEYS AT LAW

100 PINE STREET

P. O. BOX 1166

HARRISBURG, PA. 17108-1166

TELEPHONE (717) 232-8000

FAX (717) 236-2665

OF COUNSEL

GILBERT NURICK

EDWARD C. FIRST, JR

ROBERT H. GRISWOLD

SAMUEL A. SCHRECKENGAUST, JR

THOMAS C. HERWEG
EXECUTIVE DIRECTOR

March 18, 1991

F. MURRAY BRYAN
MICHAEL G. JARMAN
GARY F. YENKOWSKI
DIANE M. TOKARSKI
BERNARD A. LABUSKES JR
DAVID M. WATTS, JR.
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DANA STEVENS SCADUTO
ELIZABETH A. DOUGHERTY
ALAN R. BOYNTON, JR
BRUCE D. BAGLEY

HAND DELIVERY

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MAR 18 1991

**SECRETARY'S OFFICE
Public Utility Commission**

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
New Filing Section, Room B-20
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

Re: Application of Marianne Industries, Inc.
PA PUC Docket No. A-00109648
Protest on Behalf of Barrett Mobile Home
Transport, Inc.


Dear Secretary Rich:

Enclosed for filing on behalf of Barrett Mobile Home Transport, Inc., please find an original and two (2) copies of a protest to the above-captioned application. Copies of the protest are being forwarded directly to the applicant and applicant's attorney.

Please acknowledge receipt hereof by date stamping the copy of this letter of transmittal.

Very truly yours,

McNEES, WALLACE & NURICK

By 
William A. Chesnutt
Counsel for Protestant
Barrett Mobile Home Transport, Inc.

WAC/law

Enclosures

cc: William J. Lavelle, Esquire (w/enclosures)
Marianne Industries, Inc. (w/enclosures)
John C. Barrett (w/enclosures)

**DOCUMENT
FOLDER**

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

MAR 18 1991

SECRETARY'S OFFICE
Public Utility Commission

IN RE:
APPLICATION OF MARIANNE INDUSTRIES, INC.
DOCKET NO. A-00109648
PROTEST ON BEHALF OF BARRETT MOBILE HOME TRANSPORT, INC.

AND NOW COMES, Barrett Mobile Home Transport, Inc. and protests this application, notice of which appeared in the Pennsylvania Bulletin as shown in attached Appendix "A", representing as follows:

1. The name, business address and telephone number of the protestant are as follows:

Barrett Mobile Home Transport, Inc.
2910 S. University Drive
Fargo, North Dakota 58103
(701) 237-5352

2. The name, business address and telephone number of the protestant's attorney are:

William A. Chesnutt, Esquire
McNees, Wallace & Nurick
P. O. Box 1166
Harrisburg, Pennsylvania 17108-1166
(717) 237-5252

3. Protestant holds authority issued by this Commission in conflict with that sought to be acquired by applicant in this proceeding. Protestant transports a substantial amount of traffic between points in the territory encompassed by the authority sought to be acquired. This transportation, as well as other transportation which protestant could perform within the scope of the application, and the revenues derived, or to be derived, therefrom, are important to protestant. Said traffic and revenue could be diverted from protestant by approval of the instant application. Diversion of present and future traffic would have an adverse impact on protestant.

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APPLICATION DOCKET
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ENTRY No. *11*

4. This Commission has issued various authorities to protestant under Docket No. A.0096652. An abstract of pertinent portions of the authorities issued under that docket, upon which protestant predicates this protest, is set forth in Appendix "B" attached hereto. Protestant provides an adequate and satisfactory service under those authorities. The authority sought in this application is in substantial conflict with the authorities set forth in Appendix "B".

5. Approval of this application in conflict with the authority of protestant is not necessary or proper for the service, accommodation, benefit, convenience, or safety of the public. Moreover, approval of this application would endanger and impair the operations of protestant in a manner and to an extent contrary to the public interest.

6. There is an issue whether the authority sought to be acquired has been abandoned by transferor. If abandonment has occurred, transfer is precluded as a matter of law.

7. This protest also relates to the fitness of the applicant.

WHEREFORE, Barrett Mobile Home Transport, Inc. respectfully prays that this application be dismissed.

BARRETT MOBILE HOME TRANSPORT, INC.

By: *McNees, Wallace & Nurick*
MCNEES, WALLACE & NURICK

P. O. Box 1166
Harrisburg, PA 17108-1166

Dated: March 18, 1991


Harrisburg, PA
Dated: March 18, 1991

NOTICE

Pursuant to Section 333(c) of the Public Utility Code, 66 Pa.C.S. §333(c), we hereby request that you send us the names of the witnesses you expect to call in this case, the companies that they represent, and the subject matter of their expected testimony including any specifics regarding Barrett Mobile Home Transport, Inc. We further request that you give us this information prior to two weeks before the commencement of any hearing in this proceeding.

Please treat this request as one of a continuing nature and provide us with any additions, or other modifications.

McNEES, WALLACE & NURICK

By 
William A. Chesnutt
Counsel for Protestant
Barrett Mobile Home Transport, Inc.

of Temple, Muhlenberg Township and Maiden Creek Township, Berks County.

A public hearing upon this application will be held Tuesday, April 16, 1991, at 10 a.m., in an available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, Pa. when and where all persons in interest may appear and be heard if they so desire.

JERRY RICH,
Secretary

[Pa.B. Doc. No. 91-378. Filed February 22, 1991. 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without a hearing in the absence of protests to the application. Protests to the applications published herein are due on or before March 18, 1991 and shall conform with the provisions for the content of protests as set forth at 52 Pa. Code § 3.381(c) (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent authority application or both.

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* as described under each application.

A-00109615. Jack McKee (3352 Trevoise Avenue, Trevoise, Bucks County, Pa. 19047)—horses, including materials, equipment and supplies used in the breeding, racing and transporting of horses, between points in Pennsylvania. Application for temporary authority has been filed at A-00109615 seeking the right cited above. *Attorney:* Dixie C. Newhouse, 82 West Washington Street, P. O. Box 1417, Hagerstown, MD 21741.

A-00109633. Anthony L. Daddona, t/d/b/a Daddona Trucking (Route 191 and 33, P. O. Box 290, Stockertown, Northampton County, Pa. 18083-0290)—(1) sand, stone, silica, limestone, clinker, clay, shale, coal, fly ash from the facilities of Hercules Cement located in the borough of Stockertown, Northampton County, to points in Pennsylvania, and vice versa; (2) heavy equipment, machinery, topsoil and earthen fill for Eastern Consolidated Utilities, Inc., between points in Pennsylvania; and (3) sand, stone, clay and earthen fill for Bedrock Industries, Inc., between points in Pennsylvania. *Attorney:* Joseph A. Bubba, 609 Hamilton Mall, P. O. Box 4520, Allentown, Pa. 18105.

A-00109635. David E. Hurst (R. D. 1, Box 120, Mifflinburg, Union County, Pa. 17844)—commodities in bulk, in dump vehicles, between points in the counties of Union, Snyder and Northumberland. *Attorney:* Michael Hudock, 269 Chester Street, Mifflinburg, Pa. 17844.

A-00109637. Aquapenn Spring Water Company, Inc., t/d/b/a Aquapenn (3035 Research Drive, P. O. Box 315, State College, Centre County, Pa. 16801), a corporation of the Commonwealth of Pennsylvania—food products,

from points in the borough of State College, Centre County, to points in the city and county of Philadelphia, and the city of Pittsburgh, Allegheny County, and vice versa. *Attorney:* Tom Schwartz, 811 University Drive, State College, Pa. 16801.

A-00109639. George William and Robert Joseph Truitt, Copartners, t/d/b/a Truitt Brothers Trucking (R. D. 1, Box 8, Mayport, Clarion County, Pa. 16240)—blacktop and hot mix asphalt, between points in the counties of Armstrong, Clarion, Jefferson and Clearfield, and from points in said counties, to points in Pennsylvania. *Attorney:* William E. Hager, III, 352 Broad Street, New Bethlehem, Pa. 16242.

A-00109648. Marianne Industries, Inc. (P. O. Box 300, Shippenville, Clarion County, Pa. 16254), a corporation of the Commonwealth of Pennsylvania—mobile and modular homes, trailers, additions thereto and appurtenant articles; and chassis, undercarriages and frames, between points in the county of Clarion, and from points in said county, to points in Pennsylvania, and vice versa. *Attorney:* William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219.

Applications of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of *property* as described under each application.

A-00087215. Folder 2, Am-K. W. C. Kline, Inc. (3200 South Tenth Avenue, P. O. Box 1231, Altoona, Blair County, Pa. 16603), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property for E. DeVecchis and Son, Inc., between points in Pennsylvania; subject to the following condition: that no right, power or privilege is granted to transport petroleum products in bulk in tank vehicles: *so as to permit* the transportation of (1) property, for Glass Enterprises, Inc., between points in Pennsylvania; (2) property, for U. S. Envelope, Division of Westvaco, Incorporated, between points in Pennsylvania; (3) property, for ORX Railway, Incorporated, between points in Pennsylvania; (4) property, for Pohl Corp., between points in Pennsylvania; and (5) property, for McLanahan, Inc., between points in Pennsylvania. *Attorney:* John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

A-00095745. Folder 1, Am-B. Allegheny Plant Services, Inc. (P. O. Box 2315, Pittsburgh, Allegheny County, Pa. 15230), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property between points in the county of Allegheny: *so as to permit* the transportation of property, for National Materials Corporation, from points in the city of Arnold, Westmoreland County, to points in Pennsylvania. *Attorney:* William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00108165. Folder 1, Am-B. Hart Delivery Systems, Inc. (2801 Southampton Road, Philadelphia, Philadelphia County, Pa. 19154), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property from the city and county of Philadelphia to points within an airline radius of 15 statute miles of the Philadelphia City Hall and vice versa; subject to the following condition: that no right, power or privilege is granted to deliver from retail stores to their customers except Ismac Rug Mills; Sears, Roebuck and Company; and Stern and Company, provided that no right is granted to transport retail parcels and

OPERATING AUTHORITY HELD
BY BARRETT MOBILE HOME TRANSPORT, INC.
AS ISSUED BY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Docket No. A-96652

Folder 1

As a Class C carrier transporting new mobile homes and buildings, complete or in sections from producers' facilities in the county of Schuylkill to points in Pennsylvania

Folder 1, Amendment A (effective June 18, 1985)

To transport, as a Class D carrier, by motor vehicle trailers, new and used mobile homes, buildings, completed or in sections, pickup campers, recreational vehicles and travel trailers between points in Pennsylvania.

Subject to the following conditions:

That no right, power or privilege is granted:

- (1) to perform transportation to or from the facilities of Redman Homes, Inc. in the county of Lancaster;
- (2) to transport mobile homes and house trailers for private owners, between points in the counties of Crawford, Erie, Mercer and Venango; or from points in the counties of Crawford and Venango to points in the counties of Allegheny, Armstrong, Beaver, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Mercer, Somerset, Washington and Westmoreland and vice versa;
- (3) to transport mobile homes and travel trailers to, from or between points in the county of Venango within an airline distance of thirty (30) statute miles of the limits of the city of Butler;

Folder 1, Amendment A, continued

- (4) to transport used mobile homes (other than trailers designed to be drawn by passenger automobiles) between points in the borough of Shoemakersville, Berks County, and points (other than those in the county of Lancaster) within an airline distance of twenty-five (25) statute miles of the limits of said borough;
- (5) to transport repossessed mobile homes, for lending institutions, between points in the borough of Shoemakersville, Berks County, and within an airline distance of one hundred (100) statute miles of the limits of said borough.

Folder 1, Amendment B (effective December 2, 1988)

1. To transport, as a Class D carrier, trailers, except freight-carrying vehicles and tank trailers, in towaway service, between points in Pennsylvania.
2. To transport, as a Class D carrier, mobile homes and other buildings in sections, mounted on wheeled undercarriages, between points in Pennsylvania.
3. To transport, as a Class D carrier, modular buildings and sections of modular buildings and the component parts thereof, between points in Pennsylvania;

with rights numbers 2 and 3 above subject to the following conditions:

- (a) That transportation of the component parts shall be limited to transportation from point of manufacture to the job sites of the aforesaid buildings or sections of buildings.
- (b) That no right, power or privilege is granted to transport structural steel members.
- (c) That no right, power or privilege is granted to perform transportation from Bentleyville, Washington County, Elizabeth, Allegheny County, and Belle Vernon, Fayette County.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Protest on Behalf of Barrett Mobile Home Transport, Inc. was served by first-class mail, postage prepaid, on applicant's attorney as follows:

William J. Lavelle, Esquire
2310 Grant Building
Pittsburgh, PA 15219



William A. Chesnutt
McNEES, WALLACE & NURICK
P. O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166
(717) 237-5252

Dated this 18th day of March, 1991, at Harrisburg, Pennsylvania.

LAW OFFICES
ZEIGLER & REYNOLDS, P.C.

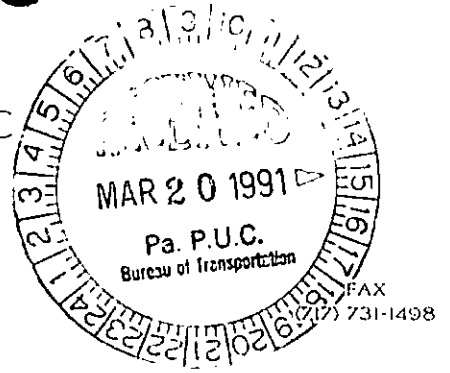
355 N. 21ST STREET, SUITE 301

P.O. BOX 1080

CAMP HILL, PA 17011

(717) 731-1484

PAUL L. ZEIGLER
BARBARA A. REYNOLDS



March 18, 1991

Mr. Jerry Rich, Secretary
Pennsylvania Public
Utility Commission
Room B-20
North Office Building
P.O. Box 3265
Harrisburg, PA 17120

A-109648

RECEIVED
MAR 19 1991
SECRETARY'S OFFICE
Public Utility Commission


RE: Application of Marianne Industries, Inc.
No. A-00099581

Dear Secretary Rich:

Enclosed please find the Amended Protest of Herman F. Miller, t/a H.F. Miller Mobile Home Transport, with regard to the above-noted Application. Also enclosed you will find an Affidavit indicating service has been made by Certified Mail upon Marianne Industries, Inc.

Please enter our appearance on behalf of Herman F. Miller t/a H.F. Miller Mobile Home Transport in this matter.

Very truly yours,


Paul L. Zeigler

PLZ/cmm

Enc.

cc Mr. H.F. Miller
Marianne Industries, Inc.
William J. Lavelle, Esquire

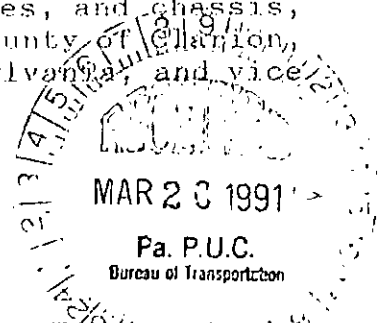
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BEFORE THE PUBLIC UTILITY COMMISSION
OF THE COMMONWEALTH OF PENNSYLVANIA

RE: A-00109648

Application of Marianne Industries, P.O. Box 300, Shippenville, Clarion County, Pennsylvania 16254, a corporation of the Commonwealth of Pennsylvania, for mobile and modular homes, trailers, additions thereto and appurtenant articles, and chassis, undercarriages and frames, between points in the County of Clarion, and from points in said County, to points in Pennsylvania, and vice versa.

AMENDED
NOTICE OF PROTEST



Herman F. Miller, t/a H.F. Miller Mobile Home Transport, by his attorneys, Zeigler & Reynolds, P.C., hereby serves notice on the Application in the above-entitled proceeding that they will be represented at the hearing and will protest the above Application on the following grounds:

1. Herman F. Miller, t/a H.F. Miller Mobile Home Transport, of 900 Keckler Road, Harrisburg, Pennsylvania, operates under Certificate of Public Convenience No. A.99581, a copy of which is attached hereto.

2. The relevant portions of the protestant's authority upon which this Protest is predicted is its authority pursuant to Certificates of Public Convenience A.99581 containing the following rights:

To transport, as a Class D Carrier, mobile homes and office trailers between points in the said County to points in Pennsylvania and vice versa.

To transport, as a Class D Carrier, by means of towing, mobile homes and office trailers between points in the County of Cumberland and from points in said County to points in Pennsylvania and vice versa.

3. The Protestant has also applied under A-00099581, Folder A, Am-A, for authority, in addition to the authority above, that reads as follows:

To transport, as a Class D Carrier, used mobile homes, used double wides, used modular units and used office and construction trailers:

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- a. Between points in the counties of Dauphin, Cumberland, Perry, Juniata, Huntington, Lebanon, Schuylkill, Franklin, Fulton, Mifflin, and from said two points in Pennsylvania, and vice versa;

Providing that no right, power or privilege is granted to perform service to or from points in the County of Beaver; and

- b. Between points in the County of York.

The foregoing (Paragraph 3) constitutes an Amendment and is conditioned upon acceptance by the Commission.

4. That the services provided will be competitive with the service of existing transportation companies, including the Protestant, to the detriment of such existing services.

5. There is no public need for the proposed service, nor is the approval of the Application for such proposed service necessary or proper for the services, accommodation, convenience or safety of the public.

HERMAN F. MILLER t/a
H. F. MILLER MOBILE HOME TRANSPORT



Paul L. Zeigler, Esquire
ZEIGLER & REYNOLDS, P.C.
355 North 21st Street, Suite 301
P.O. Box 1080
Camp Hill, PA 17011
(717) 731-1484

DATED: 18 March 1991

cc H.F. Miller Mobile Home Transport


BEFORE THE PUBLIC UTILITY COMMISSION
OF THE COMMONWEALTH OF PENNSYLVANIA

RE: A-00109648

Application of Marianne Industries, P.O. Box 300, Shippenville, Clarion County, Pennsylvania 16254, a corporation of the Commonwealth of Pennsylvania, for mobile and modular homes, trailers, additions thereto and appurtenant articles, and chassis, undercarriages and frames, between points in the County of Clarion, and from points in said County, to points in Pennsylvania, and vice versa.

AFFIDAVIT

AND NOW, this 18th day of March, 1991, Paul L. Zeigler, Esquire, of the firm of Zeigler & Reynolds, P.C., after being duly sworn according to law, deposes and says that he mailed a copy of the Notice of Protest in the above-captioned matter to Marianne Industries, Inc., P.O. Box 300, Shippenville, Clarion County, Pennsylvania 16254, and William J. Lavelle, Esquire, 2310 Grant Building, Pittsburgh, Pennsylvania 15219.



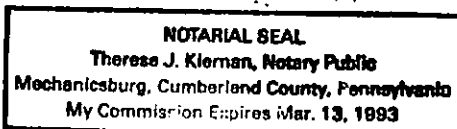
Paul L. Zeigler, Esquire

Sworn to and subscribed
before me this 18th
day of March, 1991.



Notary Public

My Commission Expires:



McNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET

P. O. BOX 1166

HARRISBURG, PA. 17108-1166

TELEPHONE (717) 232-8000

FAX (717) 236-2665

OF COUNSEL
GILBERT NURICK
EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
SAMUEL A. SCHRECKENGAUST, JR.

THOMAS C. HERWEG
EXECUTIVE DIRECTOR

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STEPHEN A. MOORE
DANA STEVENS SCADUTO
ELIZABETH A. DOUGHERTY
ALAN R. BOYNTON, JR.
BRUCE D. BAGLEY

March 20, 1991

In re: Application of Marianne Industries, Inc.
A-00109648
Our File: 12310-0016

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MAR 20 1991
SECRETARY'S OFFICE
Public Utility Commission

William J. Lavelle, Esquire **MAR 28 1991**
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15219

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

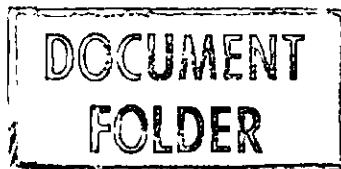
Dear Bill:

We represent Transit Homes of America, Inc., which filed a protest to the above-captioned application. Pursuant to Section 333(c) of the Public Utility Code, 66 Pa.C.S. §333(c), we hereby request that you send us the names of the witnesses you expect to call in this case, the companies that they represent, and the subject matter of their expected testimony including any specifics regarding Transit Homes of America, Inc. We further request that you give us this information prior to fourteen days before the commencement of any hearing in this proceeding.

Please treat this request as one of a continuing nature and provide us with any additions, or other modifications.

Very truly yours,

McNEES, WALLACE & NURICK



By

Herbert R. Nurick
Herbert R. Nurick

HRN/ec

cc: Jerry Rich, Secretary
Mr. Larry E. Kling

LAW OFFICES

KJR

VUONO, LAVELLE & GRAY

(412) 471-1800

2310 GRANT BUILDING

PITTSBURGH, PA. 15219-2383

JOHN A. VUONO
WILLIAM J. LAVELLE
WILLIAM A. GRAY
MARK T. VUONO
RICHARD R. WILSON
DENNIS J. KUSTURISS
CHRISTINE M. DOLFI
PETER J. SCANLON

TELECOPIER
(412) 471-4477

April 25, 1991

ORIGINAL

• ALSO MEMBER OF FLORIDA BAR

Re: Marianne Industries, Inc.
Docket No. A-00109648
Our File 3749-1

SECRETED
MAY 07 1991

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

Dear Mr. Rich:

We represent Marianne Industries, Inc., the above applicant. After further consideration, the applicant has notified us that it does not wish to pursue the application at this time. We therefore request that the Commission dismiss the application and close its file.

Copies of this letter have been sent to all counsel of record.

Sincerely yours,

VUONO, LAVELLE & GRAY

William J. Lavelle
William J. Lavelle

pz

cc: David H. Radcliff, Esq.
Herbert R. Nurick, Esq.
William A. Chesnutt, Esq.
Paul L. Zeigler, Esq.
Marianne Industries, Inc.

**DOCUMENT
FOLDER**

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APR 30 1991

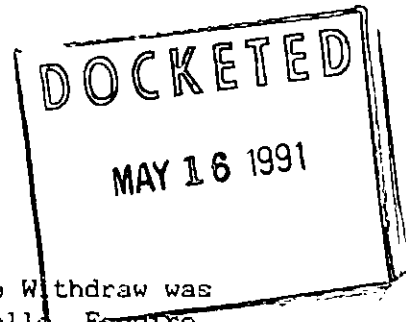
SECRETARYS OFFICE
Public Utility Commission

DATE: May 8, 1991

SUBJECT: Docket No.: A-00109648 - Marianne Industries, Inc.

TO: Secretary's Bureau
Attention: Janet Patrick

FROM: Kathleen S. Gilson *KSG*
Office of Administrative Law Judge



On April 25, 1991, a Petition for Leave to Withdraw was filed in the above-captioned case by William J. Lavelle, Esquire. If no objection is filed to this petition within ten (10) days of service pursuant to 52 Pa. Code 95.94, this proceeding will be closed at that time.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

ATTACH.

cc: Annette Shelley
Bud Huntington

