

APSC FORM NO. 14A

(Property, except household goods)

DOCKET NO. _____

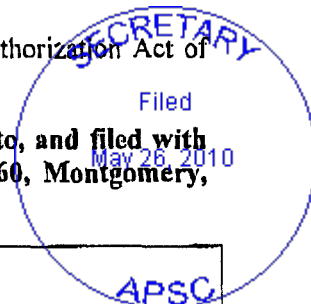
(Commission use only)

APPLICATION FOR MOTOR CARRIER CERTIFICATE**Before the****ALABAMA PUBLIC SERVICE COMMISSION**

040106

This Application is being filed as a result of the Federal Aviation Administration Authorization Act of 1994, and the applicant claims the benefits and privileges of said Act.

This Application should be typed or neatly printed, properly signed and sworn to, and filed with the \$100.00 filing fee with the Alabama Public Service Commission, P. O. Box 304260, Montgomery, Alabama 36130.

**SECTION I**

Applicant BAMA CONCRETE BIRMINGHAM, INC. EIN# 20-2277139
 (Legal name)

Doing Business as _____
 (Trade name)

Business Address 1608 17th Street
 (Must be a physical address - cannot be a post office box)

Tuscaloosa AL 35401
 (City) (State) (Zip Code)

Mailing Address P. O. Box 1099
 (May be a post office box)

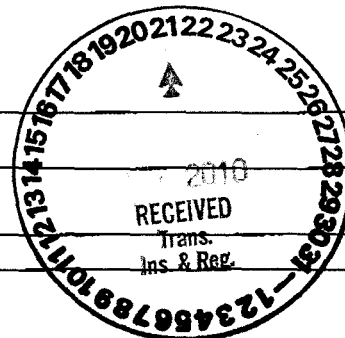
Tuscaloosa AL 35403
 (City) (State) (Zip Code)

(205) 345-6622 (205) 750-0209 sheilas@bamaconcrete.com
 (Telephone Number) (Facsimile Number) (Email address)

☒ Applicant seeks a Certificate to transport property between all points in the State of Alabama, except household goods. (Household goods requires a separate application)

SECTION IIFORM OF BUSINESS (Check only one):

- ☒ CORPORATION ☐ LIMITED LIABILITY COMPANY (LLC)
- ☐ LIMITED PARTNERSHIP (LP) ☐ LIMITED LIABILITY PARTNERSHIP (LLP)
- ☐ SOLE PROPRIETORSHIP
- ☐ PARTNERSHIP (Identify partners) _____
- ☐ OTHER (identify) _____



SECTION II Continued

Out of State Corporations, Limited Liability Companies (LLC), Limited Partnerships (LP), Limited Liability Partnerships (LLP) must register with the Alabama Secretary of State.



Alabama corporation, LLC, LP, or LLP,

OR



Out of State Corporation, LLC, LP, or LLP

State of Organization: _____

Attach Certificate of Registration from the
Alabama Secretary of State

All Corporations, Limited Liability Companies (LLC), Limited Partnerships (LP), and Limited Liability Partnerships (LLP); whether Alabama entities or Out of State entities must attach the following documents:



Corporation: Articles of Incorporation



LLC: Articles of Organization



LP: Certificate of Limited Partnership



LLP: Registration of Limited Liability Partnership

If you have been issued a U.S.D.O.T. number, MC number, or Alabama Public Service Commission Permit or Certificate number, provide it here:

USDOT#

1368626

MC#

APSC#

Applicant proposes to use approximately (number of) 2 motor vehicles of the kind and type described in Appendix "B" hereto attached. (Give detailed description showing type, make, model, and rated capacity).

SECTION III

Applicant has the required insurance and Forms E and H proof of coverage properly filed with the Commission, or Forms E & H are attached hereto.



\$100.00 filing fee paid (cashier's check or money order only)



A financial statement (balance sheet and income/expense statement) for the most recent tax year is attached hereto as Appendix "C."



Applicant has attached hereto a Form B-2, application for registration number.

SECTION IV

Applicant has a safety fitness rating from the United States Department of Transportation of satisfactory as shown by Attachment "D."

OR



Applicant has attached as Appendix "D" a description of its safety program that shows compliance with requirements of the Commission's rules and/or the rules of the United States Department of Transportation.

SECTION V

Applicant understands that the filing of this Application does not, in itself, constitute authority to operate; will submit such additional information in connection with this Application as the Commission may require; and will comply with requirements of the laws of the State of Alabama, and the rules and regulations of the Commission made thereunder, as are applicable to intrastate transportation of property.

SECTION VI

Name and address of the contact person that can answer questions about this application or supply additional information:

Sheila Smith

(Name)

1608 17th Street

(Address)

TuscaloosaAL35401

(City)

(State)

(Zip Code)

205 345-6622

(Telephone Number)

205 750-0209

(Facsimile Number)

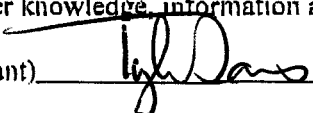
sheilas@bamaconcrete.com

(Email Address)

OATHCounty of TuscaloosaState of Alabama

Name of Affiant _____

being duly sworn, states that he/she files this Application as (indicate whether owner, or proprietor, title as officer of applicant corporation or association, member of applicant partnership, or other authorized representative of applicant) _____ that in such capacity, he/she is qualified and authorized to file and verify such Application; that he/she has carefully examined all the statements and matters contained in the Application, and that all such statements made and matters set forth herein are true and correct to the best of his/her knowledge, information and belief.

(Signature of Affiant) 

Subscribed and sworn to before me, a _____ in and for said State and County

above named, this 20 day of April, 2010(Notary Public) 

(Seal)

MY COMMISSION EXPIRES MARCH 17, 2012

My Commission Expires: _____

APPENDIX "D"
DESCRIPTION OF SAFETY PROGRAM

As the Vice-President with/of Bama Concrete Birmingham, Inc. I am fully
(Title) (Name of Applicant Company)

familiar with my company's operations and herein verify that Bama Concrete Birmingham, Inc.
(Name of Applicant Company)

has in place a program to ensure substantial compliance with all applicable safety rules and regulations of the Alabama Public Service Commission, as well as those of the United States Department of Transportation. In addition to all other requirements, Bama Concrete Birmingham, Inc.
(Name of Applicant Company)

specifically maintains: files on each driver with all required driver forms and information; files on each vehicle with all required forms including maintenance and safety inspection records; and all required written records of drivers' hours.

[Signature]
(Signature of Company Representative)

Lyke Davis
(Printed Name of Company Representative)

Received Time Apr. 19. 1:45PM

STATE OF ALABAMA §
 § ss.
TUSCALOOSA COUNTY §

ARTICLES OF INCORPORATION
OF
BAMA CONCRETE BIRMINGHAM, INC.

KNOW ALL PERSONS BY THESE PRESENTS,

That I, Ronald H. Davis, the undersigned incorporator, for the purpose of forming a business corporation pursuant to the provisions of title 10, chapter 2B, *Code of Alabama* (1975), as amended ("Alabama Business Corporation Act"), do hereby adopt these articles of incorporation, the same to constitute a charter for carrying on the business hereinafter specified.

ARTICLE 1
NAME OF CORPORATION

The name of the corporation shall be Bama Concrete Birmingham, Inc.

ARTICLE 2
PURPOSES

The nature of the business and the purposes for which the corporation is formed shall be as follows:

SECTION 1.1 Specific Purpose

To own and operate a ready-mix concrete business and to engage in all other activities for which an Alabama corporation may be lawfully formed.

SECTION 1.2 General Purposes

(a) To do all things necessary, desirable, or expedient in the operation, management, and conduct of the aforesaid business.

(b) To guarantee, act as surety for, endorse, and act as accommodation maker for any debt of the shareholders of the corporation, subsidiaries of the corporation (regardless of the percentage of ownership held by the corporation), corporations the stock of which is owned by a shareholder of the corporation (regardless of the percentage

of ownership held by such shareholder), and any other persons, regardless of the presence or adequacy of the consideration to be received by the corporation for so doing or the presence or adequacy of any direct or indirect benefit to the corporation, upon a vote of a majority of the board of directors of the corporation. "Debt" includes liquidated and unliquidated amounts, amounts arising *ex contractu* and *ex delicto*, and amounts fixed or contingent and matured or unmatured, whether new, pre-existing, renewed, or extended, regardless of the terms thereof.

(c) To transact all lawful business for which corporations may be incorporated under the Alabama Business Corporation Act.

ARTICLE 3 REGISTERED OFFICE AND AGENT

The address of the initial registered office of the corporation shall be 1608 17th Street, Tuscaloosa, Alabama 35401, and the initial registered agent at such address shall be Ronald H. Davis.

ARTICLE 4 DURATION

The duration of the corporation shall be perpetual unless the corporation is dissolved by law or otherwise terminated.

ARTICLE 5 SHARES

The corporation shall be authorized to issue 10,000 common shares having no par value.

ARTICLE 6 INCORPORATOR

The name and address of the incorporator is as follows:

NAME

Ronald H. Davis

ADDRESS

1608 17th Street
Tuscaloosa, AL 35401

ARTICLE 7 DIRECTORS

The initial board of directors shall consist of one director, and such number thereafter as may be fixed by the bylaws. The name and address of the person who is to

serve as director until the first meeting of the shareholders, or until his successor is elected and qualified, are as follows:

NAME

ADDRESS

Ronald H. Davis

1608 17th Street
Tuscaloosa, AL 35401

**ARTICLE 8
VOTING**

At any meeting of the shareholders of the corporation, a shareholder of record shall be entitled to one vote for each share standing in his or her name. Shares may be voted by the shareholders either in person or by proxy.

**ARTICLE 9
PREEMPTIVE RIGHTS**

Each shareholder shall have a preemptive right to purchase additional or treasury shares of the corporation under section 10-2B-6.30 of the Alabama Business Corporation Act.

**ARTICLE 10
MANAGEMENT**

The business and affairs of the corporation shall be managed and conducted in accordance with the bylaws of the corporation.

**ARTICLE 11
VACANCIES**

The board of directors may fill any vacancy on the board, including those vacancies resulting from an increase in the number of directors.

**ARTICLE 12
SHARES NONASSESSABLE**

The shares of the corporation, when fully paid for in accordance with the subscription therefor, shall be fully paid and nonassessable; and in no case shall any shareholder be liable other than for the unpaid shares subscribed for by him.

**ARTICLE 13
LIEN ON SHARES**

The corporation shall have a lien on the shares of a shareholder for any debt or liability owed to it by him before a notice of transfer or levy on such shares is received by the corporation. The corporation shall have such rights with respect to this lien as are conferred by the laws of the State of Alabama.

**ARTICLE 14
AMENDMENTS**

The corporation reserves the right to amend or repeal any provision of these articles of incorporation in the manner provided by law; and all rights conferred upon the officers, directors, and shareholders of the corporation are granted subject to this reservation.

**ARTICLE 15
SHAREHOLDER EXPECTATIONS**

The shareholders each, by virtue of their acceptance of shares of the corporation, stipulate and agree that their expectations regarding their share of corporate profits, right to continue as a shareholder, right to wages, and the like shall be as defined by the articles of incorporation, bylaws, and any written shares redemption, buy-sell, or similar agreement respecting shares ownership and that no person shall have any rights respecting the same other than as expressly set forth in such documents or in the Alabama Business Corporation Act, as modified by such documents. In particular, but without limitation, no shareholder shall have any right to continued employment by the corporation, but each shareholder who is an employee shall be employed at will except as otherwise agreed in a written contract between such shareholder and the Corporation. The salary and bonuses of each shareholder, if any, shall be as set by the board of directors or as otherwise agreed in a written contract between such shareholder and the Corporation. No shareholder shall have any right to receive dividends, except as may from time to time be provided to the contrary in such documents, and no shareholder shall have any right to control the management of the corporation except as set forth in such documents. No shareholder shall have a greater right to salary or bonuses or continued employment by virtue of being a shareholder than any non-shareholder.

**ARTICLE 16
CORPORATION'S ATTORNEY**

Each party understands and acknowledges that the corporation's counsel, Tanner & Guin, LLC, prepared these articles of incorporation on behalf of and in the course of its representation of the corporation, as directed by its officers and board of directors and as follows:

(a) Each shareholder has been advised that a conflict of interest may exist between such shareholder's interests and those of the corporation.

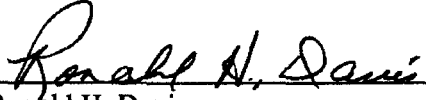
(b) Such shareholder has been advised by the corporation's counsel that it may be in his or her best interests to seek the advice of independent counsel.

(c) Such shareholder has had the opportunity to seek the advice of independent counsel.

(d) Each shareholder acknowledges that Tanner & Guin, LLC, is representing the corporation and not them on an individual basis.

2010 1221
Filed in the Above
INCORPORATION Book & Page
04-08-2010 04:36:05 PM

IN WITNESS WHEREOF, I, the said incorporator, have hereunto set my hand on
this the 6th day of April, 2010.


Ronald H. Davis

THIS DOCUMENT PREPARED BY:

Jay F. Guin
TANNER & GUIN, LLC
Counselors at Law
Capitol Park Center
2711 University Boulevard (35401)
P. O. Box 3206
Tuscaloosa, Alabama 35403
Telephone: (205) 633-0200
Facsimile: (205) 633-0290
www.tannerguin.com

2010 1222
Filed in the Above
INCORPORATION Book & Page
04-08-2010 04:36:05 PM
W. Hardy McCollum - Probate Judge
Tuscaloosa County, Alabama
Book/Ps: 2010/1217
Term/Cashier: SCAN2 / MWhite
Tran: 9381.591705.744997
Recorded: 04-08-2010 16:38:04
INC Incorporations 50.00
PJF Probate Judge Fee 2.00
Total Fees: \$ 52.00

BAMA CONCRETE BIRMINGHAM, INC.

**P. O. BOX 1099
TUSCALOOSA, AL 35403**

April 23, 2010

Ms. Kathleen McPherson
Insurance and Registration
State of Alabama
Alabama Public Service Commission
P. O. Box 304260
Montgomery, AL 36130-4260

RE: Intrastate Application-Bama Concrete Birmingham, Inc.

Dear Ms. McPherson,

I'm enclosing the Articles of Incorporation of Bama Concrete Birmingham, Inc.

I have requested from our insurance agent, Morton Guy of Wells Fargo Insurance to send you Insurance form E and H.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sheila Smith', written in dark ink.

Sheila Smith
Office Manager

APPENDIX "C" FINANCIAL STATEMENT

NET WORTH

ASSETS:

TOTAL

Cash on hand	\$ 100,000.
Checking account(s) balance	0
Savings account(s) balance	0
Credit Union savings	0
Bonds, stocks, securities	0
Cash value of life insurance policies	0
Cash value of annuities and other retirement plans	0
Real estate: (market value of home) and (market value of other real estate)	1M
Automobiles (market value)	2M
Furnishings, equipment, tools	1M
Jewelry, collections, heirlooms, clothing	0
Money owed to you	0
Other assets	0
TOTAL ASSETS	\$

LIABILITIES: (What you owe)

Home mortgage and other real estate	2M
Home improvement loan	0
Note on car	0
Installment contracts (furniture, etc.)	0
Notes to banks, or other commitments	2M
Gasoline charges (average monthly balance) \$ 20,000.	2M 20,000
Medical bills	0
Charge accounts	0
Other debts	0
TOTAL LIABILITIES	\$

To find net worth:

TOTAL ASSETS

(Subtract) TOTAL LIABILITIES

THIS IS YOUR NET WORTH

\$

FORM B-2

VEHICLE REGISTRATION NUMBERS
FOR COMPENSATED INTRASTATE-ONLY MOTOR CARRIERS

TO: ALABAMA PUBLIC SERVICE COMMISSION
P. O. BOX 304260
MONTGOMERY, AL 36130

040107

APPLICANT: BAMA CONCRETE BIRMINGHAM, INC.

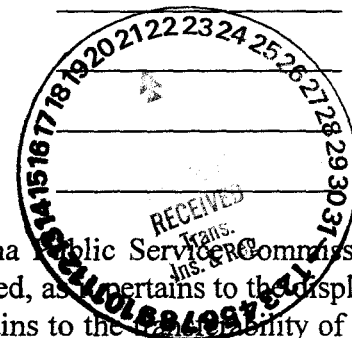
MAILING ADDRESS: P. O. Box 1099

CITY: TUSCALOOSA STATE: AL ZIP CODE: 35403

CERTIFICATE NO.: _____ PERMIT NO.: _____

The above described applicant hereby applies for issuance of Vehicle Registration Numbers at \$6.00 each for the following identified vehicles.

<u>MAKE</u>	<u>MODEL</u>	<u>SERIAL NUMBER</u> (Last 5 Digits)
<u>Kenworth</u>	<u>T800</u>	<u>77826</u>
<u>Kenworth</u>	<u>T800</u>	<u>77827</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



The applicant hereby acknowledges and understands Rule 3 of the Alabama Public Service Commission's Motor Carrier General Orders and Regulations Pamphlet No. 2003, as amended, as it pertains to the display of Registration Number, and Title 37, Chapter 3, Section 32(5)a, and as it pertains to the responsibility of these numbers between vehicles.

I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above applicant.

CASH will not be accepted by the Public Service Commission.

NOTE: The fee for Registration Numbers is \$6.00 each. Payment must be made by cashier's check, certified check, or money order.

R Rhonda Robinson
(Signature)

Rhonda Robinson

4/21/10
RM

04/20/10

Registration Numbers Receipt

Trade Name: BAMA CONCRETE BIRMINGHAM, INC

A.P.S.C. NEW

JLN: 2010040107

Effective_Date: 4/21/2010

Reg. No.

Make

Ser. No.

30374

KENWORTH

77826

30375

KENWORTH

77827

Fee Paid \$12.00

ALABAMA PUBLIC SERVICE COMMISSION

By Kathleen McPherson

The registration number is **non-transferable.**

Make sure that the registration number for each truck
is displayed on both sides of the power unit.