

LAW OFFICES
SAMUEL P. DELISI
1600 BANK TOWER
307 FOURTH AVENUE
PITTSBURGH, PA. 15222
(412) 232-3606

RECEIVED

NOV 26 1984

SECRETARY'S OFFICE
Public Utility Commission

SAMUEL P. DELISI
MARIA VERARDI MAYERCHECK

20 November 1984

File: 162

Re: Application of Randall L. Smith, t/d/b/a Smith Bus Company
Pa. PUC A. 105786

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

FILE

Dear Mr. Rich:

Enclosed for filing are the original and two copies
of the protest of Butler Motor Transit, Inc. in the above
application.

Very truly yours,



Samuel P. Delisi

rlk

Enclosures

CERTIFIED MAIL

cc: Applicant

Jack F. Aschinger, Esquire (Certified Mail)
Mr. W. R. Bill Kaylor

DOCUMENT
FOLDER

RECEIVED

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NOV 26 1984

SECRETARY'S OFFICE
Public Utility Commission

APPLICATION OF)
)
RANDALL L. SMITH)
t/d/b/a SMITH BUS COMPANY)

Application Docket
No. A. 105786

1984

Pub. U. C.

PROTEST OF
BUTLER MOTOR TRANSIT, INC.

FILE

Butler Motor Transit, Inc. (Butler) hereby protests the approval of this application as published in the Pennsylvania Bulletin on November 10, 1984 and, in support of protest, state:

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

Butler Motor Transit, Inc.
P.O. Box 1602
210 South Monroe Street
Butler, PA 16001
Tel.: 412/282-1000

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

Samuel P. Delisi, Esquire
Maria Verardi Mayercheck, Esquire
1500 Bank Tower, 307 Fourth Avenue
Pittsburgh, PA 15222
Tel.: 412/232-3505

3. Protestant Butler holds group and party authority at Application Docket No. 48709. F.3 and amendments thereto. It also holds authority to operate over scheduled service routes at Application Docket No. 58709, F.6 and No. 58709, F.9 and to provide paratransit service at Application Docket No. 58709, F.10.

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
NOV 27 1984
ENTRY No. NIC

4. At Application Docket No. 58709, F.3, Am-F, and Am-G, protestant Butler holds authority to transport groups and parties of persons and persons on special excursions and tours of sight-seeing trips from various points in Armstrong, Westmoreland and Indiana Counties to points in Pennsylvania and return.

An abstract of Butler's complete operating authority for group and party service is attached hereto as Appendix 1.

5. Protestant and other carriers now provide group/party service in the area and are meeting the public need. Protestant derives substantial revenues from group/party service in the area sought by applicant and will be adversely affected by any diversion of traffic to a new carrier. Approval of the application will authorize harmful additional competition with potential loss of revenue and less satisfactory service to the public.

6. Protestant will suffer irreparable damage if additional authority is granted in the important sectors of their operating area invaded by the present application.

7. In the present circumstances, Butler's protest will be withdrawn if the application is amended to eliminate Armstrong, Westmoreland and Indiana Counties from the territory sought.

8. Approval of the application is not necessary or proper for the service, accommodation, convenience or safety of the public.

WHEREFORE, Butler Motor Transit, Inc. prays that this application be dismissed.

Respectfully submitted,

Samuel P. Delisi

SAMUEL P. DELISI
MARIA VERARDI MAYERCHECK
Attorneys for Protestant
1500 Bank Tower
307 Fourth Avenue
Pittsburgh, PA 15222
Tel.: 412/232-3500

Dated: November 20, 1984

cc: Applicant
Jack F. Aschinger, Esquire
Mr. W. R. Bill Kaylor

BUTLER MOTOR TRANSIT, INC.

ABSTRACT OF RIGHTS ISSUED BY THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
AT APPLICATION DOCKET NO. 58709

1. Pa. A. 58709, F. 3, Am-F:

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips, from points in the county of Butler, the township of Marshall and the borough of Bradford Woods, Allegheny County, and the boroughs of Ambridge, Baden and Conway, Beaver County, and that portion of Beaver County lying south and west of the Ohio River, excluding the township of Center and Hopewell and the borough of Shippingport, to points in Pennsylvania and return;

subject to the following condition:

No right, power or privilege is granted to render service between points in the county of Allegheny.

2. Pa. A. 58709, F. 3, Am-C:

To transport, as a common carrier, groups and parties of persons from the Boroughs of Chicora, Connoquenessing, Fairview, Karns City, Millerstown, Petrolia, Portersville, Prospect and Saxonburg and the Townships of Buffalo, Center, Clinton, Connoquenessing, Donegal, Fairview, Franklin, Jefferson, Lancaster, Muddy Creek, Oakland and Winfield, Butler County, and the Borough of Freeport, Armstrong County, to points in Pennsylvania and return.

3. Pa. A. 58709, F. 3, Am-G:

To transport, as a common carrier, groups and parties of persons, persons on special excursions and tours or sight-seeing trips from points in the boroughs of New Bethlehem and Clarion, Clarion County, and Brookville, Jefferson County, and within an airline distance of ten (10) statute miles of the limits of said boroughs to points in Pennsylvania.

4. Pa. A. 58709, F. 3, Am-G:

To transport, as a common carrier, groups and parties of persons, persons on special excursions and tours or sight-seeing trips from points in the borough of Kittanning, Armstrong County, and points located on Highway Route 28 within an airline distance of ten (10) statute miles of the limits of said borough, to points in Pennsylvania.

5. Pa. A. 58709, F. 3, Am-G:

To transport, as a common carrier, groups and parties of persons from the borough of Kane, McKean County, to points within fifty (50) miles of the limits of said borough.

6. Pa. A. 58709, F. 3, Am-G:

To transport, as a common carrier, groups and parties of persons from points in the cities of New Kensington, Arnold, and Lower Burrell, Westmoreland County, the borough of Ford City, Armstrong County, and from points in the township of North Buffalo, Armstrong County, located within five (5) miles of State Highway Traffic Route 66, to points in Pennsylvania.

7. Pa. A. 58709, F. 3, Am-G:

To transport, as a common carrier by motor vehicle, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from the boroughs of Rural Valley and the villages of Sagamore and Echo, Armstrong County, and the borough of Plumville, Indiana County, to other points or places in Pennsylvania.

8. Pa. A. 58709, F. 3, Am-G:

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips, from points in the counties of Clarion, Armstrong and Forest, the boroughs of Tarentum and Brackenridge and the township of Harrison, Allegheny County, the townships of Barnett, Heath, Polk and Snyder, and the borough of Brockway, Jefferson County, the townships of Allegheny, Upper Burrell, Washington and the boroughs of West Leechburg, Hyde Park, Vandergrift and East Vandergrift, Westmoreland County, to points in Pennsylvania; excluding any transportation between points in the county of Allegheny; and excluding transportation from the borough of Elderton and the township of Plumcreek, Armstrong County.

Thomas & Thomas
Attorneys and Counsellors at Law

CHARLES E. THOMAS
JAMES K. THOMAS
JACK F. ASCHINGER
CARROLL F. PURDY
JOSEPH P. HAFFER
CHARLES E. THOMAS, JR.
JAMES K. THOMAS II
D. MARK THOMAS
ROGER T. SHOOP
PATRICIA ARMSTRONG
JEFFREY B. RETTIG
PETER J. CURRY
R. BURKE McLEMORE, JR.
THOMAS T. NIESEN
EDWARD H. JORDAN, JR.
ANTHONY STEFANON
DAVID L. SCHWALM
KEVIN E. OSBORNE
LINDA S. PORR
MELINDA S. DICARLO

212 LOCUST STREET

P. O. Box 999

HARRISBURG, PA. 17108

(717) 255-7600

WRITER'S DIRECT DIAL NUMBER

255-7609

November 27, 1984

Mr. David Ehrhart
Supervisor - Application Section
Bureau of Non-Rail Transportation
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

FILE

Re: Application of Randall L. Smith
t/d/b/a Smith Bus Company
A-00105786


Dear Mr. Ehrhart:

Enclosed are Proofs of Publication in the matter of the above-captioned application.

Very truly yours,

THOMAS & THOMAS

By


Jack F. Aschinger

PAM

Enclosures

cc: Mr. Randall L. Smith (w/enclosures)

RECEIVED

NOV 27 1984

Non-Rail
Public Utility Commission

DOCUMENT
FOLDER

Proof of Publication

RECEIVED

NOV 27 1984

State of Pa.
County of Indiana } SS

Non-Rail Transportation
Public Utility Comm.

On this 20th day of November A.D. 1984, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Debbie Elgin who being duly sworn according to law, deposes and says that he is the Solicitor of the Indiana Evening Gazette, that the said Indiana Evening Gazette is a daily newspaper of general circulation, published in the borough of Indiana, in the County of Indiana, State of Pennsylvania, by the Indiana Printing and Publishing Company, and was established in said Borough on the second day of July 1890, since which date, said daily newspaper has been regularly issued in said borough and County, that annexed hereto is a true copy of a notice in the above matter exactly as the same was printed in the regular editions and issues of the said daily newspaper on the following dates, viz November 19, 1984

Affiant further deposes and says that he is an employee of the publisher of the said daily newspaper and has been authorized to verify the foregoing statement and that he is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

FILE

Indiana Printing and Publishing Co

By *Debbie Elgin*

COPY OF NOTICE OF PUBLICATION:

NOTICE
Notice is hereby given that application has been made to the Public Utility Commission of the Commonwealth of Pennsylvania, under the provisions of the Public Utility Law by Smith Bus Company, R.D. #1, Shelocta, PA 15774, at Application Docket No. 105786, for a Certificate of Public Convenience evidencing the Commission's requisite approval of the right to transport persons in Group and Party service between points in the Counties of Armstrong, Indiana and Westmoreland and from points in said Counties to other points in Pennsylvania. Attorney: Jack F. Aschinger, 212 Locust Street, P.O. Box 999, Harrisburg, PA 17108.
This application will be submitted to the Pennsylvania Public Utility Commission without a hearing provided no protests are filed on or before December 3, 1984.

11/19x

DOCKETED
APPLICATION DOCKET
NOV 30 1984
ENTRY NO. *MC*

Sworn to and subscribed before me the day and year aforesaid.

Wale A. Hine
WALE A. HINE, Notary Public
Indiana, Indiana Co., Pa.
My Commission Expires Jan. 12, 1987

Statement of Advertising Costs.

	Lines at	
For publishing the notice attached hereto on the above stated dates		\$ 11.25
Affidavit to this Proof of Publication		1.50
Total		\$ 12.75

Indiana Printing and Publishing Co., publishers of the Indiana Evening Gazette, a daily newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies the same have been fully paid

Indiana Printing and Publishing Co.

By

DOCUMENT
FOLDER

Proof of Publication of Notice in Leader-Times

Under Act. No. 567, Approved May 18, 1929

State of Pennsylvania, ss
County of Armstrong.

RECEIVED
FILE

Margaret L. Corbett

NOV 27 1984

of the Leader-Times, of the County and State aforesaid, being duly sworn, deposes and says that the Leader-Times, a newspaper of general circulation published at Kittanning, County and State aforesaid, was established January 10, 1898, since which date the Leader-Times, has been regularly issued in said County, and that the printed notice of publication attached hereto is exactly the same as printed and published in the regular editions and issues of the said Leader-Times on the following dates,

viz: _____
and the 19th day of November A.D. 1984

Affiant further deposes that he is an officer duly authorized by the Leader-Times, a newspaper of general circulation, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

Copy of Notice or Publication

Margaret L. Corbett
Margaret L. Corbett
Leader-Times
Accts. Rec. Clerk

Sworn to and subscribed before me this 19th day of November, 1984.

Louise Rohrer
Louise Rohrer

My Commission Expires: Notary Public, Kittanning Boro, Armstrong, Co., PA
My Commission Expires March 29, 1987

Statement Of Advertising Costs

Thomas M. Thomas
212 Locust Street, B. O. Box 999
Harrisburg, Pa. 17108

To Leader-Times, Dr.

For publishing the notice or publication attached hereto on the above stated dates	\$ 13.68
Probating same	\$ 1.00
TOTAL	\$ 14.68

NOTICE
Notice is hereby given that application has been made to the Public Utility Commission of the Commonwealth of Pennsylvania, under the provisions of the Public Utility Law by Smith Bus Company, R. D. 1, Shelocta, PA 15774, at Application Docket No. 105786, for a certificate of Public Convenience evidencing the Commission's requisite approval of the right to transport persons in Group and Party service between points in the Counties of Armstrong, Indiana and Westmoreland and from points in said Counties to other points in Pennsylvania. Attorney: Jack F. Aschinger, 212 Locust Street, P.O. Box 999, Harrisburg, PA 17108.

This application will be submitted to the Pennsylvania Public Utility Commission without a hearing provided no protests are filed on or before December 3, 1984.

Publisher's Receipt for Advertising Costs

_____, newspaper of general circulation, hereby acknowledges receipt of the aforesaid notice and publication costs and certifies that the same have been duly paid.

Leader-Times
a Newspaper of General Circulation.

By: _____
(This receipt is not valid until payment is received and receipt signed.)

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
NOV 30 1984
ENTRY NO. *111*

No. _____ Term, 19__

Proof of Publication of Notice in The Tribune-Review

Under Act No. 587, Approved May 16, 1929.

Commonwealth of Pennsylvania, }
County of Westmoreland } ss:

RECORDED FILE

H. Robert Schadewald, Corporate Advertising Director of the Tribune-Review Publishing Company, a corporation of the County and State aforesaid, being duly sworn, deposes and says that The Tribune-Review is a daily newspaper published in the City of Greensburg, County and State aforesaid. Said corporation was established in the year 1924, since which date a daily newspaper has been regularly issued in said County, and a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the said daily newspaper on the following dates, viz: _____

Legal Notice #9136

Re: Smith Bus Company

and the 20th day of November, A.D. 1984.

Affiant further deposes that he is an officer duly authorized by the Tribune-Review Publishing Company, a corporation, publisher of The Tribune-Review, daily newspaper to verify the foregoing statement under oath and also declares that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

H. Robert Schadewald
Corp. Advertising Director, Tribune-Review Publishing Company.

Copy of notice or publication

NOTICE
Notice is hereby given that application has been made to the Public Utility Commission of the Commonwealth of Pennsylvania, under the provisions of the Public Utility Law by Smith Bus Company, R.D. #1 Shelocta, PA 15774, at Application Docket No. 105786, for a certificate of Public Convenience evidencing the Commission's requisite approval of the right to transport persons in Group and Party service between points in the Counties of Armstrong, Indiana and Westmoreland and from point in said Counties to other point in Pennsylvania. Attorney: Jack F. Aschinger, 212 Locust Street, P.O. Box 999, Harrisburg, PA 17108. This application will be submitted to the Pennsylvania Public Utility Commission without a hearing provided no protests are filed on or before December 3, 1984. (11-20-84)9136

Sworn to and subscribed before me this 20th day of November, 1984

Karen L. Berenbrot
Notary Public.

My Commission Expires: KAREN L. BERENBROK, Notary Public
Greensburg, Westmoreland Co., PA
My Commission Expires November 22, 1986

Statement of Advertising Costs

Jack F. Aschinger
212 Locust St., PO Box 999
Harrisburg, PA 17108

To Tribune-Review Publishing Company, Dr.

For publishing the notice or advertisement attached hereto on the above stated dates	\$ 35.00
Probating same	\$ -0-
Total	\$ 35.00

Publisher's Receipt for Advertising Costs

The Tribune-Review Publishing Company, a corporation, publishers of The Tribune-Review, a daily newspaper, hereby acknowledges a receipt of the aforesaid advertising and publication costs, and certifies the same have been fully paid.

Tribune-Review Publishing Company, a Corporation, Publishers

of The Tribune-Review,
a Daily Newspaper.

By *H. Robert Schadewald*

Office
Greensburg, Pa.
Established 1924

DOCKETED
APPLICATION DOCKET
NOV 30 1984
ENTRY No. *VR*

DOCUMENT
FOLDER

No. _____ Term, 19____

_____ Court of
Westmoreland County, Pennsylvania

THE TRIBUNE-REVIEW

PROOF OF PUBLICATION

and

RECEIPT OR ADVERTISING COSTS

of

Filed _____, 19____

Attorney for -----

PILLAR AND MULROY

ATTORNEYS-AT-LAW
1500 BANK TOWER
307 FOURTH AVENUE
PITTSBURGH, PA. 15222
TELEPHONE (412) 471-3300

RECEIVED

DEC 8 1984

SEARCHED
SERIALIZED

JOHN A. PILLAR
THOMAS M. MULROY
SALLY A. DAVOREN
KEVIN W. WALSH

November 28, 1984

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

FILE

RE: Application of Randall L. Smith, t/d/b/a
Smith Bus Company
Docket No. A-00105786

Dear Mr. Rich:

Please find enclosed a protest filed on behalf of
Eugene T. Falbo, t/d/b/a Mountain View Tourways and Lodestar
Bus Lines, Inc.
to the above captioned application.

A copy of this protest has been served upon the
applicant's representative named below in accordance
with the Commission's Rules of Practice.

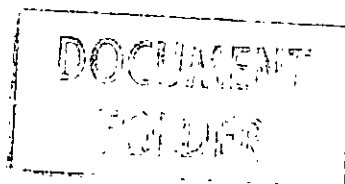
Respectfully submitted,

PILLAR & MULROY, P.C.

By: Sally A. Davoren
SALLY A. DAVOREN

njm
Enclosure

cc: Jack Aschinger, Esq.



RECEIVED

DEC 3 1984

RECEIVED

Before the PENNSYLVANIA PUBLIC UTILITY COMMISSION DEC 3 1984

In Re: APPLICATION OF)
)
 Randall L. Smith, t/d/b/a) Docket No. A-00105786
 Smith Bus Company)
)

FILE

PROTEST

In accordance with the Rule of Practice of the Pennsylvania Public Utility Commission, the carrier(s) named herein desire(s) to protest the above application and, in support thereof, state(s) as follows:

1. The name, address and telephone number of protestant(s) are set forth in Appendix A attached hereto.
2. The name, address and telephone number of protestant(s)' attorney:

PILLAR AND MULROY, P.C.
 1500 Bank Tower
 307 Fourth Avenue
 Pittsburgh, PA 15222
 (412) 471-3300

3. Protestant(s) hold(s) authority in conflict with this application as summarized in Appendix A attached hereto. A true copy of the pertinent portions of authority held by protestant(s) is attached hereto as Appendix B.

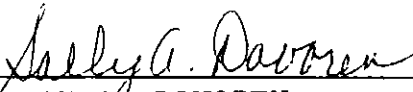
DOCUMENT FOLDER

DOCKETED
 APPLICATION DOCKET
 DEC 5 1984
 ENTRY No. NK

4. Protestant(s) is/are presently providing service in the application area and/or is/are willing and able to provide such service. To the extent of protestant(s) authority, there is no need for additional service. Diversion of traffic and loss of revenues in connection with the transportation proposed by applicant will be seriously detrimental to protestant(s).

5. If a restrictive amendment will satisfy the interest(s) of protestant(s), a proposed amendment is attached hereto as Appendix C.

Respectfully submitted,



SALLY A. DAVOREN
Attorney for Protestant(s)

Due Date: December 3, 1984

RE: Application of Randall L. Smith, t/d/b/a
Smith Bus Company

Docket No. A-00105786

APPENDIX A

The foregoing protest to the above application is
filed on behalf of:

Lodestar Bus Lines, Inc.
230 Theatre Drive
Johnstown, PA 15904

Mountain View Tourways
R. D. #6, Box 401
Latrobe, PA 15650

Eugene T. Falbo, t/d/b/a Mountain View Tourways has authority, at Docket No. A-00089131, F.2, Am-B, to transport groups and parties of persons between points in Westmoreland County, and from points in said county, to points in Pennsylvania, and vice versa. At F.2, Am-A of its certificate, Mountain View is authorized to transport groups and parties of persons from the Borough of Blairsville, Indiana County, to points in Pennsylvania.

Lodestar Bus Lines, Inc. has authority, at Docket No. A-00101869, F.2, Am-A, to transport groups and parties of persons from points in the Boroughs of Bolivar, Seward and New Florence, Westmoreland County, the Borough of Armagh and the Villages of Huff, Robinson, Cramer and Charles, Indiana County, the Townships of West Wheatfield, East Wheatfield, Buffington and Brush Valley, Indiana County, and the Townships of St. Clair and Fairfield, Westmoreland County, to points in Pennsylvania.

Summaries of the authority of protestants Mountain View Tourways and Lodestar are attached to this protest as Appendix B.

EUGENE T. FALBO, t/d/b/a
MOUNTAIN VIEW TOURWAYS

Docket No. A-00089131

Docket No. A-0089131, F.2

To transport, as a common carrier by motor vehicle, groups and parties of persons between points on the following routes and within one (1) mile of said routes and from points on the following routes and within one (1) mile of said routes to points within an airline distance of fifty (50) miles of the point of origins

Beginning in the Village of Whitney, Westmoreland County, thence via Highway Route 64151 to the Village of Manito, thence via Highway Route T-894 through the Villages of Hostetter and Pipetown, thence via Highway Route 64208 to Highway Route 982 (Highway Route 64130) through the Villages of Baggaley and Youngstown to Highway Route 30.

Beginning at the intersection of Highway Route 30 and Highway Route 981 (Highway Route 64151), thence on Highway Route 981 to the Village of Manito.

Beginning at the intersection of Highway Route 982 and Highway Route 30, thence via Highway Route 30 to its intersection with Highway Route 64060, thence via Highway Route 64060 through the Village of Darlington to Township Road T-719, thence via Township Road T-719 along the boundary lines of Idlewild Park to Highway Route 30, thence via Highway Route 30 through the Borough of Ligonier to its intersection with Highway Route 381, thence via Highway Route 381 through the Village of Recter to its intersection with Highway Route 64060, thence via Highway Route 64060 to Highway Route 711, thence via Highway Route 711 to its intersection with Highway Route 30 in the Borough of Ligonier.

Beginning at the intersection of Highway Route 711 and Market Street in the Borough of Ligonier, thence via Market Street and Highway Route 711 to its intersection with Highway Route 64058 in the Village of Oak Grove, thence via Highway Route 64058 to the Village of Wilpen.

Beginning at the intersection of Highway Route 30 and Highway Route 64062 in Ligonier Township, thence via Highway Route 30 to the Village of Laughlintown;

Docket No. A-00089131, F.2 (continued)

subject to the following conditions:

That no right, power or privilege is granted to transport groups and parties of persons from Saint Vincent College or Saint Xavier Academy.

That no right, power or privilege is granted to transport groups and parties of persons from any point more than one-quarter (1/4) of a mile north of that portion of Highway Route 30 lying west of its intersection with Highway Route 64043 except that applicant may transport groups and parties of persons from the Touchdown Club located on Township Road T-896 one-quarter (1/4) of a mile northwest of its intersection with Township Road T-707 and from the point of intersection of Township Road T-896 with Township Road T-707.

Docket No. A-00089131, F.2, Am-A

1. To transport, as a common carrier, groups and parties of persons from the Borough of Blairsville, Indiana County, the Boroughs of Derry and Latrobe, the Village of Bradenville, St. Vincent College, St. Xaviers Academy, Westmoreland County, to points in Pennsylvania.
2. To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from the Townships of Unity and Derry, Westmoreland County, to points in Pennsylvania, and return;

with right number 2 above to be subject to the following condition:

That no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points within one (1) mile by the usually traveled highways of the limits of the Borough of New Alexandria nor from points within one (1) mile by the usually traveled highways of the Post Office in the Village of Crabtree, Unity Township, Westmoreland County.

Docket No. A-00089131, F.2, Am-B

To transport, as a common carrier, groups and parties of persons, and persons on special excursions, tours or sight-seeing trips between points in the County of Westmoreland, and from points in said county, to points in Pennsylvania, and vice versa.

subject to the following condition:

That no right, power or privilege is granted to render service to or from the Cities of Monessen, Greensburg and Jeannette, the Townships of Rostraver, Franklin, Penn, North Huntingdon, Sewickley, South Huntingdon, East Huntingdon, Hempfield, Cook and that portion of Mt. Pleasant situated more than an airline distance of two (2) miles north of the Pennsylvania Turnpike and east of Route 981 and Legislative Route 64145, and the Boroughs of North Belle Vernon, West Newton, Sutersville, Smithton, Scottdale, Madison, Irwin, North Irwin, Trafford, Export, Penn, Manor, Adamsburg, Arona, Southwest Greensburg, South Greensburg and Youngstown, Westmoreland County.

LODESTAR BUS LINES, INC.

Docket No. A-00101869

Docket No. A-00101869, F.1

1. To transport, as a common carrier, persons and parcels, packages, newspapers and magazines, in packages and properly packed, which can be transported in buses without the removal of seats and without interfering with the accommodation, convenience or safety of the public over the following routes:

LIGONIER-FRANKLIN ROUTE:

Beginning at the intersection of Highway Route 30 and Highway Route 711 in the borough of Ligonier, Westmoreland County, thence via Highway Route 711 to its intersection with Highway Route 56 in the borough of Seward, Westmoreland County, thence via Highway Route 56 to its intersection with Highway Route 260 in the city of Johnstown, Cambria County, thence via Highway Route 260 to its intersection with Highway Route 11016 in the borough of Franklin, thence on Highway Route 11016 to the Franklin Wheel Plant of the Bethlehem Steel Company in the borough of Franklin.

SPUR ROUTE:

Beginning at the village of West Bolivar, Fairfield Township, Westmoreland County, thence via township road to its intersection with Highway Route 259, thence on Highway Route 259 across the Conemaugh River to the village of Robinson, West Wheatfield Township, Indiana County, thence continuing on Highway Route 259 to its intersection with Highway Route 32011, thence on Highway Route 32011 to its intersection with Highway Route 32008, thence on Highway Route 32008 to its intersection with Highway Route 32009 in the village of Centerville (P.O.Huff), West Wheatfield Township, thence on Highway Route 32009 across the Conemaugh River to Highway Route 711, thence on Highway Route 711 to the borough of New Florence, Westmoreland County;

EXTENSION IN JOHNSTOWN:

Extension of the scheduled route in the city of Johnstown to a terminal at 237 Market Street via Franklin, Market and Walnut Streets between Washington and Vine Streets, and Lincoln and Vine Streets between Franklin and Walnut Streets.

EXTENSION TO IDLEWILD PARK:

To be operated during the yearly period between May 15 and September 10.

Beginning at the borough of Ligonier, thence on Highway Route 30 to Idlewild Park;

with the above authority subject to the following conditions:

That no rights, power or privilege is granted to render local service between points in the city of Johnstown or between the city of Johnstown and the Franklin Wheel Plant of the Bethlehem Steel Company in the city of Cambria and intermediate points between the said city and plant.

That no right, power or privilege is granted to transport persons locally in either direction between the borough of Ligonier and Idlewild Park or intermediate points.

That no right, power or privilege is granted to transport any package or parcel that exceeds fifty (50) pounds in weight, ten (10) cubic feet in content or twenty-five (25) dollars in value.

Beginning at the intersection of Highway Route 56 and 32037 in the village of Mechanicsburg (Brush Valley P.O.) in Brush Valley Township, Indiana County, thence via Highway Route 56 through the borough of Armagh, Indiana County, to the intersection of Highway Route 711, thence via Highway Route 711 to its intersection with Highway Route 403, thence on Highway Route 403 and across the Cooper Avenue Bridge over the Conemaugh River in the city of Johnstown, Cambria County, and thence via Highway Route 260 in the borough of Franklin, Cambria County, thence on Highway Route 11016 to the Franklin Plant of the Bethlehem Steel Company.

EXTENSION IN JOHNSTOWN:

Extension of the scheduled route in the city of Johnstown to a terminal at 237 Market Street via Franklin, Market and Walnut Streets between Washington and Vine Streets, and Lincoln and Vine Streets between Franklin and Walnut Streets.

CONNECTING ROUTE:

Beginning at the intersection of Highway Routes 56 and 711 in the village of Brown's Corner, East Wheatfield Township, Indiana County, thence on Highway Routes 56 and 711 to their intersection or

divergence in the borough of Seward, Westmoreland County;

with the right to render through service between points in the aforesaid routes and points on the certificate holder's other routes hereinabove described; with the above route, extension and connecting route subject to the following conditions:

That no right, power or privilege is granted to render service locally between Old Toll House near the intersection of Highway Route 403 and 11020 in West Taylor Township and the terminus at the Franklin Plant of Bethlehem Steel Company, all in Cambria County.

That no right, power or privilege is granted to render local service between points within the city of Johnstown.

That no right, power or privilege is granted to transport any package or parcel that exceeds fifty (50) pounds in weight, ten (10) cubic feet in content or twenty-five (25) dollars in value.

EXTENSION:

Beginning at the intersection of Highway Routes 56 and 32037 in the village of Mechanicsburg (Brush Valley P.O.), Indiana County, thence via Highway Route 56 to its intersection with Highway Route 119 in the borough of Homer City, thence via Highway Route 119 to Seventh Street in the borough of Indiana, thence on Seventh Street, Philadelphia Street, Sixth Street and Church Street to Seventh Street, thence returning on Seventh Street, Highway Route 119 and the same route to the place of beginning; and over an alternate route via Gompers Avenue between Seventh Street and Sixth Street in the borough of Indiana; with the right to render shuttle service between points on the aforesaid route;

with the above extension subject to the following condition:

That no right, power or privilege is granted to transport persons locally between the intersection of Highway Route 56 and 32023 situated east of the borough of Homer City and applicant's terminus in the borough of Indiana.

2. To transport, as a common carrier, on schedule, persons, parcels, packages and baggage over the following connecting route and spur route of the Ligonier-Franklin Route:

Docket No. A-00101869, F.1 (Cont'd.)

CONNECTING ROUTE:

Beginning at a point on Highway Route 711 in Fairfield Township, Westmoreland County, where the same is intercepted by Highway Route 64190, thence on said Highway Route 64190 to its intersection with Highway Route 259 in the village of West Bolivar, Fairfield Township, Westmoreland County, and returning over the same route.

SPUR ROUTE:

Beginning at a point in West Wheatfield Township, Indiana County, where Highway Route 32011 intersects Highway Route 259, thence on Highway Route 259 in a northerly direction to its intersection with Highway Route 22, thence westwardly on Route 22 to its intersection with Highway Route 32179, thence on Highway Route 32179 through the borough of Blairsville, Indiana County to its intersection with Highway Route 217, thence on Highway Route 217 to its intersection with Highway Route 64059, thence on Highway Route 64059 to the Torrance Post Office, Derry Township, Westmoreland County, and returning over the same route to the place of beginning, with the right to digress into the Torrance State Hospital to pickup and discharge passengers and their baggage at various buildings on said hospital grounds;

with the right to render shuttle service between points on the said routes and through service without change of buses between points on said routes.

Docket No. A-00101869, F.2

To transport, as a common carrier by motor vehicle, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points in the boroughs of Bolivar, Seward and New Florence, Westmoreland County, the borough of Armagh and the villages of Huff, Robinson, Cramer and Charles, Indiana County, the townships of West Wheatfield, East Wheatfield, Buffington and Brush Valley, Indiana County, and the townships of St. Clair and Fairfield, Westmoreland County, to points in Pennsylvania.

Docket No. A-00101869, F.2, Am-A

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points in the boroughs of Bolivar, Seward and New Florence, Westmoreland County, the borough of Armagh and the villages of Huff, Robinson, Cramer and Charles, Indiana County, the townships of West Wheatfield, East Wheatfield, Buffington and Brush Valley, Indiana County, and the townships of St. Clair and Fairfield, Westmoreland County, to points in Pennsylvania.

Docket No. A-00101869, F.2, Am-B

To transport, as a common carrier, groups and parties of persons, in school-bus type equipment, between points in the city of Johnstown, the townships of Adams, Conemaugh, East Taylor, Lower Yoder, Middle Taylor, Richland, Stonycreek, Upper Yoder, and West Taylor and the boroughs of Brownstown, Daisytown, Dale, East Conemaugh, Ehrenfeld, Ferndale, Franklin, Geistown, Lorain, Scalp Level, South Fork, Southmont and Westmont, all in Cambria County, and from points in said city, townships and boroughs to points in Pennsylvania.

To transport, as a common carrier, groups and parties of persons, in school-bus type equipment, from points in the township of White, Cambria County to points in Pennsylvania.

Docket No. A-00101869, F.3

To transport, as a Class D carrier, newspapers for the Johnstown Tribune Publishing Company, from the city of Johnstown, Cambria County, to points in the counties of Cambria, Indiana, Somerset and Westmoreland.

EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
MOSES K. ROSENBERG
ARTHUR L. BERGER
FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD R. WAISEL
RICHARD R. LEFEVER
J. THOMAS MENAKER
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
F. MURRAY BRYAN
RICHARD W. STEVENSON
WILLIAM A. CHESNUTT
HENRY R. MACNICHOLAS
WILLIAM M. YOUNG, JR.

ROBERT M. CHERRY
DAVID B. DISNEY
H. LEE ROUSSEL
MAURICE A. FRATER
C. GRAINGER BOWMAN
JOHN S. OYLER
DELANO M. LANTZ
HARVEY FREEDENBERG
EDWARD J. RIEHL
JASON S. SHAPIRO
ERIC L. BROSSMAN
ROBERT D. STETS
TERRY R. BOSSERT
MARY JANE FORBES
JEFFREY B. CLAY
DAVID M. KLEPPINGER
NEAL S. WEST
JESSIE L. SMITH
BRUCE A. FELDMAN
RANDOLPH M. BAKER
FRANKLIN A. MILES, JR.
MICHAEL A. DOCTROW
PETER A. LATTA

MCNEES, WALLACE & NURICK

ATTORNEYS AT LAW

100 PINE STREET
P. O. BOX 1166

HARRISBURG, PA. 17108-1166

TELEPHONE (717) 232-8000

STERLING G. MCNEES
1923-1959

DAVID M. WALLACE
1942-1967

GILBERT NURICK
JAMES H. BOOSER
HARRY H. FRANK
JEFFERSON C. BARNHART
JAMES W. HAGAR
JAMES H. KING

OF COUNSEL

November 30, 1984

FILE

In re: Application of Randall L. Smith, t/d/b/a Smith Bus Company
A-00105786

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

Dear Mr. Rich:

On behalf of Lanich Bus Lines and Lincoln Coach Lines, 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

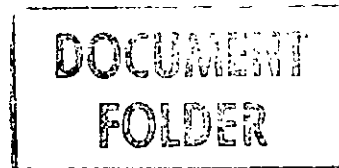
jh

Enclosure

cc: Mr. Randall L. Smith w/enclosure
Jack F. Aschinger, Esquire w/enclosure
Ms. Mary Lanich w/enclosure
Mr. Joshua N. Bennett w/enclosure

RECEIVED

DEC 09 1984



RECEIVED

RECEIVED

NOV 30 1984

SECRETARY'S OFFICE
Public Utility Commission

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re:

APPLICATION OF

RANDALL L. SMITH, t/d/b/a SMITH BUS COMPANY
A-00105786

FILE

PROTEST ON BEHALF OF MARY LANICH, GEORGE LANICH,
AND PAUL LANICH, CO-PARTNERS, t/d/b/a
LANICH BUS LINES AND
LINCOLN COACH LINES

AND NOW COME Mary Lanich, George Lanich, and Paul Lanich, Co-Partners,
t/d/b/a Lanich Bus Lines and Lincoln Coach Lines and protest this
application representing as follows:

1. The names, business addresses, and telephone numbers of
the protestants are as follows:

Mary Lanich, George Lanich, and
Paul Lanich, Co-Partners, t/d/b/a
Lanich Bus Lines ("Lanich")
P. O. Box 57
Kent, PA 15752
Telephone: (412) 726-5523

Lincoln Coach Lines ("Lincoln")
P. O. Box 369
Irwin, PA 15642
Telephone: (412) 863-2300

2. The name, business address, and telephone number of the
protestants' attorneys are as follows:

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

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
DEC 3 1984
ENTRY No. *NIC*

3. Protestants hold authority with the Pennsylvania Public Utility Commission in conflict with what the applicant seeks in this proceeding. Protestants perform a substantial amount of transportation within the scope of this application. This transportation, as well as other transportation which protestants could perform within the scope of the application, and the revenue derived, or to be derived, therefrom, are important to protestants. Said transportation and revenue could be diverted from protestants by approval of the instant application. Diversion of present and future traffic would have an adverse impact on protestants. The entry of applicant into the fields authorized to protestants would endanger or impair the operations of protestants to such an extent that, on balance, the granting of authority to applicant would be contrary to the public interest.

4. Protestant Lanich operates under Docket No. A. 68088, Folder 2. A copy of an abstract of Lanich's authority, upon which its protest is predicated, is set forth on Appendix "A," attached hereto.

Protestant Lincoln operates under Docket No. A. 70883, Folder 4. A copy of an abstract of Lincoln's authority at that docket number is set forth on Appendix "B," attached hereto. Lincoln's protest is predicated upon all the authority shown on Appendix "B" except the authority at Amendments D, E, K, and L.

5. If applicant would restrict his application, so as to eliminate the conflicting authority of protestants, as shown on Appendices "A" and "B," this would protect protestants' interests

and protestants would withdraw their respective protests conditioned upon final acceptance of the amendment by the Commission.

6. Approval of this application in conflict with the authority of protestants 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.

WHEREFORE, Lanich Bus Lines and Lincoln Coach Lines respectfully pray that this application be dismissed.

AND, they will ever pray, etc.

LANICH BUS LINES
LINCOLN COACH LINES

By *McNeess, Wallace & Nurick*
McNEES, WALLACE & NURICK

P. O. Box 1166
Harrisburg, PA 17108-1166
November 30, 1984

MARY LANICH, GEORGE LANICH, AND PAUL LANICH,
COPARTNERS, TRADING AND DOING BUSINESS AS
LANICH BUS LINES

GROUP AND PARTY AUTHORITY HELD
WITH THE PENNSYLVANIA PUBLIC UTILITY COMMISSION
Docket No. A. 68088, Folder 2

Folder 2, Amendment A

To transport, as a common carrier, groups and parties of persons, and persons on special excursions and tour or sight-seeing trips from points in the Boroughs of Homer City and Jacksonville and points in the Townships of Centre and Young, Indiana County to points and places in Pennsylvania.

Folder 2, Amendment E

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points in the Borough of Blairsville and Townships of Burrell and Black Lick, Indiana County, to points in Pennsylvania.

Folder 2, Amendment F

To transport, as a common carrier by motor vehicle, groups and parties of persons from the Borough of Indiana, Indiana County, to points in Pennsylvania.

Folder 2, Amendment G

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points in the Borough of Saltsburg and the Townships of Conemaugh and White, Indiana County, and the Borough of Avonmore and the Townships of Bell and Loyalhanna, Westmoreland County, to points in Pennsylvania.

Folder 2, Amendment H

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours and sight-seeing trips, from points in the boroughs of Armagh, Shelocta and Creekside, Indiana County, the borough of Elderton, Armstrong County, the townships of Armstrong, Cherryhill, Greene, Pine, Brush Valley, Buffington, Washington and Rayne, all in Indiana County and the township of Plumcreek, Armstrong County, to points in Pennsylvania.

LINCOLN COACH LINES

A. 70883

Folder 4

To transport, as a common carrier, groups or parties of persons from the city of Jeannette, and the Boroughs of Irwin, Shafton, Jacksonville, North Irwin, Circleville, Stewartsville, Sheridan Terrace, Straw Pump, Larimer, Hahntown, Fairmont, Manor and Westmoreland City, Westmoreland County, and East McKeesport, Allegheny County, to various points and places in the Commonwealth of Pennsylvania.

That no right, power or privilege is granted to transport persons between points served by The Pennsylvania Railroad Company.

Folder 4, Amendment B

To transport, as a common carrier by motor vehicle, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points on the following described routes and within five (5) miles thereof to points in Pennsylvania beyond a fifty (50) mile radius of the point of origin; (a) U. S. Highway Route 30 in Westmoreland County; (b) U. S. Highway Route 30 in Allegheny County between the Westmoreland County line and its intersection with U. S. Highway Route 22 east of the City of Pittsburgh; provided that no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions and tours or sight-seeing trips from cities, boroughs or townships north of or traversed by U. S. Highway Route 22, from the City of Pittsburgh, Allegheny County, and from points south or west of the Monongahela River.

To transport, as a common carrier by motor vehicle, groups and parties and parties of persons and persons on special excursions and tours or sight-seeing trips from the following points: The City of Greensburg, the Boroughs of Latrobe and Ligonier and Saint Vincent College, all in Westmoreland County, to points more than

fifty (50) miles from the point of origin and from the Borough of Irwin, Westmoreland County, to any point of destination in the Commonwealth of Pennsylvania to which The Pennsylvania Railroad Company or that portion of The Greyhound Corporation formerly operated by Pennsylvania Greyhound Lines, Inc., is furnishing regular passenger train service or scheduled passenger motor bus service.

Folder 4, Amendment C

To transport, as a common carrier by motor vehicle, groups and parties of persons from the Borough of Irwin and the Township of North Huntingdon, Westmoreland County, to points within twenty-five (25) miles of the point of origin.

Folder 4, Amendment D

To transport, as a common carrier by motor vehicle, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from Bakerstown, Etna, Millvale, the Townships of Hampton, Reserve and Shaler, and the City of Pittsburgh, Allegheny County, and the City of Butler, Butler County, to points in Pennsylvania; excluding the right to transport groups and parties of persons from points in the City of Pittsburgh to points within a radius of twenty-five (25) miles of the City-County Building in said City; (Formerly part of the rights at A. 7047, Folder 37)

FIRST: That no right, power or privilege is granted to transport groups or parties of persons from points in Shaler Township lying between Etna and Millvale to points in the City of Pittsburgh.

SECOND: That no right, power or privilege is granted to transport groups or parties of persons locally between points in the City of Butler or from points in said city to Alameda Park, Lindora or Springdale.

Folder 4, Amendment E

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points in the townships of Richland, Allegheny County, and points in that portion of Allegheny County bounded on the north by the Allegheny River, on the west by the eastern boundary of the city of Pittsburgh, and on the south by the Monongahela and Youghiogheny Rivers, to points in Pennsylvania.

That no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions and tours or sight-seeing trips between points in Allegheny County, except as presently authorized.

Folder 4, Amendment F

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from the City of Greensburg, the Borough of Penn and the Township of North Huntingdon, Westmoreland County, to points in Pennsylvania.

Folder 4, Amendment H

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points on U.S. Highway Route 30 in Westmoreland County between the city of Greensburg and the Westmoreland-Somerset County line and points within an airline distance of five (5) statute miles thereof to points beyond an airline distance of twenty (20) statute miles of the point of origin and within an airline distance of fifty (50) statute miles of the point of origin.

That no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions and tours or sight-seeing trips from the borough of Ligonier or the townships of Ligonier and Cook, Westmoreland County.

LINCOLN COACH LINES

A. 70883

Folder 4, Amendment I

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from the borough of Franklin and the township of Penn, Westmoreland County, to points in Pennsylvania and return to the point of origin; excluding service from the borough of Franklin, Westmoreland County to points in the counties of Allegheny and Westmoreland; and from the township of Penn, Westmoreland County to points within an airline distance of fifty (50) statute miles of the point of origin.

Folder 4, Amendment J

The transportation of groups and parties of persons, and persons on special excursions and sightseeing tours from points in the boroughs of Ligonier, Scottdale, Arona, Madison in Westmoreland County and points in the townships of Sewickley, South Huntingdon, Cook, and; that portion of Ligonier Township on and south of U.S. Route 30, that portion of Hempfield Township on and south of the Pennsylvania Turnpike (Interstate Highway 76) from the western boundary of Hempfield Township to the borough of New Stanton; that portion of East Huntingdon Township situated more than an airline distance of two miles south of Route 31; that portion of Mt. Pleasant Township situated more than an airline distance of two miles north of the Pennsylvania Turnpike and east of Route 981 and Legislative Route 64145, subject to the following conditions:

- (1) That no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions, tours and sightseeing trips from points within that portion of Hempfield Township on and south of the Pennsylvania Turnpike between the western boundary of Hempfield township and the borough of New Stanton to points in Somerset County.

LINCOLN COACH LINES

A. 70883

Folder 4, Amendment K

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points in Allegheny County, to points in Pennsylvania, and return; subject to the following conditions:

- (1) That no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points in the County of Allegheny to points within 40 statute miles of the City-County Building, in the City of Pittsburgh.
- (2) That no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions and tours or sight-seeing trips between points in the County of Allegheny, except as otherwise authorized.

Folder 4, Amendment L

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips, from points in the county of Somerset, to points in Pennsylvania.

Folder 4, Amendment M

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sightseeing trips, from points in the boroughs of Cherry Tree, Clymer, Glen Campbell, Marion Center, Plumville, and Smicksburg, and the townships of Banks, Canoe, East Mahoning, East Wheatfield, Grant, Montgomery, North Mahoning, South Mahoning, West Mahoning, and West Wheatfield, Indiana County, and the counties of Blair and Cambria, to points in Pennsylvania.

Lincoln Coach Lines
A. 70883, Folder 4, Am-N

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips, between points in that part of the county of Butler lying south of the northern boundaries of the townships of Jackson, Forward, Penn, Jefferson and Winfield, to include all of the borough of Connoquenessing and points in the county of Westmoreland, and from points in the said territory to points in Pennsylvania.

subject to the following condition.

That no right, power or privilege is granted to provide service from points in the township of Rostraver, the boroughs of Sutersville, West Newton, Smithton and North Belle Vernon, and the city of Monessen, Westmoreland County.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the applicant, Randall L. Smith, t/d/b/a Smith Bus Company, R. D. 1, Shelocta, PA 15774, and applicant's representative, Jack F. Aschinger, Esquire, 212 Locust Street, P. O. Box 999, Harrisburg, PA 17108, by first class mail, postage prepaid and properly addressed.



Herbert R. Nurick

Harrisburg, PA
November 30, 1984

RECEIVED

DEC 3 1984

Before the ~~Public Utility Commission~~
PENNSYLVANIA PUBLIC UTILITY COMMISSION **SECRETARY'S OFFICE**
Public Utility Commission

DOCKET NO. A-00105786

RANDALL L. SMITH, t/d/b/a SMITH BUS COMPANY

PROTEST AND REQUEST
FOR ORAL HEARING

FILE

The motor carrier(s) shown on Appendix A hereof (herein called protestant(s)) protest the above application and request that the application be assigned for oral hearing and in support thereof respectfully represent as follows:

1. By this application, notice of which has been published in the Pennsylvania Bulletin, applicant seeks authority as set forth in Appendix A.

2. Protestant(s) hold authority from this Commission at the docket numbers shown in Appendix A and the relevant portions of the authority are attached to the protest. Unless otherwise indicated in Appendix A, protestant(s) will withdraw the protest only in the event an amendment is made which will totally eliminate the conflict between the authority sought by the application and the authority presently held by protestant(s).

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
DEC 3 1984
ENTRY No. *N/C*

3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestant(s) presently hold authority to provide service in the area affected by the application, (b) protestant(s) and other existing carriers are providing adequate service to the shipping public in the areas involved in the application, (c) there is no need for the service proposed by applicant and approval of the application will result in the diversion from existing carriers of tonnage and revenue necessary to sustain their existing operations, and (d) approval of the application will adversely affect protestant(s) and other existing carriers which have a substantial investment in facilities and equipment and are willing and able to provide service in the application area.

4. Protestant(s) request that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestant(s) will appear and present evidence of protestant(s) own operations and particular interest(s) unless this application is amended so as to eliminate those interest(s) as set forth in this protest.

WHEREFORE, protestant(s) request that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestant(s) to participate fully therein; and applicant be required to make available at the hearing competent witnesses for examination on all material and relevant facts bearing on the application.

Respectfully submitted,

DeBOLT-SOMERSET BUS COMPANY

By: William J. Lavelle
William J. Lavelle
Attorney for Protestant

VUONO, LAVELLE & GRAY
2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
Of Counsel

Dated: November 30, 1984

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the above protest and request for oral hearing upon applicant or upon applicant's attorney or representative as shown in the Pennsylvania Bulletin notice.

Dated at Pittsburgh, Pa. this 30th day of November, 1984.

William J. Lavelle
William J. Lavelle

Re: Randall L. Smith t/d/b/a
Smith Bus Company
Docket No. A-00105786

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on November 10, 1984, applicant seeks authority to operate as a common carrier, transporting:

Groups and parties of persons, between points in the counties of Armstrong, Indiana and Westmoreland and from points in said counties to other points in Pennsylvania.

INTEREST OF PROTESTANT:

DeBolt-Somerset Bus Company, 335 E. Seventh Avenue, Homestead, PA 15120, (412) 461-9125 holds authority at Docket No. A.32840. There is attached hereto the relevant operating authority of DeBolt-Somerset. The company can provide service from points in Westmoreland County to points in Pennsylvania. A restrictive amendment eliminating Westmoreland County from the application would eliminate DeBolt's interest.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting, held December 15, 1977
Harrisburg, PA 17120

Commissioners Present:

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

Application Docket No. 32480, Folders 1, 2, 3, 4, 5, 6 & 7 - Applications
of Somerset Bus Company, a corporation of the Commonwealth of Pennsylvania.

O R D E R

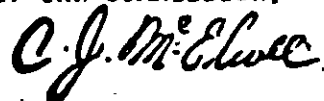
BY THE COMMISSION:

It appearing that the holder of the certificates of public
convenience issued in this proceeding requests that said certificates
be amended to stand in the name of DEBOLT-SOMERSET BUS COMPANY, and it
further appearing that said certificate holder has complied with the
provisions of the Department of State; THEREFORE,

IT IS ORDERED: That the certificates of public convenience
issued in this proceeding be and are hereby modified and amended to stand
in the name of DEBOLT-SOMERSET BUS COMPANY.

IT IS FURTHER ORDERED: That no service shall be rendered
under the amended name prior to compliance with the Pa. Code, Title 52,
Section 23.13 and 23.124, where applicable. Failure to comply may
result in the suspension or revocation of the certificates.

BY THE COMMISSION,



C. J. McElwee
Secretary



(SEAL)

ORDER ADOPTED: December 15, 1977.

ORDER ENTERED: *[Handwritten]*

1111 10/1/14

Dec 1934

73 23 10.24

SOMERSET BUS COMPANY

Group and Party Authority

Docket 32480

PUBLIC UTILITY
COMMISSION

Folder 3 (Order dated October 1, 1934)

This matter being before the Public Service Commission of the Commonwealth of Pennsylvania upon petition of SOMERSET BUS COMPANY, a corporation of the State of Pennsylvania, dated September 15, 1934, for a certificate of public convenience evidencing the Commission's approval of the additional right and privilege of operating motor vehicles as a common carrier for the transportation of groups and parties of persons from the City of Connellsville, Fayette County, to other points and places in Pennsylvania, and having been duly heard and submitted, and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the application and the issuance of a certificate of public convenience in evidence thereof, subject to the following conditions and to the conditions contained in the attached sheet marked "Conditions applying to certificates of public convenience authorizing group and party and other special service", and limited to the operation of the equipment named and described in the Equipment Certificate, heretofore issued, or to equipment leased under the conditions hereinafter set forth, is necessary and proper for the service, accommodation, convenience and safety of the public:

FIRST: That the rights, powers and privileges hereby granted shall cease and terminate on June 1, 1936, unless renewal of said rights is duly granted by the Commission.

SECOND: That the rights, powers and privileges hereby granted are limited and restricted to the transportation of groups or parties of persons, to special excursions, and to tour or sight-seeing trips, all of which transportation originates at or in the City of Connellsville, Fayette County.

10.24

Folder 3 (Order dated February 16, 1935)

This matter being before the Public Service Commission of the Commonwealth of Pennsylvania upon petition of SOMERSET BUS COMPANY, a corporation of the Commonwealth of Pennsylvania, dated January 14, 1935, for a certificate of public convenience evidencing the Commission's approval of the continued exercise of the right and privilege of operating motor vehicles as a common carrier for the transportation of groups or parties of persons from Somerset, Meyerdale, Salisbury, Jennertown, Mt. Pleasant, Stoyestown, Berlin and Garrett, to various points and places in the Commonwealth of Pennsylvania, (In renewal of certificate issued at A. 13875, Folder No. 14); 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, the Commission finds and determines that the approval of the application and the issuance of a certificate of public convenience in evidence thereof, subject to the following conditions, and limited to the operation of the

Eu

✓

equipment named and described in Equipment Certificate, issued herewith, is necessary and proper for the service, accommodation, convenience and safety of the public;

FIRST: That the rights, powers and privileges hereby granted shall cease and terminate on June 1, 1936, unless renewal of said rights is duly granted by the Commission.

SECOND: That the rights, powers and privileges hereby granted are limited and restricted to the transportation of groups or parties of persons to special excursions and to tour or sight-seeing trips, all of which transportation originates at or in Somerset, Meyersdale, Salisbury, Jennertown, Mt. Pleasant, Stoyestown, Berlin and Garrett.

Folder 1, A-1 (Order November 20, 1950)

NOW, to wit, November 30, 1950, IT IS ORDERED: That the report, order and certificate of public convenience issued in this proceeding under date of October 1, 1934, as amended by report, order and certificate of public convenience issued under date of February 26, 1935, be and is hereby modified and amended so as to include the following rights:

To transport, as a common carrier, groups and parties of persons and persons on special excursions, tours or sight-seeing trips from the Boroughs of Confluence, Shanksville, New Centerville and Central City, and the Townships of Jefferson and Middlecreek, Somerset County, and from points on certain of the applicant's certificated routes and within an airline distance of two (2) miles of said routes to points in Pennsylvania. The said routes are briefly described as follows:

Beginning in the City of Pittsburgh, Allegheny County, thence via Highway Route 30 to the City of Greensburg, Westmoreland County, thence via Highway Route 119 to the Village of Ruffs Dale, Westmoreland County, thence via Highway Route 31 to the Borough of Somerset, Somerset County, thence via Highway Route 219 to the Borough of Salisbury, Somerset County, thence via Spur route 979, Legislative Routes 55011 and 993 through the Village of Springs to the Pennsylvania-Maryland State Line;

Beginning in the Borough of Meyersdale, Somerset County, thence via Legislative Route 55013 through the Village of Glade City, Somerset County, to its intersection with Legislative Route 55020, thence on Legislative Route 55020 to its intersection with Legislative Route 606, thence via Legislative Route 606 through the Villages of Wittenberg and Pleasant Union to the Borough of Wellersburg, all in Somerset County;

Beginning at the intersection of Highway Route 219 and the Pennsylvania Turnpike at the Borough of Somerset, thence via Pennsylvania Turnpike to its intersection with Highway Route 30 near the Borough of Irwin, Westmoreland County;

Beginning at the Borough of Mt. Pleasant, thence via Route 931 to the Village of Carpentertown, thence via Township Road, Legislative Route 5145 and Township Road, through the Village of Mutual to the City of Greensburg all in Westmoreland County;

Beginning in the City of Johnstown, Cambria County, thence via Highway Route 219 to the Borough of Somerset, thence via Legislative Route 55013 to the Borough of Rockwood, Somerset County, thence via Highway Route 635 to the Borough of Garrett, Somerset County;

Beginning in the Borough of Somerset, thence via Highway Route 53 through the Village of Friedens, the Borough of Stoydstown, Hooversville and Bensen (Holsopple) to the City of Johnstown;

Beginning in the Borough of Jennerstown, thence via Highway Route 30 to its intersection with Highway Route 601, thence via Highway Route 601 through the Borough of Boswall and the Village of Jerome to the Borough of Bensen (Holsopple) all in Somerset County;

subject to the following conditions:

That no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions, tours or sight-seeing trips from points on Highway Route 30 and within an airline distance of two (2) miles thereof between the City of Greensburg and the City of Pittsburgh, including said City of Greensburg, except to points in the County of Somerset.

That no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions, tours or sight-seeing trips from points on the Pennsylvania Turnpike and within an airline distance of two (2) miles thereof between the New Stanton Interchange and its intersection with Highway Route 30, except to points in the County of Somerset.

That no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions, tours or sight-seeing trips from points on Highway Routes 219 and 53 and within an airline distance of two (2) miles thereof north of the dividing line between Cambria and Somerset Counties, except to points in the County of Somerset.

That no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions, tours or sight-seeing trips from points in the City of Pittsburgh, Allegheny County.

Polier 1, A5-A (Order April 9, 1951)

NOW, to wit, April 9, 1951, IT IS ORDERED: That the FIRST and FOURTH conditions contained in the supplemental report and order issued under date of November 20, 1950, which modified the original report and order and certificate of public convenience issued under date of February 26, 1935, be and are hereby modified and amended so that the FIRST and FOURTH conditions shall now read as follows:

That no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions, tours or sight-seeing trips from points on Highway Route 30 and within an airline distance of two (2) miles thereof between the City of Greensburg and the City of Pittsburgh, including said cities, except to points in the County of Somerset;

That no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions, tours or sight-seeing trips from points in the City of Pittsburgh, Allegheny County, to points in the County of Somerset.

EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
MOSES K. ROSENBERG
ARTHUR L. BERGER
FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD R. WAISEL
RICHARD R. LEFEVER
J. THOMAS MENAKER
CLYDE W. MCINTYRE
S. BERNE SMITH
ROD J. PERA
EDWARD W. ROTHMAN
ROBERT A. MILLS
W. JEFFREY JAMOUNEAU
HERBERT R. NURICK
DAVID E. LEHMAN
NORMAN I. WHITE
F. MURRAY BRYAN
RICHARD W. STEVENSON
WILLIAM A. CHESNUTT
HENRY R. MACNICHOLAS
WILLIAM M. YOUNG, JR.

ROBERT M. CHERRY
DAVID B. DISNEY
H. LEE ROUSSEL
MAURICE A. FRATER
C. GRAINGER BOWMAN
JOHN S. OYLER
DELANO M. LANTZ
HARVEY FREEDENBERG
EDWARD J. RIEHL
JASON S. SHAPIRO
ERIC L. BROSSMAN
ROBERT D. STETS
TERRY R. BOSSERT
MARY JANE FORBES
JEFFREY B. CLAY
DAVID M. KLEPPINGER
NEAL S. WEST
JESSIE L. SMITH
BRUCE A. FELDMAN
RANDOLPH M. BAKER
FRANKLIN A. MILES, JR.
MICHAEL A. DOCTROW
PETER A. LATTA

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET
P. O. BOX 1166
HARRISBURG, PA. 17108-1166
TELEPHONE (717) 232-8000

STERLING G. MCNEES
1923-1959
DAVID M. WALLACE
1942-1967

GILBERT NURICK
JAMES H. BOOSER
HARRY H. FRANK
JEFFERSON C. BARNHART
JAMES W. HAGAP
JAMES H. KING
OF COUNSEL

December 3, 1984

In re: Application of Randall L. Smith, t/d/b/a Smith Bus Company
A-00105786

FILE

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

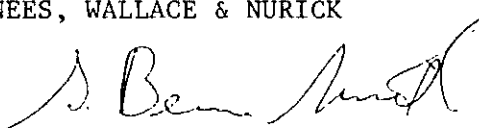
Dear Mr. Rich:

On behalf of Eighty-Eight Transit Lines, 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


S. Berne Smith

SBS/ec

Enclosures

cc: Mr. Randall L. Smith (w/enc.)
Jack F. Aschinger, Esquire (w/enc.)
Mr. Aldo Nones (w/enc.)

RECEIVED
DEC 3 1984
SECRETARY'S OFFICE
Public Utility Commission
DOCUMENT
FOLDER

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION DEC 3 1984

SECRETARY'S OFFICE
Public Utility Commission

In re:

APPLICATION OF

RANDALL L. SMITH, t/d/b/a SMITH BUS COMPANY
A. 00105786

1984
Mon.
Public Utility Comm.

FILE

PROTEST ON BEHALF OF 88 TRANSIT LINES, INC.

S. Berne Smith, Esq.
McNees, Wallace & Nurick
P. O. Box 1166
Harrisburg, PA 17108-1166

Due: December 3, 1984

Counsel for Protestants

DOCUMENT

DOCKETED
APPLICATION DOCKET
DEC 5 1984
ENTRY No. 111C

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re:

APPLICATION OF

RANDALL L. SMITH, t/d/b/a SMITH BUS COMPANY
A. 00105786

PROTEST ON BEHALF OF 88 TRANSIT LINES, INC.

AND NOW COMES 88 Transit Lines, Inc., and protests this application representing as follows:

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

88 Transit Lines, inc.
Arentzen Boulevard
Charleroi, PA 15022
(412) 489-4418

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

S. Berne Smith, Esq.
McNees, Wallace & Nurick
P. O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000

3. The authority sought by applicant is attached as Appendix A. It seeks group and party, special excursion, and tour and sightseeing service from all points in the counties of Armstrong, Indiana and Westmoreland to points in Pennsylvania.

4. The application will be competitive with and detrimental to existing services of 88 Transit Lines, Inc., which specializes in the transportation of groups and parties of persons and persons on special excursions and tours and sightseeing service in both intrastate and interstate commerce. Protestant owns, or has access to, a full range of bus equipment, has satisfactory maintenance facilities, skilled and experienced bus drivers and other employees.

5. As pertinent to this proceeding, protestant presently holds authority set forth in Appendix B. Specifically, this is protestant's authority at A. 88581, Folder 2, authorizing transportation of groups and parties of persons. Portions of this authority authorize transportation originating at points in Westmoreland County, Pennsylvania, and extending to points in Pennsylvania, and return. Protestant respectfully requests that all of its other intrastate operating authority be incorporated herein by reference as it appears at A. 88581 and various folders.

6. If the application is amended so as to eliminate service in conflict with protestant's present authority, this would eliminate protestant's opposition to this application.

7. Protestant is performing substantial service within the scope of this application, and the diversion of revenues presently being enjoyed by protestant would be detrimental and destructive of the public interest. Protestant is actively seeking additional business, has excess capacity, and is fully capable of meeting any alleged need. Approval of this application is not necessary or proper for the service, accommodation,

convenience, or safety of the public in view of the existing adequate services of protestant and other carriers.

8. Applicant's fitness is in issue.

WHEREFORE, 88 Transit Lines, Inc., respectfully prays that this application be dismissed.

AND, it will ever pray, etc.

88 TRANSIT LINES, INC.

By McNees, Wallace & Nurick
McNEES, WALLACE & NURICK

Dated at Harrisburg, PA
December 3, 1984

In re:
Application of
Randall L. Smith, t/d/b/a Smith Bus Company
A. 00105786

Authority Sought

✓ **A-00105786. Randall L. Smith,**
t/d/b/a Smith Bus Company (R. D. 1,
Shelocta, Indiana County, Pa.
15774) — groups and parties of per-
sons, between points in the counties of
Armstrong, Indiana and Westmore-
land and from points in said counties,
to other points in Pennsylvania. *Attor-*
ney: Jack F. Aschinger, 212 Locust
Street, P. O. Box 999, Harrisburg, Pa.
17108.

Pennsylvania Bulletin, Vol. 14 No. 45
Saturday, November 10, 1984, Page 4107

APPENDIX "A"

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. A.86581, Folder 2

Certificate
issued
May 16, 1962

Application of 88 TRANSIT LINES, INC., a
proposed corporation of the Commonwealth
of Pennsylvania

REPORT AND ORDER
APPROVING PASSENGER SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of 88 TRANSIT LINES, INC., a proposed corporation of the Commonwealth of Pennsylvania, dated, October 30, 1961, to operate motor vehicles as a common carrier, 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 rights granted herein are in effect a transfer of part of the rights which have been held by THE GRAYGROUND CORPORATION a corporation of the State of Delaware, under report and order issued at A.73404, Folder 3, on December 28, 1943, and the certificate of public convenience issued thereunder, as modified and amended by various supplemental reports and orders, which certificate will be subsequently modified and amended to eliminate the rights transferred, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by 88 TRANSIT LINES, INC., a proposed corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application, limited to the following right:

To transport, as a common carrier, groups and parties of persons, persons on special excursions and tours or sight-seeing trips from the following places to points in Pennsylvania: The Villages of East Monongahela, Gallatin and Manown, Allegheny County, the Borough of Belle Vernon, Brownsville, and Fayette City, and the Village of South Brownsville, Fayette County, the City of Monongahela, the Boroughs of Allenport, California, Charleroi, Coal Center, Donora, Dunlevy, Elco, Finleyville, New Eagle, North Charleroi, Roscoe, Spers, Stockdale and West Brownsville, Washington County, and the City of Monessen, the Borough of North Belle Vernon and the Village of Webster, Westmoreland County;

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 proceeding that may be brought before it for any purpose, to fix a valuation on the property and/or 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 will reflect the same book values as the records of the transferor at the effective date of the transfer, with respect to the assets acquired.

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 Bus and Taxicab Regulations effective April 15, 1946, 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, April 2, 1962, 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.

PENNSYLVANIA

PUBLIC UTILITY COMMISSION

ATTEST:

William P. Roan

Secretary

John Shapiro
Chairman

Certificate

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 88581
Folder 2, Am-A

Application of 88 TRANSIT LINES, INC., a corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of 88 TRANSIT LINES, INC., a corporation of the Commonwealth of Pennsylvania, received May 20, 1967, for modification of the report and order issued under date of April 2, 1962 and the certificate of public convenience issued thereunder, and upon protest, 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; ~~WHEREFORE,~~

HON., to wit, June 21, 1971, IT IS ORDERED: That the report and order issued under date of April 2, 1962 and the certificate of public convenience issued thereunder, be and is hereby modified and amended so as to include the following right:

To transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points in that part of the county of Allegheny located south of the Monongahela River, east of U.S. Highway Route 19 (including points on U.S. Highway Route 19) and west of Pennsylvania Highway Route 835, excluding points in the city of Pittsburgh, to points in Pennsylvania and return; excluding service between points in the county of Allegheny, except as presently authorized.

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

WITNESSED:

Will Peters

Secretary

Henry C. Bloom

Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held April 28, 1976
Harrisburg, PA 17120

COMMISSIONERS PRESENT:

Commissioner Kelly
Commissioner Bloom
Commissioner O'Bannon
Commissioner Johnson

Application Docket No. 88581, F. 2, Am-B - Application of 88 TRANSIT
LINES, INC., a corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

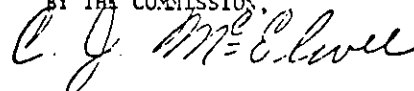
This matter being before the Pennsylvania Public Utility Commission upon application of 88 TRANSIT LINES, INC., a corporation of the Commonwealth of Pennsylvania, dated February 24, 1975, for modification of the report and order issued under date of April 2, 1962 and the certificate of public convenience 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 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, April 28, 1976, IT IS ORDERED: That the report and order issued under date of April 2, 1962 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 common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points in the borough of Charleroi, Washington County and within an airline distance of nine (9) statute miles of the limits thereof and from points in the township of Union, Washington County, to points in Pennsylvania and return, excluding service between points in the county of Allegheny, except as presently authorized.

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,



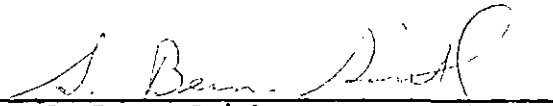
C. J. McElwee
Secretary

(SEAL)

Order Adopted: April 28, 1976
Order Entered: May 6, 1976

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing protest upon the applicant, Randall L. Smith, t/d/b/a Smith Bus Company, R. D. 1, Shelocta, PA 15774, and on applicant's representative, Jack F. Aschinger, Esq., 212 Locust Street, P. O. Box 999, Harrisburg, PA 17108, by first class mail, postage prepaid and properly addressed.



S. Berne Smith

Harrisburg, PA
December 3, 1984

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
January 8, 1985

MONITOR: COMMISSIONER SHANE

In re: A. 105786

(See attached list)

Application of Randall L. Smith, t/d/b/a Smith Bus Company
For the beginning of the right to transport, persons in groups and parties of persons, between points in the counties of Armstrong, Indiana and Westmoreland and from points in said counties, to other points in Pennsylvania.

NOTICE

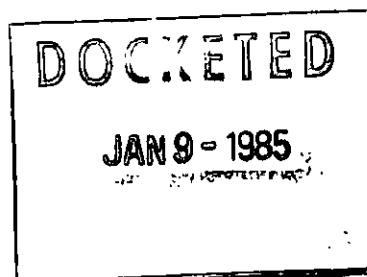
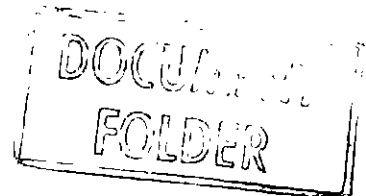
The Public Utility Code directs that hearings shall be commenced in this case by the Administrative Law Judge within 90 days after the proceeding is initiated.

In compliance with this directive, an initial hearing is hereby scheduled for Thursday, February 21, 1985, at 10:00 a.m., in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania.

Administrative Law Judge Joseph P. Matuschak will be the presiding officer in this case. Judge Matuschak's telephone number is (412) 437-3409. His address is 97 East Main Street, Uniontown, Pennsylvania 15401.

If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

cc: Judge Matuschak
Bureau of Non-Rail Trans.
Ms. Crouse
Ms. Dickson
Mr. Bramson
File Room



SEMS
ORIG. TO FILE

2/17 OK with A
Try to set for 2/21/85
in Indiana.
MS Smith

Thomas & Thomas
Attorneys and Counsellors at Law

212 LOCUST STREET
P. O. Box 999
HARRISBURG, PA. 17108
(717) 255-7600

RECEIVED
FEB 12 1985
Office of the A.L.J.
Public Utility Commission

WRITER'S DIRECT DIAL NUMBER
255-7609

CHARLES E. THOMAS
JAMES K. THOMAS
JACK F. ASCHINGER
CARROLL F. PURDY
JOSEPH P. HAFFER
CHARLES E. THOMAS, JR.
JAMES K. THOMAS II
D. MARK THOMAS
ROGER T. SHOOP
PATRICIA ARMSTRONG
JEFFREY B. RETTIG
PETER J. CURRY
R. BURKE McLEMORE, JR.
THOMAS T. NIESEN
EDWARD H. JORDAN, JR.
ANTHONY STEFANON
DAVID L. SCHWALM
KEVIN E. OSBORNE
LINDA S. PORR
MELINDA S. DICARLO

February 6, 1985

sh.
LOLDE

DOCUMENT
FEB 28 1985

Honorable William H. Smith
Chief Administrative Law Judge
Pennsylvania Public Utility Commission
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

Re: Application of Randall L. Smith, t/d/b/a Smith Bus Company, at A.105786, for the beginning of the right to transport, persons in groups and parties of persons, between points in the counties of Armstrong, Indiana and Westmoreland and from points in said counties, to other points in Pennsylvania

Dear Judge Smith:

The above-captioned application has been scheduled for initial hearing on Thursday, February 21, 1985 in the Pittsburgh State Office Building, Administrative Law Judge Joseph P. Matuschak, presiding.

As attorneys for the Applicant in this proceeding it is respectfully requested that the initial hearing be transferred to Indiana, Indiana County, on the same date and at the same time, or at a later date, if necessary. Our reasons follow.

The requested change is vital to this Applicant. Under the evidentiary criteria used to decide motor common carrier applications (52 Pa. Code §41.14) an applicant seeking motor common carrier authority has the burden of demonstrating that approval of the application will serve a useful public purpose responsive to a public demand or need. This burden can only be sustained by calling upon public witnesses from the proposed service area. Applicant has a potential list of at least 30 public witnesses willing to testify in support of its application. Applicant actually expects that approximately 12 of these witnesses will appear and testify at the hearing. However, it is extremely unlikely that Applicant will succeed in obtaining any appreciable number of public witnesses if the hearing is held

Handwritten initials/signature

Honorable William H. Smith
February 6, 1985
Page 2

in Pittsburgh. Most of these witnesses are employed in professional and other occupations, and in this group, include the principals of two public schools and the superintendent of a school district. To ask these witnesses to travel 50 miles, more or less, is not reasonable. They simply cannot sacrifice the time, expense and inconvenience. Applicant thus is put in the position that it is practically impossible for it to establish a demonstrated public need, unless the request is granted.

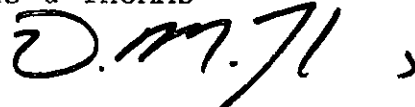
As a result of various restrictive amendments, of the seven (7) protests to this application, only one protest remains, namely, that of Lanich Bus Lines. We do not believe that the change in the location of the initial hearing can be of any inconvenience to this one protestant.

Accordingly, we respectfully ask that this hearing be re-scheduled to Indiana, Indiana County, at a date convenient to all concerned.

Very truly yours,

THOMAS & THOMAS

By


D. Mark Thomas

DMT:r:W7

cc: Honorable Joseph P. Matuschak
Herbert R. Nurick

Thomas & Thomas
Attorneys and Counsellors at Law

212 LOCUST STREET

P. O. BOX 999

HARRISBURG, PA. 17108

(717) 255-7600

WRITER'S DIRECT DIAL NUMBER

255-7609

CHARLES E. THOMAS
JAMES K. THOMAS
JACK F. ASCHINGER
CARROLL F. PURDY
JOSEPH P. HAFFER
CHARLES E. THOMAS, JR.
JAMES K. THOMAS II
D. MARK THOMAS
ROGER T. SHOOP
PATRICIA ARMSTRONG
JEFFREY B. RETTIG
PETER J. CURRY
R. BURKE McLEMORE, JR.
THOMAS T. NIESEN
EDWARD H. JORDAN, JR.
ANTHONY STEFANON
DAVID L. SCHWALM
KEVIN E. OSBORNE
LINDA S. PORR
MELINDA S. DiCARLO

February 13, 1985

RECEIVED

FEB 14 1985

SECRETARY'S OFFICE
Public Utility Commission

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

Re: Application of Randall L. Smith
t/d/b/a Smith Bus Company
A. 105786

Dear Mr. Rich:

Enclosed on behalf of Smith Bus Company is an original and two (2) copies of the Company's Restrictive Amendment submitted herewith as a basis for the withdrawal of protests in the above-captioned proceeding. Copies thereof have been mailed this day to Administrative Law Judge Joseph P. Matuschak, presiding and to the protestants.

Very truly yours,

THOMAS & THOMAS

By

Jack F. Aschinger
Jack F. Aschinger

V:M16

Enclosures

cc: Honorable Joseph P. Matuschak (w/enclosure)
William J. Lavell, Esquire (w/enclosure)
William A. Gray, Esquire (w/enclosure)
Sally A. Davoren, Esquire (w/enclosure)
Samuel P. Delisi, Esquire (w/enclosure)
S. Berne Smith, Esquire (w/enclosure)
Herbert R. Nurick, Esquire (w/enclosure)
Mr. Randall L. Smith (w/enclosure)



RECEIVED

FEB 14 1985

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARY'S OFFICE
Public Utility Commission

In re: Application of : Application Docket
: :
RANDALL L. SMITH, : A-00105786
t/d/b/a Smith Bus :
Company :

DOCKETED
FEB 14 1985

RESTRICTIVE AMENDMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, this 13th day of February, 1984, Randall L. Smith, t/d/b/a Smith Bus Company, by its attorneys, does hereby make the following Restrictive Amendment to the above-captioned application:

That the application of Randall L. Smith, t/d/b/a Smith Bus Company at A-00105786, presently reading as follows:

"To transport persons in group and party service between points in the Counties of Armstrong, Indiana and Westmoreland and from points in said Counties to other points in Pennsylvania"

be and is hereby amended to read as follows:

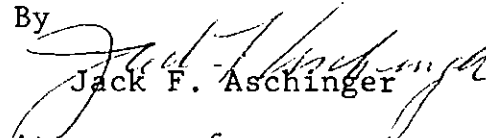
"To transport persons in group and party service from points in the Borough of Elderton, Armstrong County and the Boroughs of Homer City and Blairsville, and the Townships of Centre, Blacklick and Burrell, Indiana County to other points in Pennsylvania, PROVIDED that transportation from the Borough of Blairsville shall be limited to the use of school bus type of equipment."

DOCUMENT
FOLDER

Copies hereof have been mailed this day to the persons and parties listed on the Certificate of Service attached hereto.

Respectfully submitted,
RANDALL L. SMITH
t/d/b/a Smith Bus Company.

By


Jack F. Aschinger

Attorneys for
Randall L. Smith
t/d/b/a Smith Bus Company

THOMAS & THOMAS
212 Locust Street
P.O. Box 999
Harrisburg, PA 17108
(717) 255-7609

CERTIFICATE OF SERVICE

I hereby certify that I have this 13th day of February, 1985, served copies of the foregoing Restrictive Amendment of Smith Bus Company at A-00105786 upon the persons and/or parties listed below, first class mail, postage prepaid, addressed as follows:

Honorable Joseph P. Matuschak
Administrative Law Judge
Pennsylvania Public Utility Commission
97 East Main Street
Uniontown, PA 15401

William J. Lavelle, Esquire
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15219
[For WESTMORELAND TOURS]

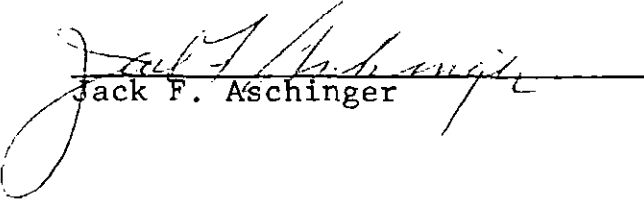
William A. Gray, Esquire
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15219
[For DeBOLT-SOMERSET BUS COMPANY]

Samuel P. Delisi, Esquire
1500 Bank Tower
307 Fourth Avenue
Pittsburgh, PA 15222
[For BUTLER MOTOR TRANSIT, INC.]

Sally A. Davoren, Esquire
Pillar and Mulroy
1500 Bank Tower
307 Fourth Avenue
Pittsburgh, PA 15222
[For EUGENE T. FALBO, t/d/b/a MOUNTAIN VIEW
TOURWAYS and LODESTAR BUS LINES, INC.]

S. Berne Smith, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
[For EIGHTY-EIGHT TRANSIT LINES, INC. and
LINCOLN COACH LINES]

Herbert R. Nurick, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
[For LANICH BUS LINES]


Jack F. Aschinger

ORIGINAL

ROBERT H. GRISWOLD
MOSES K. ROSENBERG
ARTHUR L. BERGER
FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD R. WAISEL
RICHARD R. LEFEVER
J. THOMAS MENAKER
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
F. MURRAY BRYAN
RICHARD W. STEVENSON
WILLIAM A. CHESNUTT
HENRY R. MACNICHOLAS
WILLIAM M. YOUNG, JR.

ROBERT M. CHERRY
DAVID B. DISNEY
H. LEE ROUSSEL
MAURICE A. FRATER
C. GRAINGER BOWMAN
JOHN S. OYLER
DELANO M. LANTZ
HARVEY FREEDENBERG
EDWARD J. RIEHL
JASON S. SHAPIRO
ERIC L. BROSSMAN
ROBERT D. STETS
TERRY R. BOSSERT
MARY JANE FORBES
JEFFREY B. CLAY
DAVID M. KLEPPINGER
NEAL S. WEST
JESSIE L. SMITH
BRUCE A. FELDMAN
RANDOLPH M. BAKER
FRANKLIN A. MILES, JR.
MICHAEL A. DOCTROW
PETER A. LATTA

McNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET
P. O. BOX 1166
HARRISBURG, PA. 17108-1166
TELEPHONE (717) 232-8000

STERLING G. McNEES
1923-1959
DAVID M. WALLACE
1942-1967

GILBERT NURICK
JAMES H. BOOSER
HARRY H. FRANK
JEFFERSON C. BARNHART
JAMES W. HAGAR
JAMES H. KING
OF COUNSEL

February 14, 1985

In re: Application of Randall L. Smith,
t/d/b/a Smith Bus Company
A. 00105786

RECEIVED

FEB 15 1985

SECRETARY'S OFFICE
Public Utility Commission

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

Dear Mr. Rich:

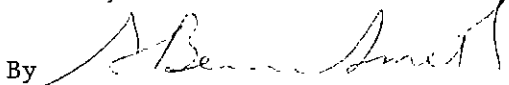
We are counsel for protestants 88 Transit Lines, Inc. and Lincoln Coach Lines in the above proceeding. Under date of February 13, 1985, applicant's counsel has served a Restrictive Amendment which will eliminate the opposition of these two protestants.

Please consider this letter to be a withdraw of the protests of 88 Transit Lines and Lincoln Coach Lines, conditioned upon acceptance of the Restrictive Amendment by the Commission and any order which is issued being consistent therewith. We have sent a copy of this letter to the assigned Administrative Law Judge and to counsel for the applicant. If anything further is required, please advise.

Protestants do desire to remain parties of record in this case for the purpose of receiving copies of any orders issued by the Commission.

Very truly yours,

McNEES, WALLACE & NURICK

By 
S. Berne Smith

SBS/ec

cc: Honorable Joseph P. Matuschak
Jack F. Aschinger, Esquire
Mr. Aldo Nones
Mr. Joshua N. Bennett
Mr. Dennis R. Long

DOCKETED
FEB 15 1985

DOCUMENT FOLDER

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
February 14, 1985

MONITOR: COMMISSIONER SHANE

In re: A. 105786

(See letter dated 1/8/85)

Application of Randall L. Smith, t/d/b/a Smith Bus Company

N O T I C E

At the request of counsel for the applicant in the above-captioned proceeding, the hearing scheduled for February 21, 1985, at Pittsburgh, has been postponed without date.

This hearing will be rescheduled in the near future and, if possible, at a location in Indiana County.

Please mark your records accordingly.

cc: Judge Matuschak
Bureau of Non-Rail Trans.
Ms. Crouse
Ms. Dickson
Mr. Bramson
File Room

DOCUMENT
FOLDER

DOCKETED
FEB 15 1985

Thomas & Thomas
Attorneys and Counsellors at Law

212 LOCUST STREET

P. O. Box 999

HARRISBURG, PA. 17108

(717) 255-7600

WRITER'S DIRECT DIAL NUMBER

255-7619

CHARLES E. THOMAS
JAMES K. THOMAS
JACK F. ASCHINGER
CARROLL F. PURDY
JOSEPH P. HAFFER
CHARLES E. THOMAS, JR.
JAMES K. THOMAS II
D. MARK THOMAS
ROGER T. SHOOP
PATRICIA ARMSTRONG
JEFFREY B. RETTIG
PETER J. CURRY
R. BURKE McLEMORE, JR.
THOMAS T. NIESEN
EDWARD H. JORDAN, JR.
ANTHONY STEFANON
DAVID L. SCHWALM
KEVIN E. OSBORNE
LINDA S. PORR
MELINDA S. D'CARLO

February 18, 1985

RECEIVED

FEB 21 1985

SECRETARY'S OFFICE
Public Utility Commission

Honorable Joseph P. Matuschak
Administrative Law Judge
Pennsylvania Public Utility Commission
97 East Main Street
Uniontown, PA 15401

Re: Application of RANDALL L. SMITH
t/d/b/a Smith Bus Company
A-105786

Dear Judge Matuschak:

At our request, as attorneys for Applicant in the above captioned proceeding, the hearing scheduled for February 21, 1985 at Pittsburgh has been postponed. The hearing is to be rescheduled at a location in Indiana County.

For the record, the purpose of this letter is to waive, on behalf of Applicant, the 90 day required hearing date rule.

Very truly yours,

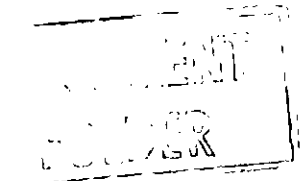
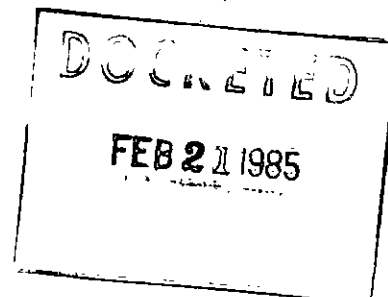
THOMAS & THOMAS

By *D. Mark Thomas*

D. Mark Thomas *sm*

V:M18

cc: Jerry Rich, Secretary



ORIGINAL

LAW OFFICES

VUONO, LAVELLE & GRAY

2310 GRANT BUILDING
PITTSBURGH, PA 15219

(412) 471-1800

JOHN A. VUONO
WILLIAM J. LAVELLE
WILLIAM A. GRAY
MARK T. VUONO
RICHARD R. WILSON
DENNIS J. KUSTURISS

February 19, 1985

Re: Application of Randall L. Smith
t/d/b/a Smith Bus Company
Docket No. A-00105786

RECEIVED

FEB 21 1985

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

SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Rich:

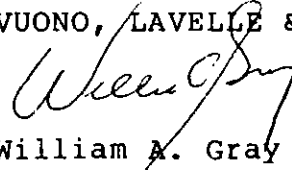
We represent DeBolt-Somerset Bus Company, which filed a protest to the above application. We have received a copy of a Restrictive Amendment submitted to the Commission by letter dated February 13, 1985. This Restrictive Amendment limits the application as follows:

To transport persons in group and party service from points in the Borough of Elderton, Armstrong County and the Boroughs of Homer City and Blairsville and the Townships of Centre, Blacklick and Burrell, Indiana County to other points in Pennsylvania, PROVIDED that transportation from the Borough of Blairsville shall be limited to the use of school bus type of equipment.

Contingent upon the Commission's acceptance of the above restrictive amendment, we are hereby authorized to withdraw the protest of DeBolt-Somerset Bus Company.

Very truly yours,

VUONO, LAVELLE & GRAY



William A. Gray

cas

cc: The Honorable Joseph P. Matuschak
Jack F. Aschinger, Esq.
DeBolt-Somerset Bus Company

DOCKETED
FEB 21 1985

EXHIBIT
FOLDER

LAW OFFICES

VUONO, LAVELLE & GRAY

2310 GRANT BUILDING
PITTSBURGH, PA 15219

(412) 471-1800

JOHN A. VUONO
WILLIAM J. LAVELLE
WILLIAM A. GRAY
MARK T. VUONO
RICHARD R. WILSON
DENNIS J. KUSTURISS

February 19, 1985

Re: Application of Randall L. Smith
t/d/b/a Smith Bus Company
Docket No. A-00105786

RECEIVED

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

FEB 21 1985

SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Rich:

We represent Westmoreland Tours, Inc., which filed a Petition for Leave to Intervene to the above application. We have received a copy of a Restrictive Amendment submitted to the Commission by letter dated February 13, 1985. This Restrictive Amendment limits the application as follows:

To transport persons in group and party service from points in the Borough of Elderton, Armstrong County and the Boroughs of Homer City and Blairsville and the Townships of Centre, Blacklick and Burrell, Indiana County to other points in Pennsylvania, PROVIDED that transportation from the Borough of Blairsville shall be limited to the use of school bus type of equipment.

Contingent upon the Commission's acceptance of the above restrictive amendment, we are hereby authorized to withdraw the opposition of Westmoreland Tours, Inc.

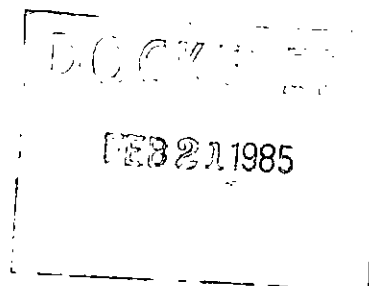
Very truly yours,

VUONO, LAVELLE & GRAY

William A. Gray
William A. Gray

cas

cc: The Honorable Joseph P. Matuschak
Jack F. Aschinger, Esq.
Westmoreland Tours, Inc.



ORIGINAL

RECEIVED

PILLAR AND MULROY, P.C.

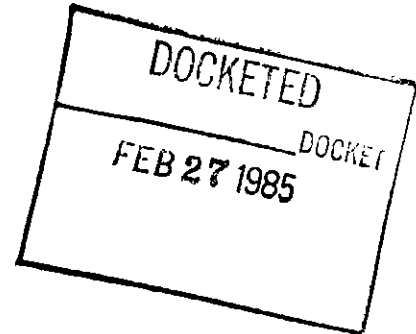
ATTORNEYS-AT-LAW
1500 BANK TOWER
307 FOURTH AVENUE
PITTSBURGH, PA. 15222
TELEPHONE (412) 471-3300

FEB 25 1985

SECRETARY'S OFFICE
Public Utility Commission

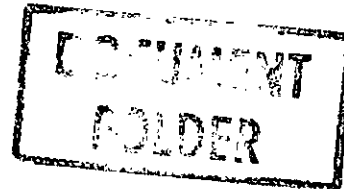
JOHN A. PILLAR
THOMAS M. MULROY
SALLY A. DAVOREN
KEVIN W. WALSH

February 20, 1985



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

RE: Application of Randall L. Smith,
t/d/b/a Smith Bus Company
Docket No. A-00105786



Dear Mr. Rich:

I have been informed by the applicant's representative that the above application has been restrictively amended to read as follows:

To transport persons in group and party service from points in the Borough of Elderton, Armstrong County and the Boroughs of Homer City and Blairsville, and the Townships of Centre, Blacklick and Burrell, Indiana County to other points in Pennsylvania, PROVIDED that transportation from the Borough of Blairsville shall be limited to the use of school bus type of equipment.

Contingent upon the Commission's acceptance of the above restrictive amendment, I am authorized to withdraw the protests of Eugene T. Falbo, t/d/b/a Mountain View Tourways, and Lodestar Bus Lines, Inc. to the application, and I am doing so by this letter. These carriers wish to remain parties of record for the purpose of receiving any orders issued in connection with this proceeding. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Sally Davoren".

SALLY A. DAVOREN

jhm

cc: Honorable Joseph P. Matuschak,
Administrative Law Judge
Jack F. Aschinger, Esq.
Mountain View Tourways
Lodestar Bus Lines, Inc.
Frances Walkenshaw

APPEARANCE SHEET

HEARING REPORT

DOCKET NO. A. 105786

CASE NAME Randall L. Smith, t/d/b/a

Smith Bus Company

HEARING LOCATION Pittsburgh, PA.

HEARING DATE February 21, 1985

ALJ Matuschak

CHECK THOSE BLOCKS WHICH APPLY:

Hearing concluded _____

Record closed _____

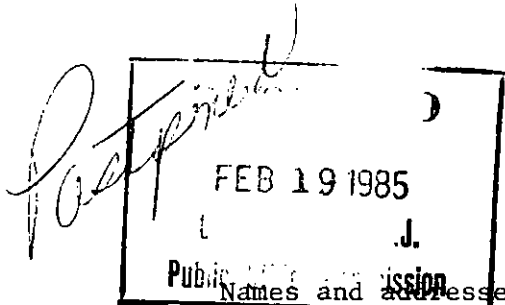
Briefs to be filed _____

Further hearing _____

Estimated add'l days _____

BENCH DECISION _____

REMARKS: _____



Names and addresses of parties or counsel of record
Please Print Clearly
Incomplete Information May Result in Delay of Process

NAME	ADDRESS			APPEARING FOR
	City	State	Zip	<div style="border: 2px solid black; padding: 5px; font-weight: bold; font-size: 1.2em;">DOCUMENT FOLDER</div>
	City	State	Zip	
	City	State	Zip	
	City	State	Zip	
	City	State	Zip	

Check this box if additional parties of counsel of record appear on back.

Reporter _____

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
April 5, 1985

MONITOR: COMMISSIONER SHANE

In re: A-00105786

(See letter dated 2/14/85)

Application of Randall L. Smith, t/d/b/a Smith Bus Company

N O T I C E

This is to inform you that an initial hearing on the above-captioned case will be held on Thursday, May 30, 1985 commencing at 10:00 a.m.

Please also note the location has been changed from Pittsburgh, to the following:

Basement Conference Room, Pennsylvania Department of Transportation
Route 286 South, Indiana, Pennsylvania 15701

Administrative Law Judge Joseph P. Matuschak will be the presiding officer in this case. Judge Matuschak's telephone number is (412) 437-3409. His address is 97 East Main Street, Uniontown, Pennsylvania 15401.

Please change your records accordingly.

cc: Judge Matuschak
Bureau of Non-Rail Trans.
Ms. Crouse
Ms. Dickson
Mr. Bramson
File Room

DOCKETED

APR 9 1985

DOCUMENT
FOLDER

EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
MOSES K. ROSENBERG
ARTHUR L. BERGER
FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD R. WASEL
RICHARD R. LEFEVER
J. THOMAS MENAKER
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
F. MURRAY BRYAN
RICHARD W. STEVENSON
WILLIAM A. CHESNUTT
HENRY R. MACNICHOLAS
WILLIAM M. YOUNG, JR.

ROBERT M. CHERR
DAVID B. DISNEY
H. LEE ROUSSEL
MAURICE A. FRATER
C. GRAINGER BOWMAN
JOHN S. OYLER
DELANO M. LANTZ
HARVEY FREEDENBERG
EDWARD J. RIEHL
JASON S. SHAPIRO
ERIC L. BROSSMAN
ROBERT D. STETS
TERRY R. BOSSERT
MARY JANE FORBES
JEFFREY B. CLAY
DAVID M. KLEPPINGER
NEAL S. WEST
JESSIE L. SMITH
BRUCE A. FELDMAN
RANDOLPH M. BAKER
FRANKLIN A. MILES, JR.
MICHAEL A. DOCTROW
PETER A. LATTA

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET
P. O. BOX 1166
HARRISBURG, PA. 17108-1166
TELEPHONE (717) 232-8000

STERLING G. MCNEES
1923-1959
DAVID M. WALLACE
1942-1967

GILBERT NURICK
JAMES H. BOOSER
HARRY H. FRANK
JEFFERSON C. BARNHART
JAMES W. HAGAR
JAMES H. KING

OF COUNSEL

April 8, 1985

In re: Application of Randall L. Smith,
t/d/b/a Smith Bus Company
A-105786
Our File: 448-015

RECEIVED

APR 9 1985

SECRETARY'S OFFICE
Public Utility Commission

Jack F. Aschinger, Esquire
P. O. Box 999
Harrisburg, PA 17103

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Jack:

We represent protestant Lanich Bus Lines in the above-captioned application.

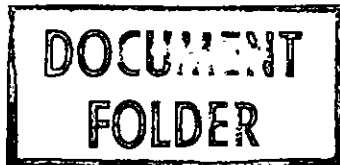
Pursuant to §333(c) of the Public Utility Code, 66 Pa.C.S. §333(c), we hereby request that you send us the names of the witnesses you expect to call in this case, the organizations that they represent (if any) and the subject matter of their expected testimony including any specifics regarding our client. Please give us this information by May 16, 1985.

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

Very truly yours,

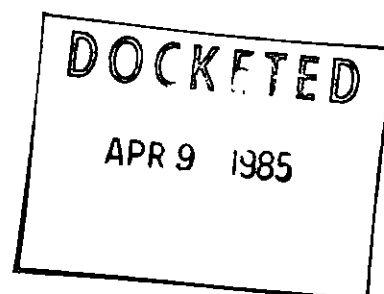
McNEES, WALLACE & NURICK

By
Herbert R. Nurick



HRN/jh

cc: Honorable Joseph P. Matuschak
/Mr. Jerry Rich
Ms. Mary Lanich





COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120
JUNE 10, 1985

IN REPLY PLEASE
REFER TO OUR FILE

A-00105786

MONITOR: COMMISSIONER SHANE

(See letter dated 4/5/85)

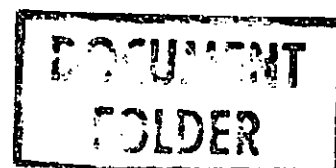
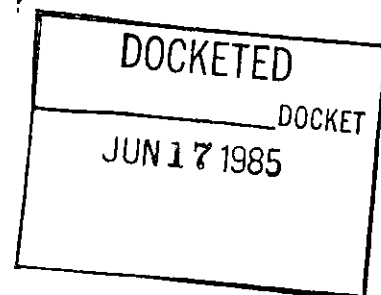
Application of Randall L. Smith, t/d/b/a Smith Bus Company

N O T I C E

This is to inform you that further hearings on the above-captioned case will be held Wednesday and Thursday, July 24 and 25, 1985, commencing at 10:00 a.m., in Conference Room C, Pennsylvania Department of Transportation Building, Route 286, South, Indiana, Pennsylvania 15701.

Administrative Law Judge Joseph P. Matuschak is the presiding officer in this case. Judge Matuschak's telephone number is (412) 437-3409. His address is 97 East Main Street, Uniontown, Pennsylvania 15401.

cc: Judge Matuschak
Bureau of Non-Rail Trans.
Ms. Crouse
Ms. Dickson
Mr. Bramson
File Room



ORIGINAL

Thomas & Thomas
Attorneys and Counsellors at Law

212 LOCUST STREET

P. O. Box 999

HARRISBURG, PA. 17108

(717) 255-7600

FAX: (717) 236-8278

(VERIFY: (717) 255-7612)

July 17, 1985

OF COUNSEL
JAMES K. THOMAS

WRITER'S DIRECT DIAL NUMBER

255-7609

CHARLES E. THOMAS
JACK F. ASCHINGER
CARROLL F. PURDY
JOSEPH P. HAFFER
CHARLES E. THOMAS, JR.
JAMES K. THOMAS II
D. MARK THOMAS
ROGER T. SHOOP
PATRICIA ARMSTRONG
JEFFREY B. RETTIG
PETER J. CURRY
R. BURKE McLEMORE, JR.
THOMAS T. NIESEN
EDWARD H. JORDAN, JR.
ANTHONY STEFANON
RANDALL G. GALE
DAVID L. SCHWALM
KEVIN E. OSBORNE
LINDA S. PORR
MELINDA S. SHOOP

RECEIVED

JUL 19 1985

SECRETARY'S OFFICE
Public Utility Commission

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

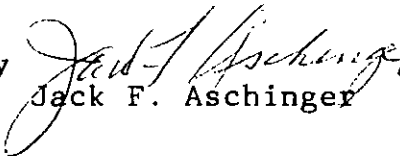
RE: Application of
RANDALL L. SMITH
t/d/b/a Smith Bus Company
A.105786

Dear Mr. Rich:

Enclosed on behalf of Smith Bus Company is an original and two (2) copies of a Supplemental Restrictive Amendment. The purpose of this supplement is to eliminate the protest of Butler Motor Transit, Inc. represented by Maria Verardi Mayercheck. Copies thereof have been mailed this day to Administrative Law Judge Joseph P. Matuschak, presiding, and to all Protestants evidenced by the Certificate of Service attached thereto.

Very truly yours,

THOMAS & THOMAS

By 
Jack F. Aschinger

JFA:D:34

Enclosure

cc: Honorable Joseph p. Matuschak (w/encl.)
Maria Verardi Mayercheck, Esq. (w/encl.)
Herbert R. Nurick, Esq. (w/encl.)
William J. Lavelle, Esq. (w/encl.)
William A. Gray, Esq. (w/encl.)
Sally A. Davoren, Esq. (w/encl.)
S. Berne Smith, Esq. (w/encl.)
Mr. Randall L. Smith (w/encl.)

RECEIVED
JUL 19 1985

RECEIVED

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION JUL 19 1985

In re: Application of	:	Application Docket	SECRETARY'S OFFICE
	:		Public Utility Commission
RANDALL L. SMITH,	:	A-00105786	
t/d/b/a Smith Bus	:		
Company	:		

RESTRICTIVE AMENDMENT

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, this 18th day of July, 1985, Randall L. Smith, t/d/b/a Smith Bus Company, by its attorneys, does hereby make the following Supplemental Restrictive Amendment to the above-captioned application:

That the application of Randall L. Smith, t/d/b/a Smith Bus Company at A-00105786, presently reading as follows:

"To transport persons in group and party service from points in the Borough of Elderton, Armstrong County and the Boroughs of Homer City and Blairsville, and the Townships of Centre, Blacklick and Burrell, Indiana County to other points in Pennsylvania, PROVIDED that transportation from the Borough of Blairsville shall be limited to the use of school bus type equipment."

be and is hereby amended to read as follows:

"To transport persons in group and party service from points in the Borough of Elderton, Armstrong County and the Boroughs of Homer City and Blairsville, and the Townships of Centre, Blacklick and Burrell, Indiana County to other points in Pennsylvania, PROVIDED that transportation shall be limited to the use of school bus type equipment."

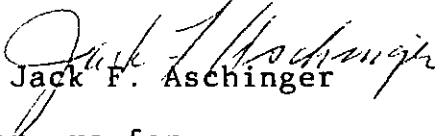
DOCUMENT
INDEXED

RECORDED
JUL 22 1985

Copies hereof have been mailed this day to the persons and parties listed on the Certificate of Service attached hereto.

Respectfully submitted,

RANDALL L. SMITH
t/d/b/a Smith Bus Company

By 
Jack F. Aschinger

Attorneys for
Randall L. Smith
t/d/b/a Smith Bus Company

THOMAS & THOMAS
212 Locust Street
P.O. Box 999
Harrisburg, PA 17108
(717) 255-7609

CERTIFICATE OF SERVICE

I hereby certify that I have this 18th day of July, 1985, served copies of the foregoing Restrictive Amendment of Smith Bus Company at A-00105786 upon the persons and/or parties listed below, first class mail, postage prepaid, addressed as follows:

Honorable Joseph P. Matuschak
Administrative Law Judge
Pennsylvania Public Utility Commission
97 East Main Street
Uniontown, PA 15401

Maria Verardi Mayercheck, Esq.
1500 Bank Tower
307 Fourth Avenue
Pittsburgh, PA 15222
[For BUTLER MOTOR TRANSIT, INC.]


Herbert R. Nurick, Esq.
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
[For LANICH BUS LINES]

William J. Lavelle, Esq.
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15219
[For WESTMORELAND TOURS]

William A. Gray, Esq.
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15219
[For DeBOLT-SOMERSET BUS COMPANY]

Sally A. Davoren, Esq.
Pillar and Mulroy
1500 Bank Tower
307 Fourth Avenue
Pittsburgh, PA 15222
[For EUGENE T. FALBO, t/d/b/a MOUNTAIN VIEW
TOURWAYS and LODESTAR BUS LINES, INC.]

S. Berne Smith, Esq.
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
[For EIGHTY-EIGHT TRANSIT LINES, INC. and
LINCOLN COACH LINES]



Jack F. Aschinger

Thomas & Thomas
Attorneys and Counsellors at Law

212 LOCUST STREET

P. O. BOX 999

HARRISBURG, PA. 17108

(717) 255-7600

FAX: (717) 236-8278

(VERIFY (717) 255-7612)

July 17, 1985

OF COUNSEL
JAMES K. THOMAS

WRITER'S DIRECT DIAL NUMBER

255-7609

CHARLES E. THOMAS
JACK F. ASCHINGER
CARROLL F. PURDY
JOSEPH P. HAER
CHARLES E. THOMAS, JR.
JAMES K. THOMAS II
D. MARK THOMAS
ROGER T. SHOOP
PATRICIA ARMSTRONG
JEFFREY B. RETTIG
PETER J. CURRY
R. BURKE McLEMORE, JR.
THOMAS T. NIESEN
EDWARD H. JORDAN, JR.
ANTHONY STEFANON
RANDALL G. GALE
DAVID L. SCHWALM
KEVIN E. OSBORNE
LINDA S. PORR
MELINDA S. SHOOP

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

RE: Application of
RANDALL L. SMITH
t/d/b/a Smith Bus Company
A.105786

RECEIVED

JUL 24 1985


SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Rich:

Enclosed on behalf of Smith Bus Company is an original and two (2) copies of "Stipulation in Nature of Restrictive Amendment and Withdrawal of Protest". The purpose of this document is to eliminate the last remaining protest of Lanich Bus Lines represented by Herbert R. Nurick, Esq. Copies have been mailed this day to Administrative Law Judge Joseph P. Matuschak, presiding, and to all Protestants evidenced by the Certificate of Service Attached thereto.

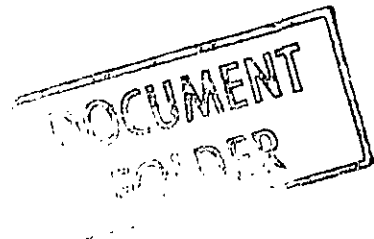
Very truly yours,

THOMAS & THOMAS

By 
Jack F. Aschinger

JFA:D:34
Enclosure

cc: Honorable Joseph p. Matuschak (w/encl.)
Maria Verardi Mayercheck, Esq. (w/encl.)
Herbert R. Nurick, Esq. (w/encl.)
William J. Lavelle, Esq. (w/encl.)
William A. Gray, Esq. (w/encl.)
Sally A. Davoren, Esq. (w/encl.)
S. Berne Smith, Esq. (w/encl.)
Mr. Randall L. Smith (w/encl.)



RECEIVED

JUL 24 1985

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECRETARY'S OFFICE
Public Utility Commission

In re:

APPLICATION OF

RANDALL L. SMITH, t/d/b/a
SMITH BUS COMPANY
A-00105786

DOCKETED

JUL 24 1985

STIPULATION IN NATURE OF RESTRICTIVE AMENDMENT
AND WITHDRAWAL OF PROTEST

AND NOW COMES Randall L. Smith, t/d/b/a Smith Bus Company ("applicant"), and Mary Lanich, George Lanich, and Paul Lanich, co-partners, t/d/b/a Lanich Bus Lines ("protestant"), by their attorneys, and hereby stipulate and agree as follows:

1. Applicant hereby restrictively amends his above-captioned application so that the authority which applicant seeks shall now read as follows:

To transport groups and parties of persons from the township of Burrell and the facilities of Homer Center High School in the township of Center, Indiana County, and the borough of Elderton, Armstrong County, to those points in Pennsylvania lying within an airline distance of one hundred (100) statute miles from point of origin to point of destination;

subject to the following conditions:

(1) That no right, power, or privilege is granted to provide tour or sightseeing service, or special excursions service.

(2) That all transportation shall be limited to the use of school bus type equipment.

DOCUMENT
FOLDER

2. Based on the Restrictive Amendment in Paragraph 1 herein, and conditioned upon its acceptance by the Commission and any grant being consistent with the Amendment, the protest of protestant is hereby withdrawn.

3. The undersigned counsel for protestant shall remain a party of record for the purpose of receiving copies of all notices, orders, and other documents issued in this case.

RANDALL L. SMITH, t/d/b/a
SMITH BUS COMPANY

Dated: July 13, 1985

By Jack F. Aschinger
Jack F. Aschinger, Esquire
Thomas & Thomas

Attorneys for Randall L. Smith, t/d/b/a
Smith Bus Company

MARY LANICH, GEORGE LANICH, AND PAUL
LANICH, CO-PARTNERS, t/d/b/a
LANICH BUS LINES

Dated: July 22, 1985

By Herbert R. Nurick
Herbert R. Nurick, Esquire
McNees, Wallace & Nurick

Attorneys for Mary Lanich, George Lanich,
and Paul Lanich, Co-Partners, t/d/b/a
Lanich Bus Lines

CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of July, 1985, served copies of the foregoing Stipulation in Nature of Restrictive Amendment and Withdrawal of Protest of Smith Bus Company at A-00105786 upon the persons and/or parties listed below, first class mail, postage prepaid, addressed as follows:

Honorable Joseph P. Matuschak
Administrative Law Judge
Pennsylvania Public Utility Commission
97 East Main Street
Uniontown, PA 15401

Maria Verardi Mayercheck, Esq.
1500 Bank Tower
307 Fourth Avenue
Pittsburgh, PA 15222
[For BUTLER MOTOR TRANSIT, INC.]

Herbert R. Nurick, Esq.
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
[For LANICH BUS LINES]

William J. Lavelle, Esq.
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15219
[For WESTMORELAND TOURS]

William A. Gray, Esq.
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15219
[For DeBOLT-SOMERSET BUS COMPANY]

Sally A. Davoren, Esq.
Pillar and Mulroy
1500 Bank Tower
307 Fourth Avenue
Pittsburgh, PA 15222
[For EUGENE T. FALBO, t/d/b/a MOUNTAIN VIEW
TOURWAYS and LODESTAR BUS LINES, INC.]

S. Berne Smith, Esq.
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
[For EIGHTY-EIGHT TRANSIT LINES, INC. and
LINCOLN COACH LINES]



Jack F. Aschinger

Thomas & Thomas
Attorneys and Counsellors at Law

212 LOCUST STREET

P. O. BOX 999

HARRISBURG, PA. 17108

(717) 255-7600

FAX: (717) 236-8278

July 19, 1985

OF COUNSEL
JAMES K. THOMAS

WRITER'S DIRECT DIAL NUMBER
255-7609

CHARLES E. THOMAS
JACK F. ASCHINGER
CARROLL F. PURDY
JOSEPH P. HAFFER
CHARLES E. THOMAS, JR.
JAMES K. THOMAS II
D. MARK THOMAS
ROGER T. SHOOP
PATRICIA ARMSTRONG
JEFFREY B. RETTIG
PETER J. CURRY
R. BURKE McLEMORE, JR.
THOMAS T. NIESEN
EDWARD H. JORDAN, JR.
ANTHONY STEFANON
RANDALL G. GALE
DAVID L. SCHWALM
KEVIN E. OSBORNE
LINDA S. PORR
MELINDA S. SHOOP

Honorable William H. Smith, Chief
Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

RE: Application of
Randall L. Smith
t/d/b/a Smith Bus Company
A-105786

Dear Judge Smith:

This is to confirm our request for cancellation of the hearings scheduled in the above-captioned case for Wednesday and Thursday, July 24 and 25, 1985 in Indiana, Pennsylvania 15701. An agreement has been reached with Herbert R. Nurick, attorney for Lanich Bus Lines, the last remaining Protestant to this application for the resolution of the protest. A Restrictive Amendment will be filed reflecting this agreement.

Very truly yours,

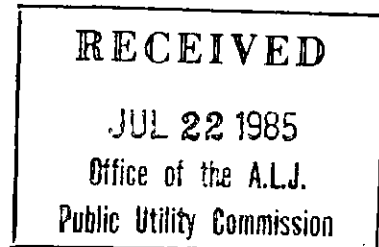
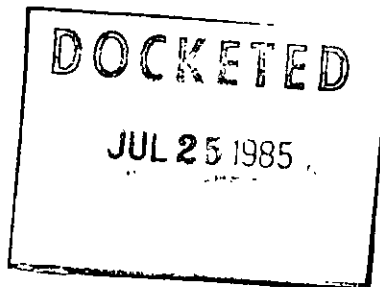
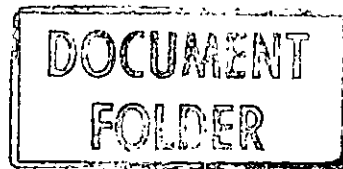
THOMAS & THOMAS

By

Jack F. Aschinger
Jack F. Aschinger

JFA:D:F41

cc: Honorable Joseph P. Matuschak
Herbert R. Nurick, Esq.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
JULY 22, 1985

MONITOR: COMMISSIONER SHANE

In re: A-00105786

(See letter dated 6/10/85)

Application of Randall L. Smith, t/d/b/a Smith Bus Company

NOTICE

This is to inform you that at the request of counsel for applicant, the further hearing now scheduled to be held on Wednesday and Thursday, July 24 and 25, 1985, at Indiana in the subject proceeding has been cancelled.

cc: Judge Matuschak
Bureau of Non-Rail Trans.
Ms. Crouse
Ms. Dickson
Mr. Bramson
File Room

DOCKETED
JUL 25 1985

DOCUMENT
FOLDER

APPEARANCE SHEET

HEARING REPORT

DOCKET NO. A-00105786

CASE NAME Randall L. Smith, t/d/b/a
Smith Bus Company

HEARING LOCATION Indiana, PA.

HEARING DATE July 24 & 25, 1985

ALJ Matuschak

CHECK THOSE BLOCKS WHICH APPLY:

Hearing concluded _____

Record closed _____

Briefs to be filed _____

Further hearing _____

Estimated add'l days _____

BENCH DECISION _____

Cancelled

RECEIVED
JUL 26 1985
 Office of the A.L.J.
 Public Utility Commission

REMARKS: _____

RECEIVED
 JUL 26 1985
 PUBLIC UTILITY COMMISSION

Names and addresses of parties or counsel of record
 Please Print Clearly
 Incomplete Information May Result in Delay of Process

NAME	ADDRESS			APPEARING FOR
	City	State	Zip	
	City	State	Zip	
	City	State	Zip	
	City	State	Zip	

Check this box if additional parties of counsel of record appear on back.

Reporter

h

ORIGINAL

LAW OFFICES

SAMUEL P. DELISI

SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15222

(412) 232-3505

RECEIVED

JUL 31 1985

SECRETARY'S OFFICE
Public Utility Commission

SAMUEL P. DELISI
MARIA VERARDI MAYERCHECK

29 July 1985

File: 162

Re: Application of Randall L. Smith t/d/b/a Smith Bus Company
Pa. PUC A.105786

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

Dear Mr. Rich:

Referring to the above matter, we have received appli-
cant's restrictive amendment restricting the application to
certain areas in Armstrong and Indiana Counties and also to the
use of school bus equipment. We attach a copy of the restric-
tive amendment.

Protestant Butler Motor Transit, Inc. hereby withdraws its
protest based on this restrictive amendment and conditioned
upon the Commission's acceptance of the amendment. If opera-
ting rights are granted in excess of the restrictive amendment,
protestant Butler requests a hearing to present its case in
opposition.

Very truly yours,

Maria Verardi Mayercheck
Maria Verardi Mayercheck

**DOCUMENT
FOLDER**

ksr

Enclosure

cc: Joseph P. Matuschak
Administrative Law Judge
Jack F. Aschinger, Esquire

DOCKETED
DOCKET
AUG 01 1985

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re:

APPLICATION OF

RANDALL L. SMITH, t/d/b/a
SMITH BUS COMPANY
A-00105786

STIPULATION IN NATURE OF RESTRICTIVE AMENDMENT
AND WITHDRAWAL OF PROTEST

AND NOW COMES Randall L. Smith, t/d/b/a Smith Bus Company ("applicant"), and Mary Lanich, George Lanich, and Paul Lanich, co-partners, t/d/b/a Lanich Bus Lines ("protestant"), by their attorneys, and hereby stipulate and agree as follows:

1. Applicant hereby restrictively amends his above-captioned application so that the authority which applicant seeks shall now read as follows:

To transport groups and parties of persons from the township of Burrell and the facilities of Homer Center High School in the township of Center, Indiana County, and the borough of Elderton, Armstrong County, to those points in Pennsylvania lying within an airline distance of one hundred (100) statute miles from point of origin to point of destination;

subject to the following conditions:

(1) That no right, power, or privilege is granted to provide tour or sightseeing service, or special excursions service.

(2) That all transportation shall be limited to the use of school bus type equipment.

2. Based on the Restrictive Amendment in Paragraph 1 herein, and conditioned upon its acceptance by the Commission and any grant being consistent with the Amendment, the protest of protestant is hereby withdrawn.

3. The undersigned counsel for protestant shall remain a party of record for the purpose of receiving copies of all notices, orders, and other documents issued in this case.

RANDALL L. SMITH, t/d/b/a
SMITH BUS COMPANY

Dated: July 23, 1985

By Jack F. Aschinger
Jack F. Aschinger, Esquire
Thomas & Thomas

Attorneys for Randall L. Smith, t/d/b/a
Smith Bus Company

MARY LANICH, GEORGE LANICH, AND PAUL
LANICH, CO-PARTNERS, t/d/b/a
LANICH BUS LINES

Dated: July 22, 1985

By Herbert R. Nurick
Herbert R. Nurick, Esquire
McNees, Wallace & Nurick

Attorneys for Mary Lanich, George Lanich,
and Paul Lanich, Co-Partners, t/d/b/a
Lanich Bus Lines

CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of July, 1985, served copies of the foregoing Stipulation in Nature of Restrictive Amendment and Withdrawal of Protest of Smith Bus Company at A-00105786 upon the persons and/or parties listed below, first class mail, postage prepaid, addressed as follows:

Honorable Joseph P. Matuschak
Administrative Law Judge
Pennsylvania Public Utility Commission
97 East Main Street
Uniontown, PA 15401

Maria Verardi Mayercheck, Esq.
1500 Bank Tower
307 Fourth Avenue
Pittsburgh, PA 15222
[For BUTLER MOTOR TRANSIT, INC.]

Herbert R. Nurick, Esq.
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
[For LANICH BUS LINES]

William J. Lavelle, Esq.
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15219
[For WESTMORELAND TOURS]

William A. Gray, Esq.
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15219
[For DeBOLT-SOMERSET BUS COMPANY]

Sally A. Davoren, Esq.
Pillar and Mulroy
1500 Bank Tower
307 Fourth Avenue
Pittsburgh, PA 15222
[For EUGENE T. FALBO, t/d/b/a MOUNTAIN VIEW
TOURWAYS and LODESTAR BUS LINES, INC.]

S. Berne Smith, Esq.
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
[For EIGHTY-EIGHT TRANSIT LINES, INC. and
LINCOLN COACH LINES]


Jack F. Aschinger



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

April 17, 1986

IN REPLY PLEASE
REFER TO OUR FILE

▪
Jack F. Aschinger
Attorney at Law
P.O. Box 999
Harrisburg, PA 17108
▪

In re: A-00105786

Application of Randall L. Smith, t/d/b/a Smith Bus Company.

Dear Mr. Aschinger:

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 requested 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.

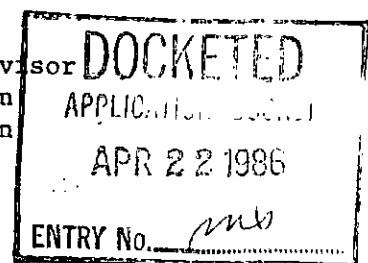
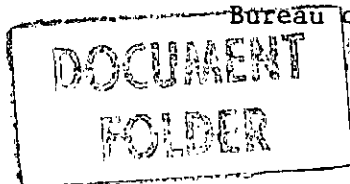
You are being granted an initial thirty (30) days to file verified statements. They will be due on or before May 19, 1986.

If additional time is required, it may be requested by telephone but should 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,

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



Thomas & Thomas
Attorneys and Counsellors at Law

CHARLES E. THOMAS
JACK F. ASCHINGER
CARROLL F. PURDY
JOSEPH P. HAFFER
CHARLES E. THOMAS, JR.
JAMES K. THOMAS II
D. MARK THOMAS
ROGER T. SHOOP
PATRICIA ARMSTRONG
JEFFREY B. RETTIG
PETER J. CURRY
R. BURKE MCLEMORE, JR.
THOMAS T. NIESEN
EDWARD H. JORDAN, JR.
C. KENT PRICE
RANDALL G. GALE
DAVID L. SCHWALM
KEVIN E. OSBORNE
MELINDA S. SHOOP
WILLIAM B. CALDER, JR.

212 LOCUST STREET

P. O. BOX 999

HARRISBURG, PA. 17108

(717) 255-7600

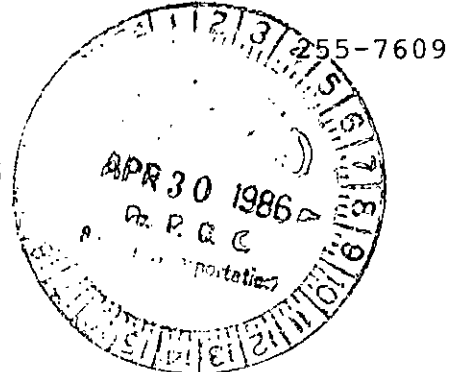
FAX: (717) 236-8278

(VERIFY: (717) 255-7612)

April 29, 1986

OF COUNSEL
JAMES K. THOMAS

WRITER'S DIRECT DIAL NUMBER



Tim Zeigler
Technical Review Section
Bureau of Transportation
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

RE: Application of Randall L. Smith
t/a/b/a Smith Bus Company
A-105786

Dear Mr. Zeigler:

This will acknowledge receipt of your letter dated April 17, 1986, calling for Verified Statements.

A hearing was held on this application May 30, 1985, at which time Applicant presented its direct testimony. In addition, a Questionnaire in the form of an Exhibit contained additional statements in support of the application which was admitted for the record by the Administrative Law Judge. Subsequently, on the basis of a Restrictive Amendment dated July 17, 1985, the only protest to this application was withdrawn and record closed.

Under the circumstances we believe and ask that a determination on this application be reached on the basis of this record. Should there be any question concerning this procedure, please advise.

Very truly yours,

THOMAS & THOMAS

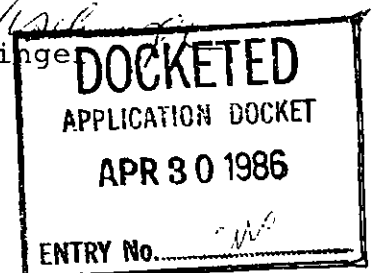
By

Jack F. Aschinger
Jack F. Aschinger

JFA:lkz:A4-52

cc: Randall L. Smith (w/encl.)

DOCUMENT
FOLDER





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

May 13, 1986

IN REPLY PLEASE
REFER TO OUR FILE

Jack F. Aschinger
Attorney at Law
P.O. Box 999
Harrisburg, PA 17108

In re: Application of Stewart Bus Line, A-00105738.
✓ Application of Randall L. Smith, t/d/b/a Smith Bus Company, A-00105786.

Dear Mr. Aschinger:

We have received your letters of April 29, 1986, in which you request that the above-referenced applications be reviewed based upon the record developed in hearings before the Administrative Law Judge. It is our understanding that you have reviewed the records and do not wish to supplement them at this time with verified statements.

The records will be reviewed and recommendations will be prepared for the Commission's consideration. You will be advised of the Commission's decisions in these matters.

Very truly yours,

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

