

LAW OFFICES

DE LONG, DRY, CIANCI & BELTZNER

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

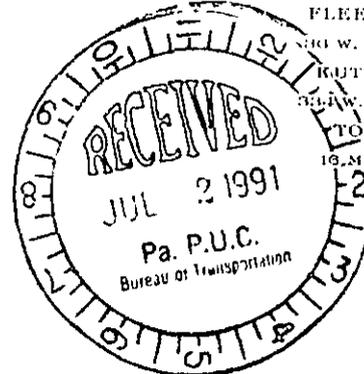
519 WALNUT STREET
P.O. BOX 8551
READING, PA 19603
(215) 376-6721
FAX (215) 376-2370

WILLIAM M. DELONG (1000)

COUNTY OFFICES:
EXETER
404 CIRCLE AVE.
FLEETWOOD
500 W. MAIN ST.
KUTZTOWN
350 W. MAIN ST.
TOPTON
18 MAIN ST.

ROBERT D. KATZENMOYER
~~XXXXXXXXXX~~

June 28, 1991



Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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

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 (Corrected).
2. The date of Publication in the Pennsylvania Bulletin is June 22, 1991, at Page 2860.
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

DOCKETED
APPLICATION DOCKET
JUL 03 1991
ENTRY No. JK

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
June 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, 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."*

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
June 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 RARO, 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.



RECEIVED

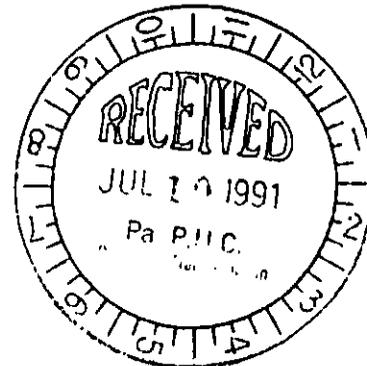
JUL 10 1991

SECRETARY'S OFFICE
Public Utility Commission

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

July 2, 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
A-00109664 (Corrected)

Dear Secretary Rich:

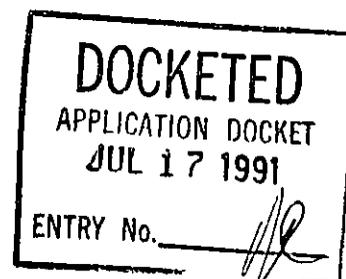
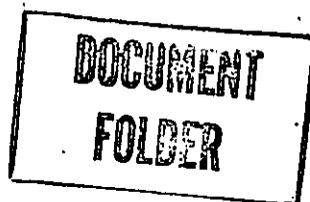
I hereby restrictively amend my Application for Motor Carrier Authority to read as follows:

To transport 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 and Lancaster; 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 and Lancaster.

Very truly yours,

Robert V. Powell

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
~~XXXXXXXXXXXX~~
WILLIAM F. ROBERTS
ROBERT D. KATZENMOYER
MATTHEW G. STAPLETON

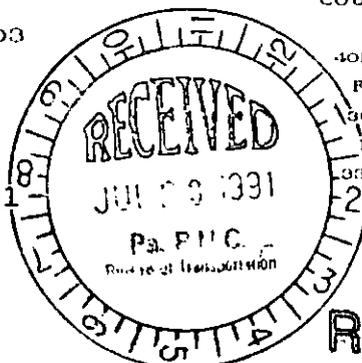
519 WALNUT STREET
P.O. BOX 8551
READING, PA 19603
(215) 376-6721
FAX (215) 376-2370

WILLIAM M. DELONG (1989)

COUNTY OFFICES:

EXETER
404 CIRCLE AVE.
FLEETWOOD
300 W. MAIN ST.
KUTZTOWN
334 W. MAIN ST.
TOPTON
10 MAIN ST.

July 19, 1991



RECEIVED

JUL 22 1991

SECRETARY'S OFFICE
Public Utility Commission

Honorable Jerry Rich, Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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

Attention: Bureau of Transportation

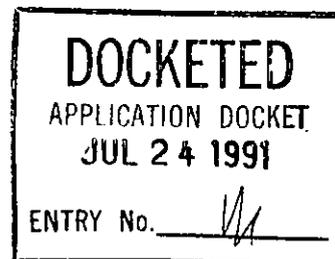
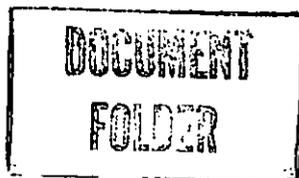
Dear Secretary Rich:

Under date of July 2, 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

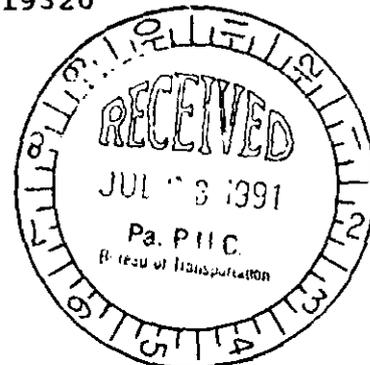
WFR:mld
cc: Mr. Robert V. Powell
Jesse Baro, Inc.



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

July 2, 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
A-00109664 (Corrected)

Dear Secretary Rich:

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

To transport 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 and Lancaster; 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 and Lancaster.

:
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

July 25, 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 Mr. Powell:

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 August 26, 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 Douglas A. Pike (717) 783-5947.

Very truly yours,

Douglas A. Pike
Technical Review Section
Bureau of Transportation



DAP:11

