

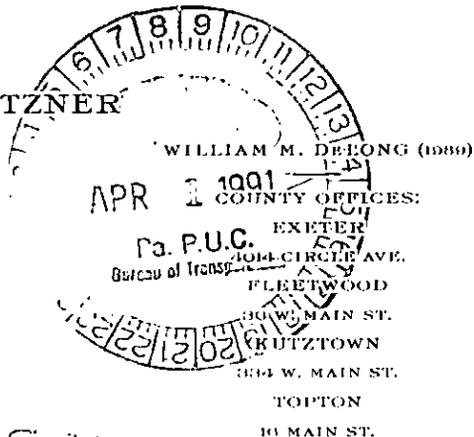
LAW OFFICES

DE LONG, DRY, CIANCI & BELTZNER

JOHN W. DRY
PETER F. CIANCI
RICHARD N. BELTZNER
DAVID C. BALMER
WILLIAM F. ROBERTS
ROBERT D. KATZENMOYER

PAUL H. HERBEIN
MATTHEW G. STAPLETON

519 WALNUT STREET
P.O. BOX 8551
READING, PA 19603
(215) 376-6721
FAX (215) 376-2370



March 28, 1991

REC

MAR 28

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Room B20
North Office Building
Commonwealth Avenue & North Street
Harrisburg, PA 17120

SECRETARYS Office
Public Utility Commission

Re: Robert V. Powell, t/d/b/a Powell Trucking
A-00109664

DOCKETED
APR 1 1991
Wk

NOTICE OF PROTEST ON BEHALF OF
JESSE BARO, INC., A.82045

In accordance with the Rules of Practice and Procedure, 52 Pa. Code, Paragraph 3.381, protest of the above Application is made on behalf of Jesse Baro, Inc., A.82045, on the following grounds:

1. The Applicant's name and docket number is Robert V. Powell, t/d/b/a Powell Trucking, A-00109664.
2. The date of Publication in the Pennsylvania Bulletin is March 9, 1991, at Page 1010.
3. The name, business address, and telephone number of the Protestant is: Jesse Baro, Inc., 130 Quarry Road, Douglassville, Pennsylvania 19518; Telephone: (215) 323-8783.
4. The names, business address and telephone number of the Protestant's attorneys are: John W. Dry, Esquire and William F. Roberts, Esquire, 519 Walnut Street, P.O. Box 8551, Reading, Pennsylvania 19603; Telephone: (215) 376-6721.

DOCUMENT
FOLDER

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
March 28, 1991
Page 2

5. The nature of the Protestant's interest in the Application is as follows: The Applicant, in its Application, requests authority to transport property "stone, sand and slag, from points in the city of Coatesville and the township of West Caln, Chester County, to points in the counties of Bucks, Chester, Dauphin, Lancaster and Montgomery."

Protestant, Jesse Baro, Inc., holds Pennsylvania Public Utility Commission operating authority at Docket No. A.82045 and various folders, copies of which are attached hereto as Exhibit "A", some or all of which are in conflict with the Applicant's proposed authority.

6. Protestant avers that there is no need for the proposed service, which is in conflict with its certificates. Moreover, Protestant expects to produce at the hearing the amount of service provided during the 24-month period ending on or about the date of publication of the proposed Application, which service comes within the scope of the Application and would be affected if the Application were granted.

7. Protestant avers that if the Application is granted, it will adversely affect the economic interest of the Protestant. Protestant has provided extensive service under the relevant conflicting authorities within the preceding 24 months.

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
March 28, 1991
Page 3

8. The Protestant avers that it currently knows of no restrictive amendment which would satisfy its interests; however, it is willing to consider proposed restrictive amendments.

9. Demand is made upon the Applicant, pursuant to 66 Pa. C.S. 333(c) to furnish Protestant's counsel with the names and addresses of all witnesses whom the Applicant intends to call and the names and addresses of the companies which they represent.

I hereby certify that a copy of this Protest has, this day, been served by mailing to the Applicant, Robert V. Powell, t/d/b/a Powell Trucking, 369 Hurley Road, Coatesville, Chester County, Pennsylvania 19320.



WILLIAM F. ROBERTS, ESQUIRE
Attorney for Protestant
P.O. Box 8551, Reading, PA 19603

cc: Robert V. Powell,
t/d/b/a Powell Trucking
Jesse Baro, Inc.

JESSE BARO, INC.

Docket No. A.82045

Folder 2

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 Township of Douglass, Berks County, and within fifty (50) miles by the usually traveled highways of the limits of the said township.

Folder 2, Am-A

To transport, as a Class D carrier, stone for John T. Dyer Quarry Company, from its plant at Clingan, Robeson Township, Berks County, to points in Pennsylvania.

To transport, as a Class D carrier, stone for Pottstown Trap Rock Quarries, Inc., from its plants at R.D. #1, Douglassville, Douglass Township, Berks County, and at Sanatoga, Lower Pottsgrove Township, Montgomery County, to points in Pennsylvania.

To transport, as a Class D carrier, bituminous concrete for Birdsboro Black Top, Inc., from its plant at Clingan, Robeson Township, Berks County, to points in Pennsylvania.

Folder 3

To transport, as a Class D carrier, building construction materials for John T. Dyer Company and the Duquesne Slag Company, between points in the Counties of Montgomery, Chester, Delaware, Bucks, Schuylkill, Berks, Lehigh, Philadelphia, and Lancaster, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.

To transport, as a Class D carrier, clay, in dump trucks, from points in the County of Berks to the Robinson Clay Products Company in the Borough of Pottstown, Montgomery County.

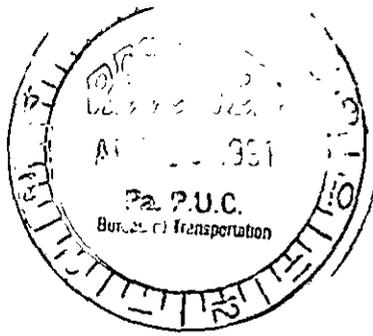
Folder 3, Am-A

To transport, as a Class D carrier, clay for the Robinson Clay Products Company, from points in the County of Luzerne to points in the Borough of Pottstown, Montgomery County.

EXHIBIT

"A"

ALL-STATE LEGAL SUPPLY CO.



Mr. Robert V. Powell
t/d/b/a Powell Trucking
369 Hurley Road
Coatesville, PA 19320

April 10, 1991

RECEIVED

APR 19 1991

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

SECRETARY'S OFFICE
Public Utility Commission

Re: Robert V. Powell, t/d/b/a Powell Trucking
A-00109664

Dear Secretary Rich:

I hereby restrictively amend my Application for Motor Carrier Authority to read as follows:

To transport stone, sand and slag, from points in the city of Coatesville and the Township of West Caln, Chester County, to points in the Counties of Bucks, Chester, Dauphin, Lancaster and Montgomery, provided that no right, power or privilege is granted to transport stone, sand and slag (1) to Waste Management in Montgomery County; and (2) for John T. Dyer Company and the Duquesne Slag Company from points in the City of Coatesville and the Township of West Caln, Chester County.

Very truly yours,

ROBERT V. POWELL,
t/d/b/a Powell Trucking



LAW OFFICES

DE LONG, DRY, CIANCI & BELTZNER

JOHN W. DRY
PETER F. CIANCI
RICHARD N. BELTZNER
DAVID C. BALMER
WILLIAM F. ROBERTS
ROBERT D. KATZENMOYER

PAUL H. HERBEIN
MATTHEW G. STAPLETON

519 WALNUT STREET
P.O. BOX 8551
READING, PA 19603
(215) 376-6721
FAX (215) 376-2370

WILLIAM M. DELONG (1080)

COUNTY OFFICES:
EXETER
4014 CIRCLE AVE.
FLEETWOOD
30 W. MAIN ST.
KUTZTOWN
334 W. MAIN ST.
TOPTON
10 MAIN ST.

April 16, 1991

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

Re: **Robert V. Powell, t/d/b/a
Powell Trucking
Docket No. A-00109664**

Attention: Bureau of Transportation

Dear Secretary Rich:

Under date of April 10, 1991, a Restrictive Amendment was filed by Robert V. Powell, the Applicant in the above proceeding. A copy of that letter is enclosed. As long as the authority granted in the final Order is in accordance with the language set forth in Mr. Powell's letter, we hereby withdraw the Protest filed by us on behalf of our client, Jesse Baro, Inc. However, we wish to remain a party of record to receive any Orders of this Commission in this proceeding.

Very truly yours,

WILLIAM F. ROBERTS

WFR:lawn

cc: Mr. Robert V. Powell
Jesse Baro, Inc.

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
APR 24 1991
ENTRY No. *WFR*

RECEIVED
APR 27 1991
P. PUBLIC
UTILITY COMMISSION

RECEIVED

APR 19 1991

SECRETARYS OFFICE
Public Utility Commission

Mr. Robert V. Powell
t/d/b/a Powell Trucking
369 Hurley Road
Coatesville, PA 19320

April 10, 1991

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

Re: Robert V. Powell, t/d/b/a Powell Trucking
A-00109664

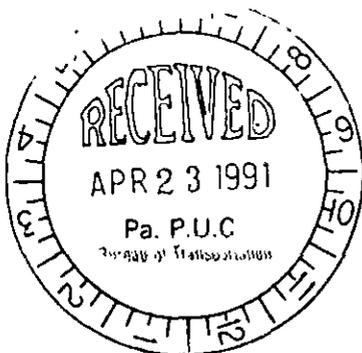
Dear Secretary Rich:

I hereby restrictively amend my Application for Motor Carrier Authority to read as follows:

To transport stone, sand and slag, from points in the city of Coatesville and the Township of West Caln, Chester County, to points in the Counties of Bucks, Chester, Dauphin, Lancaster and Montgomery, provided that no right, power or privilege is granted to transport stone, sand and slag (1) to Waste Management in Montgomery County; and (2) for John T. Dyer Company and the Duquesne Slag Company from points in the City of Coatesville and the Township of West Caln, Chester County.

Very truly yours,

ROBERT V. POWELL,
t/d/b/a Powell Trucking





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

April 30, 1991

IN REPLY PLEASE
 REFER TO OUR FILE

Robert V. Powell
 Powell Trucking
 369 Hurley Road
 Coatesville, PA 19320

In re: A-00109664 - Application of Robert V. Powell, t/d/b/a
 Powell Trucking

Dear Sir:

The above referenced application has been assigned for review without an oral hearing. In order to reach a determination on the application, you are being required to file verified statements in accordance with 52 Pa. Code §3.381(e)(1). You will be required to file:

- A. VERIFIED STATEMENT OF APPLICANT.
- B. VERIFIED STATEMENTS IN SUPPORT OF APPLICATION.

The verified statements should be in paragraph form. Each heading contained in the attached minimum outline should be a separate section or paragraph.

You should be aware of the fact that the verified statements will be reviewed based on the Commission's decision in the Application of Bluebird Coach Lines, Inc. A-00088807, F. 2, Am-K, which indicates: (1) the supporting witnesses must give evidence which is probative and relevant to the application proceeding; (2) the supporting witnesses must identify Pennsylvania origin and destination points between which they require transportation and those points must correspond with the scope of the operating territory specified in the application including requests for vice versa authority; and (3) the number of witnesses which will represent a cross section of the public on the issue of need will vary with the breadth of the intended territory and commodity description.

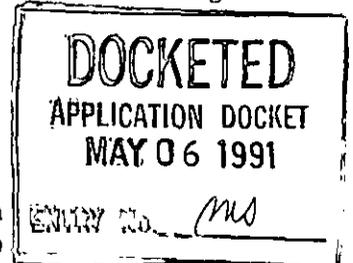
You are being granted an initial thirty (30) days to file verified statements. They will be due on or before May 30, 1991.

If additional time is required, it may be requested by telephone but must be followed in writing with the reasons for the extension stated.

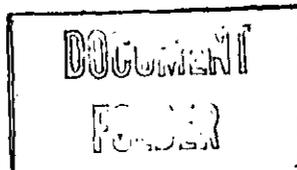
Questions about your application should be directed to Tim Zeigler (717) 783-5946.

Very truly yours,

Tim Zeigler
 Technical Review Section
 Bureau of Transportation



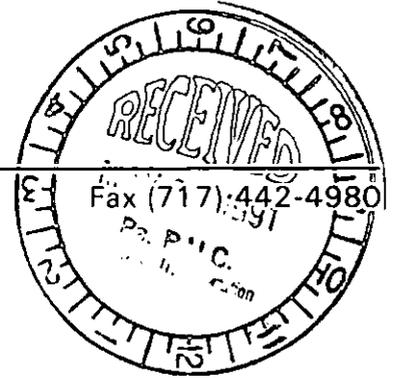
TZ:11





DIAMOND-TEX, Inc.

R.D. 1, Box 243B
Gap, PA 17527



Office: (717) 442-3113

Plant: (717) 442-9200

Tim Zeigler
Bureau of Transportation
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg PA 17120

May 15, 1991

Re: A-00109664 - Application of Robert V. Powell,
t/d/b/a Powell Trucking

Dear Mr. Zeilger,

In regard to a statement in support of the application referenced above please consider the following:

1. Diamond-Tex, Inc. is located on Quarry Road in West Sadsbury Township, Chester County.
2. Alvin M. Zook holds the office of Vice President of Diamond-Tex, Inc.
3. Diamond-Tex, Inc. is a producer of baseball diamond infield material used in the initial construction, as well as, the general maintenance of baseball diamonds. It is supplied to both general contractors and municipalities.
4. Trucker provides hauling for Diamond-Tex, Inc. on an as needed basis. The majority of our hauling requirements are during the spring and fall months, before and after the baseball season.
5. Material is hauled from the Diamond-Tex, Inc. plant to the following locations:

Lancaster, Lancaster County
West Chester, Chester County
Harrisburg, Dauphin County
Lansdale, Montgomery County
Quakertown, Bucks County

This list is partial and representative of the destinations for our product.

6. Hauling is bulk by the truckload.
7. B & B Carriers, PUC #A-00102318
8. No additional comments.



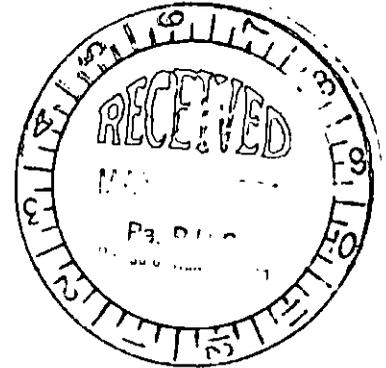
INTERNATIONAL MILL SERVICE, INC.

1818 MARKET STREET • PHILADELPHIA, PENNSYLVANIA 19103

384-2894
215-~~922-1111~~
~~215-922-1111~~

May 17, 1991

Tim Zeigler
Bureau of Transportation
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Penna. 17120



Re: A-00109664 - Application of Robert V. Powell
t/d/b/a/ Powell Trucking

Dear Mr. Zeigler,

In regard to a statement in support of the application referenced above please consider the following:

1. INTERNATIONAL MILL SERVICE, INC. is located on route 82 south of Coatesville, Penna. in East Fallowfield Township.
2. Gerald Spearing is the manager of Aggregate Sales for International Mill Service, Inc.
3. International Mill Service, Inc. is a producer of Slag Aggregates and services PDT, Contractors, Municipalities, and private customers in the construction industry.
4. Trucker provides hauling for International Mill Service Inc. on a daily basis throughout the year.
5. Material is hauled from Coatesville to the following locations:

Quarryville, Penna. Lancaster County
West Chester, Penna. Chester County
Harrisburg, Penna. Dauphin County
Lansdale, Penna. Montgomery County
Quakertown, Penna. Bucks County

6. The list is partial and representative of the destinations for our product.
6. Hauling is bulk by the truck load.



INTERNATIONAL MILL SERVICE, INC.

1818 MARKET STREET • PHILADELPHIA, PENNSYLVANIA 19103

384-2894
215-753-7800
~~215-753-7800~~

If we can help by providing any further information, please do not hesitate to contact us.

Sincerely,
INTERNATIONAL MILL SERVICE, INC.

[Handwritten signature of Gerald Spearing]

Gerald Spearing
Manager - Aggregate Sales

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CHESTER) SS:

Sworn to and subscribed before me this 22nd day of May, 1991

Carolyn M. Wagner
My commission expires:

NOTARIAL SEAL
CAROLYN M. WAGNER, Notary Public
Kennett Square Boro, Chester Co., Pa.
My Commission Expires August 8, 1992

5/20/91

Jim Seigler
Bureau of Transportation
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Penna. 17120



Re: A00109664- Application of Robert V. Powell
t/d/a Powell Trucking

Dear Mr. Seigler

1. Robert V. Powell, 369 Hurley Road, Coatesville, Pa. 19320
2. Dorothy Powell (Wife) making statement.
2. Robert V. Powell is Owner/Operator of Powell Trucking Co.
3. No, Applicant is not affiliated with other carriers.
4. To transport stone, sand and slag, from points in the City of Coatesville and the Township of West Caln, Chester County, to points in the Counties of Bucks, Chester, Dauphin, Lancaster and Montgomery, provided that no right, power or privilege is granted to transport stone, sand and slag to Waste Management in Montgomery County; and (2) for John J. Dyer Company and the Duquesne Slag Company, from points in the City of Coatesville and the Township of West Caln, Chester County.
5. No Authority.
6. None
7. Not Applicable
8. Garage - 369 Hurley Road, Coatesville, Pa. 19320
9. Mack, CH600, 1991, Owned
10. I, Robert V. Powell, will keep my equipment

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
MAY 24 1991
ENTRY No.

(Cont Page 2)

in good condition at all times, Following all DOT Regulations.

11. Not providing Intrastate service, Handle Interstate service to Ala., N.J., and Md., by virtue of the transportation Regulations.

12. Dump Truck Service in Bulk.

13. Split Level House-attached Garage on 2.1 acres
Single Garage

1991 Mack

1980 Summit 3 axle Dump Trailer

1984 Ford Pick-up

1987 Ford Taurus Wagon

1974 Buick

1979 Ford Snow Plow

Total Assets — \$225,000.00
Total Liabilities 60,000.00

14. Service provided will create empty miles and backhauls.

15. Thank you and your staff, for the help you have given me in filing this application.

MAY 20, 1991

Cheryl Ann Yunkin

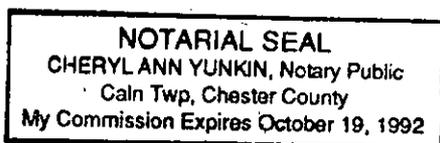
* as to the signature in black *

Very Truly Yours,

Robert V. Powell

Robert V. Powell R/V P

T/D/B/A Powell Trucking





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

May 30, 1991

IN REPLY PLEASE
REFER TO OUR FILE

Robert V. Powell
Powell Trucking
369 Hurley Road
Coatesville, PA 19320

In re: A-00109664 - Application of Powell Trucking.

Dear Sir:

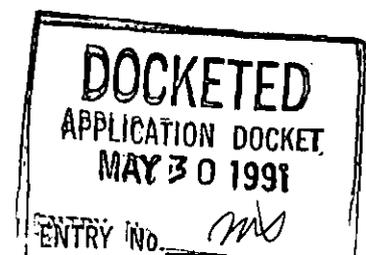
I have received the verified statements entered to support the above-referenced application. The verified statement you have submitted meets our requirements.

There is a problem, however, with the two verified statements submitted by your supporting shippers. Diamond-Tex, Inc., is represented by Alvin M. Zook. He sets forth in his statement that the company is located on Quarry Road in West Sadsbury Township, Chester County. International Mill Service, Inc., represented by Gerald Spearing, is located on Route 82, south of Coatesville, in East Fallowfield Township, Chester County.

As you have filed and as you have amended your application, service is to be provided from the city of Coatesville, Chester County and the township of West Caln, Chester County. Since neither of the supporting shippers are located in the city of Coatesville or in the township of West Caln, you could not provide service under the proposed right.

Several options present themselves. You may go back to the shippers and ask for clarification to be certain that their facilities are located in East Fallowfield Township and West Sadsbury Township. If in fact they are, you will be required to amend the application so that you may provide service from these two townships and provide service for these shippers. You may also wish to solicit support from shippers with locations in the city of Coatesville and in the township of West Caln, Chester County.

As the situation is now, we cannot entertain a grant of authority to provide service from Coatesville and West Caln Township as no support has been entered representative of these two points. We cannot grant authority to serve the two shippers supporting this application as the rights proposed do not cover their locations.



I urge you to telephone me at (717) 783-5946 so that we might discuss this matter and find a solution to the problem. Please reply at your earliest convenience.

Very truly yours,

Tim Zeigler
For Peter S. Marzolf, Supervisor
Technical Review Section
Bureau of Transportation

TZ:rs

June 4, 1991
369 Hulby Road
Coatesville, Pa. 19320
Robert V. Powell
Powell Trucking
A-001097640



David Ehrhart
Application Section PA. PUC
P.O. Box 3265
Harrisburg, Pa. 17120

Dear Mr. Ehrhart,

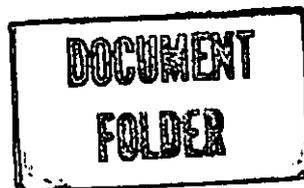
I would like to amend my application which stated, "To haul for Diamond-Net, Inc. West Calw Township, Ches. Co. Pa." to, "To haul for Diamond-Net, Inc. West Ladsbury Township, Chester Co., Pa."

I would like to amend my application which stated "To haul for International Mill Service from Coatesville, Chester Co., Pa. to "International Mill Service East Fallowfield Township, Chester County Pa."

Yours Truly,

(Mr) Robert V. Powell
(signature) Robert V Powell

369 Hulby Road
Coatesville, Pa. 19320



June 21, 1991

IN REPLY PLEASE
REFER TO OUR FILE

ROBERT V. POWELL
t/d/b/a POWELL TRUCKING
369 HURLEY ROAD
COATESVILLE PA 19320

In re: A-00109664 (CORRECTED) - Application of Robert V. Powell, t/d/b/a
Powell Trucking

Dear Sir:

The application filed by you has been amended as attached and will be submitted for review provided no protests are filed on or before July 15, 1991. If protests are filed, you will be advised as to further procedure.

You are further advised that the above application will be published in the Pennsylvania Bulletin of June 22, 1991.

Very truly yours,

David Ehrhart
Supervisor - Application Section
Bureau of Transportation

DE:RP:rs

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JUN 24 1991
ENTRY No.

A-00109664 (CORRECTED) ROBERT V. POWELL, t/d/b/a POWELL TRUCKING (369 Hurley Road, Coatesville, Chester County, PA 19320) - stone, sand and slag, for Diamond-Tex, Inc., from points in the township of West Sadsbury, Chester County, to points in the counties of Bucks, Chester, Dauphin, Lancaster and Montgomery; and (2) stone, sand and slag, for International Mill Service, Inc., from points in the township of East Fallowfield, Chester County, to points in the counties of Bucks, Chester, Dauphin, Lancaster and Montgomery.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

Published in Pennsylvania Bulletin JUN 22 1991

BUREAU OF TRANSPORTATION
COMMON CARRIER
JUNE 1991

A-00109664

Application of Robert V. Powell, t/d/b/a Powell Trucking, for the right to begin to transport, as a common carrier, by motor vehicle, (1) stone, sand and slag, for Diamond-Tex, Inc., from points in the township of West Sadsbury, Chester County, to points in the counties of Bucks, Chester, Dauphin, Lancaster and Montgomery; and (2) stone, sand and slag, for International Mill Service, Inc., from points in the township of East Fallowfield, Chester County, to points in the counties of Bucks, Chester, Dauphin, Lancaster and Montgomery.

FW:rs
2/21/91
(Corrected)
FW:ll
6/7/91

Application received: 6/7/91
Application docketed: 6/7/91

NH

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JUN 24 1991
ENTRY No. *11*

JUL 15 1991

Protests due _____