

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00 :
2. BUREAU: SEC :
3. SECTION(S): : 4. PUBLIC MEETING DATE:
5. APPROVED BY: : 00/00/00
DIRECTOR: :
SUPERVISOR: :
6. PERSON IN CHARGE: TRAVITZ : 7. DATE FILED: 10/23/01
8. DOCKET NO: A-00118430 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT:

RESPONDENT/APPLICANT: ADM TRUCKING, INC.

COMP/APP COUNTY:

UTILITY CODE: 705389

ALLEGATION OR SUBJECT

BEGIN PROPERTY...

Pennsylvania Public Utility Commission
Bureau of Transportation & Safety
PO Box 3265
Harrisburg, PA 17105-3265
(717) 787-3834 or FAX (717) 787-5961

RECEIVED
BUREAU OF
TRANSPORTATION & SAFETY
2001 OCT 23 AM 11:00

Application for Motor Common Carrier of Property

Please complete all parts of the following application. Incomplete applications will be returned. All questions may be directed to the Bureau of Transportation & Safety at (717) 787-3834.

1. ADM Trucking, Inc.
Full Name of Applicant (Individual, Partnership or Corporation)

2. N/A
Trade Name if Any

The trade name, if fictitious, _____ been registered with the
(Has or has not)

Secretary of the Commonwealth on _____, Attach a date
(Date)
stamped copy of the registration form.

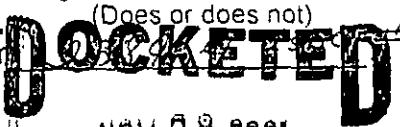
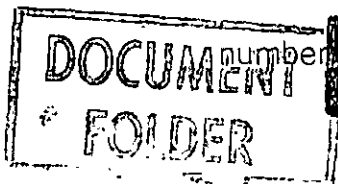
3. 4666 Faries Parkway
Decatur, IL 62526 (217) 424-5200
Physical Address (Street, City, County and Zip Code) Telephone Number (Required)

4. P. O. Box 1470, Decatur, IL 62525
Mailing Address if Different from Physical Address

5. _____
Attorney's Name & Telephone Number for this Filing
(Do not supply Attorney's name if you want all correspondence & notice of process mailed directly to you.)

Attorney's Address

6. Applicant Does hold interstate operating authority at docket
(Does or does not)



NOV 08 2001

A-118430

[Handwritten signature]

7. Applicant does have a current safety rating issued by the US
(Does or does not)
DOT, PA PUC or other state regulatory agency. (Attach Copy)

8. Approximate number of commercial vehicles to be operated in Pennsylvania:
Owned 18 Leased 2.

9. Check one that applies to this application:

Individual

Partnership (Attach a copy of a Partnership Agreement and list the names and addresses of ALL partners below.)

(Attach a separate sheet if space provided is not sufficient.)

Corporation Organized under the laws of the state of Delaware
qualified to do business in Pennsylvania by registering with the Secretary
of the Commonwealth on September 20, 2001.
(Date)

Attach a date-stamped copy of the Application for Certificate of Incorporation or
Certificate of Authority. Include a list of corporate officers with titles, names of
shareholders and number of shares held, and addresses.

10. Attachment Checklist:

For Corporations Only:

Date-stamped copy of Application for Certificate of Incorporation or
Certificate of Authority.

List of corporate officers/titles and distribution of shares.

For Partnerships Only:

Copy of Partnership Agreement.

For ALL Applicants:

Fictitious Trade Name Registration (if applicable).

Copy of Current Safety Rating (if available).

Proof of Insurance (See item 5 on instruction sheet).

Certified check, money order or attorney's check.

11. Certification:

Applicant certifies that it is not now engaged in any intrastate transportation of property for compensation between points in Pennsylvania and will not engage in said transportation unless and until authorization is received from the Pennsylvania Public Utility Commission.

Applicant further certifies that it understands the requirements of the Pennsylvania Public Utility Commission, especially as they relate to safety and insurance and that it may be subject to civil penalties, suspension or cancellation of the Certificate for failure to comply with Commission requirements.

Applicant further certifies that it understands that it is subject to an annual assessment based upon its reported gross Pennsylvania intrastate revenues; said assessment to help defray expenses incurred in regulating Motor Common Carriers of Property; and acknowledges that failure to report revenue and pay its annual assessment may result in civil penalties, suspension or cancellation of the Certificate.


You must sign the following application.

Verification of Application

I/we hereby state that the statements made in this application is/are true and correct to the best of my/our knowledge and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 Relating to Unsworn Falsification to Authorities.

WILLIAM J PATTERSON
(Print Name)


(Signature)

10/1/01
(Date)

The verification of the application must be completed by the applicant appearing on Line 1 of the application by the named individual, all partners (if a partnership) or by the President or Secretary (if a corporation).

PUC 189
Revised 10/00

Microfilm Number _____

Entity Number 3026505

Filed with the Department of State

SEP 20 2001

[Signature]
Secretary of the Commonwealth

APPLICATION FOR CERTIFICATE OF AUTHORITY
DSCB:15-4124/6124 (Rev 90)

Indicate type of corporation (check one):

Foreign Business Corporation (15 Pa.C.S. § 4124)

Foreign Nonprofit Corporation (15 Pa.C.S. § 6124)

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations) the undersigned association hereby states that:

1. The name of the corporation is ADM Trucking, Inc.

2. The name which the corporation adopts for use in this Commonwealth is (complete only when the corporation must adopt a corporate designator for use in Pennsylvania):

3. (If the name set forth in Paragraph 1 is not available for use in this Commonwealth, complete the following):
The fictitious name which the corporation adopts for use in transacting business in this Commonwealth is:

This corporation shall do business in Pennsylvania only under such fictitious name pursuant to the attached resolution of the board of directors under the applicable provisions of 15 Pa.C.S (relating to corporations and unincorporated associations) and the attached form DSCB:54-311 (Application for Registration of Fictitious Name).

4. The name of the jurisdiction under the laws of which the corporation is incorporated is:
Delaware

5. The address of its principal office under the laws of the jurisdiction in which it is incorporated is:

| | | | | |
|--------------------|------------|-------|-------|------------|
| 1209 Orange Street | Wilmington | DE | 19801 | New Castle |
| Number and Street | City | State | Zip | County |

6. The (a) address of this corporation's proposed registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) _____

| | | | | |
|-------------------|------|-------|-----|--------|
| Number and Street | City | State | Zip | County |
|-------------------|------|-------|-----|--------|

(b) c/o: C T CORPORATION SYSTEM
Philadelphia
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

7. (Check one of the following):

(Business corporation): The corporation is a corporation incorporated for a purpose or purposes involving pecuniary profit, incidental or otherwise.

(Nonprofit corporation): The corporation is a corporation incorporated for a purpose or purposes not involving pecuniary profit, incidental or otherwise.

IN TESTIMONY WHEREOF, the undersigned corporation has caused this Application for a Certificate of Authority to be signed by a duly authorized officer this 18th day of September, 2001

ADY Trucking, Inc.

(Name of Corporation)



BY: 

(Signature)

TITLE: Vice President

ADM TRUCKING, INC.

2,000 shares of stock authorized, no par value
2,000 Issued and Outstanding - 100% owned by
Archer-Daniels-Midland Company

DIRECTORS

D. J. Smith
D. J. Schmalz
R. P. Reising

OFFICERS

| | |
|-----------------|------------------------------|
| W. J. Patterson | President |
| D. J. Smith | Vice President and Secretary |
| D. J. Schmalz | Vice President and Treasurer |
| S. A. Roberts | Assistant Secretary |

PRELIMINARY PROVISIONS

6. Jurisdiction

The public utility commission has exclusive regulatory jurisdiction over the implementation of public utility facilities. *Duquesne Light Co. v. Borough of Monroeville*, 298 A.2d 252, 449 Pa. 573, Sup. 1972.

The public utility commission is the appropriate forum for the adjudication of rates, services and facilities of public utilities within the Commonwealth; statewide public welfare dictates that Public Utility Commission exercise control given it as a matter of public policy. *Duquesne Light Co. v. Borough of Monroeville*, 298 A.2d 252, 449 Pa. 573, Sup. 1972.

Under provision of 53 P.S. § 47301 that boroughs may define by ordinance a reasonable district within which utility wires shall be placed underground and 66 P.S. § 1141 (repealed) granting public utility commission exclusive regulatory jurisdiction over implementation of public utility facilities, and giving effect to both the Borough Code and the Public Utility Code, borough had power to define reasonable underground wiring districts, but public utility commission had the ultimate authority to determine the particulars of implementation, including timing, feasibility and cost of the project. *Duquesne Light Co. v. Borough of Monroeville*, 298 A.2d 252, 449 Pa. 573, Sup. 1972.

Where specific language of 53 P.S. § 47301 permitting boroughs to define, by ordinance, reasonable district within which utility wires should be placed underground in conduits had been reenacted four times since original Public Service Law was passed in 1913 and twice since Public Utility Law was passed in 1937, Public Utility Code, 66 P.S. § 1101 et seq. (repealed), which utilities challenging borough ordinance requiring undergrounding of wires contended gave public utility commission the power to regulate underground conduits, had not preempted the Borough Code provision relating to underground wire districts. *Duquesne Light Co. v. Borough of Monroeville*, 298 A.2d 252, 449 Pa. 573, Sup. 1972.

A provision of a third class city ordinance imposing an annual license tax of \$15 per mile on gas mains within the city limits was invalid and in an equity action by a gas company the city was enjoined from enforcement of the ordinance, since

GENERAL PROVISIONS

jurisdiction to regulate the plaintiff vested in the public utility commission. *U.S. Corp. v. City of Allentown*, 51 Mun.L.R. 109, 48 Pa. D. & C.2d 513, 33 Lehl.L.J. 333 (1969).

The Public Utility Law, 66 P.S. § 1101 et seq. (repealed), applied to municipal corporations only to the limited extent

therein expressly set forth, and did not confer upon the public utility commission jurisdiction over a controversy between two municipalities regarding the right of one to connect its sewerage system with that of the other, involving no question of rate, service, or extension. *Rohrer v. City of Lancaster*, 39 Pa. D. & C. 109 (1940).

§ 102. Definitions

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

Text of definition effective June 30, 2000.

"City natural gas distribution operation." A collection of real and personal assets used for distributing natural gas to retail gas customers owned by a city or a municipal authority, nonprofit corporation or public corporation formed pursuant to section 2212(m) (relating to city natural gas distribution operations).

"Commission." The Pennsylvania Public Utility Commission of this Commonwealth.

"Common carrier." Any and all persons or corporations holding out, offering, or undertaking, directly or indirectly, service for compensation to the public for the transportation of passengers or property, or both, or any class of passengers or property, between points within this Commonwealth by, through, over, above, or under land, water, or air, and shall include forwarders, but shall not include contract carriers by motor vehicles, or brokers, or any bona fide cooperative association transporting property exclusively for the members of such association on a nonprofit basis.

"Common carrier by motor vehicle." Any common carrier who or which holds out or undertakes the transportation of passengers or property, or both, or any class of passengers or property, between points within this Commonwealth by motor vehicle for compensation, whether or not the owner or operator of such motor vehicle, or who or which provides or furnishes any motor vehicle, with or without driver, for transportation or for use in transportation of persons or property as aforesaid, and shall include common carriers by rail, water, or air, and express or forwarding public utilities insofar as such common carriers or such public utilities are engaged in such motor vehicle operations, but does not include:

