

**BAKER & DANIELS**  
EST. 1863

FIRST BANK BUILDING · 205 W. JEFFERSON BOULEVARD, SUITE 250 · SOUTH BEND, INDIANA 46601 · (219) 234-4149 · FAX (219) 239-1900 · www.bakerdaniels.com

KIMBERLY J. GARBACZ  
PARALEGAL  
DIRECT (219) 239-1942  
e-mail: kjgarbac@bakerd.com

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PROTHONOTARY'S OFFICE

INDIANAPOLIS  
FORT WAYNE  
SOUTH BEND  
ELKHART  
WASHINGTON, D.C.

November 17, 1997

**SENT BY REGULAR MAIL**

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

RE: New Bern Transportation Corporation

Dear Sir / Madam:

Enclosed please find an original and a duplicate copy of the Application for Transportation by Motor Common Carriers of Property to be filed with your office. In addition, you will find a certified check in the amount of \$100.00 to cover the cost of the filing. Our insurance company will forward the proof of insurance form to you under separate cover.

I have enclosed a self-addressed stamped envelope for your convenience in returning a file marked copy of the application to our offices.

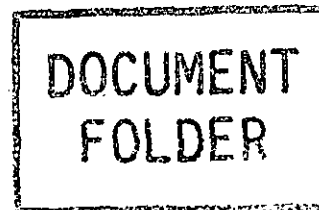
Should you have any questions with regard to any of the enclosed documents, please feel free to contact me.

Sincerely,



Kimberly J. Garbacz  
Paralegal

Enclosures



BEFORE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**APPLICATION FOR TRANSPORTATION BY MOTOR  
COMMON CARRIERS OF PROPERTY**

(PLEASE READ INSTRUCTIONS BEFORE PREPARING APPLICATION)

<b>For PUC Use Only</b>	762814
Docket No.	_____
Folder No.	_____

<b>DOCKETED</b>
APPLICATION DOCKET
DEC 03 1997
ENTRY No. <u>12</u>

19457

- New Bern Transport Corporation  
(Full and correct name in which you intend to operate)
  - Not Applicable  
(Trade name, if any)
- The trade name, if fictitious, \_\_\_\_\_ (has or has not) been registered  
Secretary of the Commonwealth on \_\_\_\_\_ (attach date- stamped registration form).
- |   |                       |
|---|-----------------------|
| <u>9100 Meridian Square, 50 E. 91st St., Suite 305A</u> | <u>(317) 818-8399</u> |
| (Physical Address)                                      | (Telephone No.)       |
| Indianapolis Marion IN 46240                            |                       |
| (City) (County) (State) (Zip)                           |                       |
  - |                                 |  |
|---------------------------------|--|
| <u>Same</u>                     |  |
| (Mailing Address; if different) |  |
| (City) (County) (State) (Zip)   |  |
  - |  |                       |
|--|-----------------------|
| <u>Paul Borghesani</u>   | <u>(219) 234-4149</u> |
| (Attorney's Name)  | (Telephone Number)    |
| <u>205 West Jefferson Boulevard, Suite 250, South Bend, IN 46601</u> |                       |
| (Attorney's Address)   |                       |

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**DOCUMENT  
FOLDER**

A-114-468

6. Applicant does hold ICC authority under Docket  
(does or does not)

No. MC-321263

7. Applicant does not have a current safety rating  
(does or does not)

issued by \_\_\_\_\_

(attach copy)

8. Approximate number of commercial vehicles to be operated

intrastate: owned 10 leased \_\_\_\_\_

9. Applicant is (check one):

Individual

Partnership. Attach copy of partnership agreement and list names and addresses of all partners below (use additional sheet if necessary).

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

Corporation. Organized under the laws of the State of Delaware and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on July, 1997  
(Attach date-stamped copy of application for Certificate of Incorporation or Authority). Include as an attachment a list of corporate officers and their titles and the names, addresses and numbers of shares held by each stockholder.

10. Attach the following, as appropriate (check those attached):

- Partnership Agreement.
- Date-stamped copy of Fictitious Trade Name registration certificate.
- Date-stamped copy of Application for Certificate of Incorporation or Certificate of Authority.
- Copy of current safety rating issued by a state or federal agency.
- List of corporate officers and stockholders and distribution of shares.
- Proof of insurance.

11. Certification

- a. Applicant certifies that it is not now engaged in any intrastate transportation of property for compensation between points in Pennsylvania and will not engage in the transportation for which approval is herein sought unless and until authorization for such transportation is received.
- b. Applicant certifies that it understands the requirements of the Pennsylvania Public Utility Commission, especially as they relate to safety and insurance may result in civil penalties, suspension or cancellation of the certificate.
- c. Applicant certifies that it understands that it is subject to an annual assessment based upon its gross intrastate operating revenue to help pay expenses incurred by the PUC in regulating motor common carriers of property; and acknowledges that failure to file the annual assessment report and timely satisfy the assessment may result in civil penalties, suspension or cancellation of the certificate.

# VERIFICATION OF APPLICATION

I/We hereby state that the statements made in the application are true and correct to the best of my/our knowledge, information belief.

The undersigned understand(s) that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

~~Linwood G. Lawrence, III~~  
Linwood G. Lawrence, III      President      10/6/97  
(Print Name)      (Signature)      (Date)

\_\_\_\_\_  
(Print Name)      (Signature)      (Date)

\_\_\_\_\_  
(Print Name)      (Signature)      (Date)

This section must be completed by the applicant appearing on Line 1, if an individual; by all partners, if a partnership; or by the President or Secretary if a corporation.

**OFFICERS AND DIRECTORS OF**  
**NEW BERN TRANSPORT CORPORATION**

Directors

Dick W. Boyce  
1 Pepsi Way, Somers, NY 10589

Thomas H. Tamoney, Jr.  
1 Pepsi Way, Somers, NY 10589

Brenda C. Barnes  
1 Pepsi Way, Somers, NY 10589

Officers

President - Linwood G. Lawrence, III  
1 Pepsi Way, Somers, NY 10589

Vice President - Douglas Iannarino  
1 Pepsi Way, Somers, NY 10589

Vice President/  
Treasurer - Peter Bridgman  
1 Pepsi Way, Somers, NY 10589

Vice President/  
Secretary - Kathryn L. Carson  
1 Pepsi Way, Somers, NY 10589

Vice President/  
Asst. Secretary - Steven M. Rapp  
1 Pepsi Way, Somers, NY 10589

Vice President - James A. Kozlowski  
1 Pepsi Way, Somers, NY 10589

Vice President - Charles F. Mueller  
1 Pepsi Way, Somers, NY 10589

Vice President - James Henshaw  
1 Pepsi Way, Somers, NY 10589

Vice President - Mark L. Wheless  
1 Pepsi Way, Somers, NY 10589

\*\* 100% of the stock of New Bern Transport Corporation is owned by  
Pepsi-Cola Operating Company of Chesapeake & Indianapolis. No officer  
or director owns any stock.



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

IN REPLY PLEASE  
REFER TO OUR FILE

December 10, 1997

PAUL BORGHESANI  
ATTORNEY AT LAW  
205 WEST JEFFERSON BOULEVARD SUITE 250  
SOUTH BEND IN 46601

DOCKETED  
APPLICATION DOCKET

DEC 10 1997

In Re: A-00114468 - NEW BERN TRANSPORT CORPORATION ENTRY No. 72

Dear Sir:

The above-cited application has been received and accepted for publication. It will be published in the Pennsylvania Bulletin of December 20, 1997.

You are further advised that the above-cited application will be submitted for review provided no comments are filed on or before January 5, 1998.

If comments are filed you will be advised as to the procedure.

**You are not now authorized to provide intrastate service. You will receive notification as to when you may begin providing service.**

Very truly yours,

Peter S. Marzolf, Supervisor  
Technical Unit - Compliance Office  
Bureau of Transportation and Safety

PSM:tz

cc: Document Folder  
NEW BERN TRANSPORT CORPORATION  
9100 MERIDIAN SQUARE  
50 EAST 91ST STREET SUITE 305A  
INDIANAPOLIS IN 46240

DOCUMENT  
FOLDER