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BEFORE

SECRETARYS OFFICE
Public Utility Commission

THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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In re: A-00102471, F001, Am-P Pitt-Ohio Express, Inc.
Amendment to permit the transportation, by motor
vehicle, of property, from points in that part of
Pennsylvania on and west of U. S. Highway Route 219
to points in that part of Pennsylvania on and east
of U. S. Highway Route 219, and vice versa; ***.
Further hearing.

Pittsburgh, Pennsylvania
March 7, 1989

**DOCUMENT
FOLDER**

Pages 105 to 231, inclusive

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MAR 30 1989

HOLBERT ASSOCIATES
Cathy R. Mull
Suite 401, Kunkel Building
301 Market Street
Harrisburg, Pennsylvania 17101

1 BEFORE

2 THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

3 - - - - -

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7 Pennsylvania on and west of U. S. Highway Route 219
8 to points in that part of Pennsylvania on and east
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Further hearing.

8 - - - - -

10 Stenographic report of hearing held in
11 Hearing Room Number 1, State Office Building
12 Pittsburgh, Pennsylvania

12 TUESDAY

13 MARCH 7, 1989

14 at 10:00 TIME o'clock a.m.

15 BEFORE

16 JAMES PORTERFIELD, ADMINISTRATIVE LAW JUDGE

17 - - - - -

18 APPEARANCES:

19 WILLIAM J. LAVELLE, ESQUIRE

20 2310 Grant Building

21 Pittsburgh, Pennsylvania 15219

22 Appearing on behalf of Pitt-Ohio Express, Inc.

23 CHRISTIAN V. GRAF, ESQUIRE

24 Graf, Andrews & Radcliff

407 North Main Street

Harrisburg, Pennsylvania 17101

Appearing on behalf of W. C. McQuaide, Inc.,

Ward Trucking Corp., Evans Delivery Company,
Inc.

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1 JUDGE PORTERFIELD: Being March the 7th, 1989, and we
2 are in the 11th floor hearing room of the Pittsburgh State
3 Office Building with lots of beautiful white snow outside,
4 it is the time and place set for continuation of the
5 application of Pitt-Ohio Express, Inc., at docket
6 A-00102471, Folder 1, Amendment P.

7 This is the second day of hearings. We had our
8 initial hearing on January the 17th, 1989, during which the
9 applicant's operating witness offered testimony. Today we
10 are going to get into supporter shipper witnesses, I
11 presume.

12 Mr. Lavelle has entered an appearance, of course, on
13 behalf of the applicant and Christian V. Graf, Esquire, has
14 entered an appearance on behalf of the remaining
15 protestants, W. C. McQuaide, Inc., Ward Trucking
16 Corporation, Evans Delivery Company, Inc.

17 Mr. Lavelle indicated before going on the record that
18 he had shipping witnesses ready to go and at this time, I
19 will swear those who are here in the hearing room.

20 (Thereupon, various and sundry witnesses were duly
21 cautioned and sworn).

22 JUDGE PORTERFIELD: Would the witness not testifying
23 first identify himself.

24 MR. SINES: James A. Sines, S-i-n-e-s, Highway
25 Equipment Company.

1 JUDGE PORTERFIELD: How do you spell your last name?

2 THE WITNESS: S-i-n-e-s.

3 JUDGE PORTERFIELD: Highway Equipment Company?

4 THE WITNESS: Yes.

5 JUDGE PORTERFIELD: The other gentleman, if you would
6 take the chair up here.

7 JOHN STUVER, called as a witness, having been
8 previously duly sworn, was examined and testified as
9 follows:

10 DIRECT EXAMINATION

11 BY MR. LAVELLE:

12 Q Would you please give us your name and your
13 business address.

14 A Yes. My name is John Stuver. My business address
15 is 1445 Fifth Avenue, New Brighton, Pennsylvania.

16 Q Would you spell your last name for us, please.

17 A S-t-u-v-e-r.

18 Q What company are you representing, sir?

19 A I am representing Tuscarora Plastics, Incorporated.

20 Q What position do you hold with that company?

21 A I am the Manager of our Fabricating Department.

22 Q How long have you been employed by Tuscarora
23 Plastics?

24 A Twenty-three years.

25 Q In your present position, do you have -- explain to

1 us what function you serve with respect to transportation
2 matters.

3 A In my title as Manager of the Fabricating
4 Department, I -- what it says, I manage the plant and I also
5 handle all the shipping that is also shipped out of that
6 plant.

7 Q Is your plant at New Brighton the one about which
8 you will be testifying?

9 A Yes, it is.

10 Q What county is that in?

11 A That is in Beaver County.

12 Q Sir, for purposes of your testimony here, you will
13 see in front of you on the table first a copy of the
14 Applicant's Exhibit No. 5, which is to the left,. That is
15 your -- the scope of the application and the authority that
16 is being requested and the second item is a map on which
17 there is shown the general nature of the territory involved
18 in the application and you and I went over that beforehand,
19 you understand the color coding, do you not?

20 A Yes. Yes. I understand it.

21 Q If you will then confine your testimony to the
22 scope of the application that we are trying here today.

23 A Okay.

24 Q Now, what exactly is the business of your company?

25 A Okay. We -- the product that we make is expandable

1 polystyrene, which is a foam plastic.

2 Q And what purposes is that put to?

3 A It is used basically in packaging.

4 Q And you produce this at your New Brighton plant?.

5 A Yes, we do. We fabricate this in our Fabricating
6 Department.

7 Q Do you have occasion to ship that polystyrene from
8 your New Brighton plant to points in what I will refer to as
9 the central third, central part of Pennsylvania?

10 A Yes, we do. Yes, we do.

11 Q What would be the way in which your product is
12 shipped; is it loose, package form?

13 A No. It is packed in boxes, corrugated cartons and
14 shipped that way. There is a certain amount of pieces in
15 each carton. It is a light weight product.

16 Q What does a carton of your material -- are the
17 cartons standard size?

18 A Yes. Yes.

19 Q What would a carton of your material weigh?

20 A Standard carton would weigh approximately 35 pound.

21 Q Do you ship in truck load or less than truck load
22 quantities?

23 A In the Fabricating Department, we ship in less than
24 truck load quantities 95 percent of the time.

25 Q And is there an average weight to a shipment or a

1 range within which your shipments generally fall?

2 A No. They vary. I mean, some shipments might be --
3 we might ship ten cartons, we might ship 20 cartons, it
4 varies in size, the amount that we ship.

5 Q So if it was a 10 carton shipment, it would be
6 something 300, 350 pounds?

7 A That is right.

8 Q Up to?

9 A Up to a thousand pounds.

10 Q All right. Do you ship this material by carrier?

11 A Yes.

12 Q In addition to the shipments that you might make
13 into the central part of the state, do you have occasion to
14 ship into other parts of Pennsylvania?

15 A Yes. Pennsylvania is our largest state that we
16 handle. We handle all the eastern part of -- we handle the
17 Pittsburgh area and we also handle the eastern part of the
18 state.

19 Q And do you have occasion to make shipments outside
20 of the State of Pennsylvania?

21 A Yes, we do. Some.

22 Q Now, looking at the map in front of you, can you
23 identify for us some of the points to which you ship from
24 New Brighton?

25 A Yes. We ship into the Bedford area, we ship into

1 Somerset, and we also ship into the Huntingdon area. Those
2 are the three major areas that we ship in that area -- in
3 that particular section.

4 Q What kind of customers do you have at those
5 locations?

6 A We have -- you mean what kind of -- what do they
7 produce?

8 Q Yes. I mean, are they retail customers who resell
9 your material, or do they --

10 A No. No. They are customers who use our product,
11 the end product, for packaging in their product.

12 Q Approximately how many shipments do you make a
13 month or a year to those three locations?

14 A We ship to all three of those locations, we ship at
15 least once a month out of there. Sometimes more. But on an
16 average, 12 shipments a year.

17 Q You mentioned that you do ship to points beyond the
18 State of Pennsylvania.

19 A Yes.

20 Q Have you had occasion to use the Applicant,
21 Pitt-Ohio Express, on those interstate shipments?

22 A Yes. We use Pitt-Ohio into New Jersey and also
23 into the Virginia area, where we have another plant in
24 Virginia, which we use Pitt-Ohio strictly into that area.

25 Q How about to the eastern third of the state, you

1 said you had shipments to customers over there?

2 A Yes. We ship also to the eastern part of
3 Pennsylvania.

4 Q Do you use Pitt-Ohio to any extent on those
5 shipments?

6 A Yes, we do. We do. We use Pitt-Ohio -- we use
7 Pitt-Ohio in the State of Pennsylvania as much as we can use
8 it.

9 Q Would that also include what you referred to as the
10 local area?

11 A Yes. Yes. Pittsburgh area.

12 Q Western Pennsylvania?

13 A Yes. Yes, sir.

14 Q How many times a week would you estimate that
15 Pitt-Ohio has a truck in your facilities to either pick up
16 or deliver freight?

17 A I would say five times a week.

18 Q In making your shipments to these customers that
19 you referred to at Huntingdon, Somerset, Bedford, what type
20 of service do you look for from a carrier?

21 A We look for overnight service. Our product is a
22 product that, especially today, most businesses are in a
23 just on time nature, and we have to depend on overnight
24 service.

25 Q Do you produce your materials on a custom basis, or

1 is it just a stock item that your customers order?

2 A Basically we produce our product -- it is --
3 sometimes it is a stock item, sometimes it isn't, but most
4 of our orders that are -- that we receive are a -- something
5 that we don't inventory it. I mean, it is something that we
6 produce today and ship today if we can, or no later than
7 tomorrow, if that is what you mean. We don't have the
8 facility --

9 Q How much advance time then, let's take your
10 Huntingdon customer as an example, how much time is there
11 between when they place an order for your material and when
12 you expect to ship it?

13 A It varies, but we allow for two weeks, but
14 sometimes that never happens. I mean, we can get a call
15 from a customer today and they want product Friday, of this
16 week I'm saying, which we have to have it ready and out the
17 door tomorrow.

18 Q And as it comes off the production line for a
19 customer, do you then have your carrier ready to carry it?

20 A Yes.

21 Q Have you -- how would you characterize your
22 experience with Pitt-Ohio Express up to this point?

23 A Very good. I have no complaints. The service has
24 been excellent.

25 Q Have you had occasion to use the service of the

1 carriers that are opposing this application, namely
2 McQuaide, Ward Trucking or Evans Delivery?

3 A No. None. No.

4 Q If this application were approved by the
5 Commission, would you use Pitt-Ohio Express to these
6 additional points in the central part of the state?

7 A Yes, I would.

8 MR. LAVELLE: Thank you, sir. I have nothing further
9 for Mr. Stuver.

10 CROSS-EXAMINATION

11 BY MR. GRAF:

12 Q Mr. Stuver, have you ever called on W. C. McQuaide
13 for service?

14 A At -- no, I haven't. No.

15 Q Have you ever called upon Ward for service, Ward
16 Trucking?

17 A Yes. I have used Ward Trucking, customer requests,
18 sometimes I get a call. I have used Ward down the road, but
19 I never used them on a regular basis.

20 Q When you say down the road --

21 A Through past years. Not recently, no.

22 Q Have you ever called on Evans Delivery Company for
23 service?

24 A No, I haven't.

25 Q Are you aware that McQuaide and Ward could serve

1 you to Bedford, the Bedford area, in fact, anywhere in
2 Bedford County, anywhere in Somerset County or anywhere in
3 Huntingdon County?

4 A Yes, I am pretty aware of that. I keep up with the
5 different carriers.

6 Q Well, when was the last time you shipped to Bedford
7 or somewhere in Bedford County?

8 A It was about three weeks ago.

9 Q Was it in Bedford?

10 A Yes, it was in Bedford.

11 Q How did it get there?

12 A I used -- I am trying to think who we used now. We
13 might have had -- we might have interlined it with somebody,
14 I'm not positive of that.

15 Q All right. How about Somerset, when was the last
16 time you shipped to --

17 A Well, what we do with Somerset is we have to depend
18 on the company to pickup.

19 Q All right. That is a customer pickup?

20 A Customer pickup, yes, sir.

21 Q When you say you have to depend on it, you could
22 call McQuaide for those deliveries or Ward?

23 A Yes, we could. Yes.

24 Q All right. Who do you use to Huntingdon?

25 A It is the same thing, it is customer pickup.

1 Q Customer pickup. And again, you know you could use
2 either Ward or McQuaide for that?

3 A Yes, I do.

4 Q How long have you been aware of the McQuaide and
5 Ward capabilities service-wise?

6 A I think for a good while.

7 Q Couple years?

8 A Beg pardon?

9 Q Couple of years?

10 A Yes.

11 Q And you have never used McQuaide anywhere, as I
12 understand it?

13 A Yeah. I might have used McQuaide once down the
14 line. I think I used McQuaide into Johnstown or somewhere
15 in that particular area. But this was once again --

16 Q It was not recently?

17 A Not recently, no. No.

18 Q Do you know where you used Ward when you used them
19 in the past?

20 A No, I'm not sure whereabouts that shipment went.

21 Q All right. Now, if I understood your testimony,
22 your shipments range in weight from 350 pounds to 1,000
23 pounds into this area?

24 A That is right.

25 Q And you have an average of one a month?

1 A Right.

2 Q So if we took the whole year's worth at 350 pounds,
3 it would total 4200 pounds for a year, and if we took it at
4 1,000 pounds, it would total 12,000 a year?

5 A But our material is a Class 300, it is a light
6 weight product, expandable.

7 Q We will get to that.

8 A The weight has nothing to do with that, I mean, as
9 far as --

10 Q I am just trying to get the weight range.

11 A I understand.

12 Q Now, it is a Class 300 product?

13 A Yes, sir.

14 Q What discounts do you get from the carriers that
15 serve you on Class 300; what does it reduce to?

16 A Fifty percent.

17 Q Fifty percent. So it is down to Class 150?

18 A Well, I don't know how the ranges go as far as the
19 price structure goes, but it is a 50 percent discount on a
20 Class 300.

21 Q All right. Is there any discount on top of that?

22 A No.

23 Q And is that what Pitt-Ohio is giving you now?

24 A Yes.

25 Q Have you inquired as to what rates might be

1 applicable by anybody else?

2 A Are you talking about the three carriers that you
3 were talking about?

4 Q Yes. Yes.

5 A No. No.

6 Q Do you know what areas Evans can serve you?

7 A Not really, no. No.

8 MR. GRAF: Thank you. That is all I have.

9 JUDGE PORTERFIELD: Redirect, Mr. Lavelle?

10 MR. LAVELLE: No, I have nothing else of this
11 witness.

12 JUDGE PORTERFIELD: Thank you, Mr. Stuver.

13 THE WITNESS: Thank you.

14 MR. LAVELLE: Ten seconds.

15 JUDGE PORTERFIELD: Mr. Sines, you were sworn, were
16 you not?

17 THE WITNESS: Yes. Yes.

18 JAMES K. SINES, called as a witness, having been
19 previously duly sworn, was examined and testified as
20 follows:

21 DIRECT EXAMINATION

22 BY MR. LAVELLE:

23 Q What is your name, sir?

24 A James K. Sines.

25 MR. GRAF: Could I have that spelled, S-i-n-e-s?

1 THE WITNESS: That is correct.

2 BY MR. LAVELLE:

3 Q What is your business address, sir?

4 A Route 19 North, RD 1, Zelienople, Pennsylvania,
5 16063.

6 Q What county is that?

7 A That is in Butler County.

8 Q What company are you employed by?

9 A Highway Equipment Company.

10 Q How long have you been employed by the company?

11 A Ten years.

12 Q What is your position with Highway Equipment?

13 A Expediter.

14 Q Explain what that means.

15 A With those duties, I negotiate all the freight
16 rates and negotiate with the carriers in terms of, you know,
17 who we are going to use and I set those patterns for the
18 company, both LTL as well as truck load shipments.

19 MR. GRAF: Could you speak a little louder. You are
20 looking the other way.

21 THE WITNESS: LTL carriers, I negotiate the rates for
22 those and the moves for those, as well as the truck loads.

23 MR. GRAF: All right.

24 BY MR. LAVELLE:

25 Q You set up the routings, in other words, as well as

1 negotiate with carriers?

2 A Yes, I do. That is correct.

3 Q Do you have this function on a company-wide basis?

4 A Yes, sir.

5 Q Where does Highway Equipment have plants or other
6 types of facilities?

7 A We have a facility in DuBois, Pennsylvania, we have
8 a facility in Somerset, Pennsylvania, we have a facility in
9 McKean, Pennsylvania.

10 MR. GRAF: Where?

11 THE WITNESS: McKean, which is Erie County.

12 A (Continuing) We have a Clarksburg location.

13 Q And what about Zelienople?

14 A That is the head office.

15 Q Is that a production plant?

16 A Yes. That is one of our facilities.

17 Q You said the one plant is McKean and that is Erie
18 County?

19 A Yes, sir.

20 Q Let's take the company generally, do all of these
21 facilities that you have referred to ship and receive the
22 same commodities?

23 A Yes, sir.

24 Q And what would they be?

25 A Heavy equipment parts. It could be component

1 units, you know, like a transmission, for example, some
2 parts like that, it could be a complete unit such as a skid
3 stirrer, which we may ship as a complete unit.

4 Q What is the heavy machinery that these parts go
5 into?

6 A Mining, construction industry and, of course, the
7 parts would go into the equipment.

8 MR. GRAF: Can you speak a little louder. You are
9 looking the other way and I really can't hear you. You said
10 something about mining.

11 THE WITNESS: Mining and construction machinery.

12 MR. GRAF: Okay.

13 THE WITNESS: Used in the coal industry, used in the
14 limestone industry, et cetera.

15 MR. GRAF: Okay.

16 BY MR. LAVELLE:

17 Q Is this equipment used in industrial plants?

18 A Some of it is, sure, skid stirrers, that type of
19 stuff. Some loaders are used in industrial facilities,
20 likewise.

21 JUDGE PORTERFIELD: Try to speak more distinctly and
22 keep your voice up. It is hard.

23 THE WITNESS: Okay.

24 BY MR. LAVELLE:

25 Q Do you have occasion to ship these various

1 equipment parts between your various plants?

2 A Yes, sir.

3 Q Do you ship from your plants to third party
4 customers as well?

5 A Yes, sir.

6 Q Is that true with respect to all the plants?

7 A All the plants would do the same, yes, sir.

8 Q Okay. Your outbound shipments of these
9 commodities, are they generally a small, less than truck
10 load size, or do they range up to and include full truck
11 loads?

12 A In most cases, within the reason that we are
13 talking about, it is LTL.

14 Q What is the range of your shipments in that area?

15 A It could vary anywhere from 100 pounds all the way
16 up to 15,000 pounds, 18,000 pounds, depending upon, you
17 know, what was going out.

18 Q Now, does your company choose the carrier that will
19 make these shipments for you?

20 A Yes, they do.

21 Q Do you pay that carrier for its transportation
22 charges?

23 A Yes, we do.

24 Q Do you also have, other than the interplant
25 shipments, do you have inbound shipments of any commodities

1 from -- well, within this Pennsylvania area we are concerned
2 with here, into your plants?

3 A We have shipments daily coming in from DuBois.

4 Q Is that your plant?

5 A That is our plant in DuBois.

6 Q Do you have it from other than your interplant
7 moves; in other words, do you have a supplier not related to
8 your company from which you get materials?

9 A Not a supplier from within this area shipping into
10 us, no. No.

11 Q Okay. So it is either outbound customers or
12 interplant moves that you are concerned with?

13 A Yes, sir. Yes, sir.

14 Q Now, let's take the Zelienople plant to begin
15 with. It is in Butler County. In the central third of the
16 state, can you indicate for us where you have customers --
17 let's start the other way. Let's say where are your plants
18 located, if any, in that central part of the state to which
19 you would make shipments?

20 A DuBois, Pennsylvania.

21 Q And approximately how frequently do you ship from
22 Zelienople to DuBois?

23 A On a daily basis, 220 times, roughly, a year.

24 Q And would they be less than truck load shipments?

25 A Yes, sir.

1 Q Somewhere in the range you have indicated?

2 A Yes, sir.

3 Q How is that traffic being moved today?

4 A Presently with the corporate truck, one of our
5 corporate vehicles.

6 Q Do you ship from your McKean plant in Erie County
7 to any of those same plants or to the DuBois plant, I should
8 say?

9 A Yes, sir. We ship from McKean to DuBois on
10 occasion. Not near as frequent as Zelienople.

11 Q Approximately how often would that move occur?

12 A Probably somewhere along the lines of three times a
13 month we would be using a truck shipment out of McKean into
14 the DuBois facility. In terms of truck shipment, I'm
15 talking of having to use an LTL carrier.

16 Q I was going to ask you, does it move by regulated
17 carrier or your own truck?

18 A Presently?

19 Q Yes.

20 A Regulated carrier.

21 Q What carrier is hauling that for you now, do you
22 know?

23 A In terms of out of McKean?

24 Q Yes. Over to DuBois.

25 A Over to DuBois. They have used McQuaide going into

1 there.

2 Q Now, you have got another plant in Somerset you
3 said?

4 A That is correct.

5 Q Can you be more precise as to where that plant is
6 located in relationship to Somerset, what highway it is on?

7 A Route 601 north.

8 Q Is it in the immediate Somerset vicinity?

9 A Yes, it is.

10 Q Just a couple miles out?

11 A Yes, it is.

12 MR. GRAF: Is that east or west?

13 MR. LAVELLE: That is what I'm getting to.

14 BY MR. LAVELLE:

15 Q We looked at a map prior to your taking the stand
16 here, did we not?

17 A Yes.

18 Q And agreed that Route 601 is in that part of
19 Somerset County which is west of Highway 219?

20 A That is correct.

21 Q That being the case, if you look at that map that
22 you have in front of you, it places your Somerset plant to
23 the western side of the highway. You understand that?

24 A Yes.

25 Q So that this application would have an impact on

1 that plant with respect to shipments that would be moving
2 from the plant into the central third of the state.

3 A Yes.

4 Q You understand that?

5 A Yes.

6 Q Or to any point that is located actually on U. S.
7 Highway 219.

8 A Yes.

9 Q But you wouldn't be able to go, if this application
10 is granted, from that plant to Zelienople or vice versa, do
11 you understand that?

12 A Yes, sir.

13 Q With those qualifications then on your testimony,
14 does the Somerset plant ship to DuBois?

15 A Yes, they do.

16 Q With what frequency?

17 A Generally at least three times a week.

18 Q And unless you say otherwise, would the shipments
19 be in the 100 to 18,000 pound range?

20 A Yes, they could fall anywhere within that region,
21 you know, that area, again depending upon what the commodity
22 was.

23 Q How is that traffic from Somerset to DuBois being
24 handled today?

25 A At the present time, we try to arrange a meet with

1 DuBois with one of our company vehicles and we try to
2 arrange a meet half way and do a maneuver to get that
3 accomplished.

4 Q So, in other words, a private truck of your own
5 fleet leaves Somerset and goes half way up to DuBois?

6 A And they meet and transfer.

7 Q And they meet another company truck coming
8 southbound?

9 A And they meet another company truck coming
10 southbound.

11 MR. GRAF: Your company or the customer's?

12 THE WITNESS: Highway Equipment Company.

13 BY MR. LAVELLE:

14 Q That is your plant?

15 A Our other facility.

16 Q Is that truck taking material southbound toward the
17 Somerset plant?

18 A In some cases, yes.

19 Q How often does DuBois plant ship to the Somerset
20 area plant?

21 A Again, the same, it could be two or three times a
22 week it is moving.

23 Q And they affect some sort of interchange of
24 materials?

25 A Yes, sir. Yes, sir.

1 Q Does the DuBois plant ship anything back to the
2 McKean plant?

3 A On occasion. Not with any great frequency.

4 Q What does that mean in terms of shipments a month?

5 A In terms of volume?

6 Q Yes.

7 A Maybe two shipments a month.

8 Q And do you use a regulate carrier or private
9 carriage on that?

10 A Generally it has been again with McQuaide to Erie
11 County.

12 Q Okay. I believe that would cover then all of your
13 interplant operations, would it not?

14 A Yes.

15 Q Now, let's go to the other phase of your operation
16 and that is shipments that go from these plants out to
17 customers, and let's begin with the Zelienople plant.

18 Do you make shipments from Zelienople to points within
19 that central third of Pennsylvania to any customers, and if
20 so, where are they located?

21 A Well, we have some customers who are located in
22 State College, Pennsylvania, Bedford, Pennsylvania, we have
23 a Camp Hill facility.

24 MR. GRAF: What?

25 THE WITNESS: Camp Hill, Pennsylvania, which is over

1 in the eastern --

2 MR. GRAF: Yes. All right.

3 A Williamsport, Pennsylvania, we have some customers
4 in the Bellefonte area, Clearfield County and as well as the
5 Philipsburg area.

6 JUDGE PORTERFIELD: What is Bellefonte, Mr. Sines?

7 MR. GRAF: Center County.

8 THE WITNESS: Bellefonte is in Center County, yes.

9 JUDGE PORTERFIELD: Center County.

10 BY MR. LAVELLE:

11 Q All right. Now, the customer -- we are speaking
12 now of origins at the Zelienople plant.

13 A They would be leaving the Zelienople plant, going
14 to customers.

15 Q The customer that is in Camp Hill, that is just --
16 that is at the eastern extremity of this application area,
17 but west of U. S. Highway 15; is that correct?

18 A Yes.

19 Q Approximately how many shipments would you make to
20 that customer?

21 MR. GRAF: Bill, I don't think that is right. I think
22 15 goes right through it.

23 MR. LAVELLE: Well, is there a dispute as to whether
24 it is involved in the application?

25 MR. GRAF: Yes, there is, because part 2 of your

1 application says west of Highway Route 15. It doesn't say
2 on and west. I don't think Camp Hill would qualify, 15 goes
3 right through it.

4 MR. LAVELLE: I think it is, because we have already
5 got on and east. The Applicant already holds authority to
6 service interests on and east of Highway 15.

7 BY MR. LAVELLE:

8 Q Do you know, sir, of your own knowledge, where this
9 customer is located?

10 A No, I don't.

11 Q Is he located on -- in that part of Camp Hill that
12 is west of the highway?

13 A I don't know exactly for sure where the facility
14 is.

15 JUDGE PORTERFIELD: I don't imagine it is going to be
16 very extensive, anyway. It is either relevant or it is not
17 relevant. If its not extensive, its not going to make any
18 difference.

19 MR. LAVELLE: The only question I was going to ask, if
20 he knows, give us some idea as to the approximate volume of
21 traffic going into that point during any given period of
22 time, or the frequency of your shipments to that point.

23 A Maybe three shipments, four shipments a year.

24 Q Now, another point which falls into the same
25 category is your customer in Williamsport, inasmuch as U. S.

1 Highway 15 splits that city.

2 Do you know where that customer is physically located,
3 east, west or on the highway?

4 A To be exact, no, I couldn't swear to it, no.

5 MR. GRAF: Well, Bill, if it was on either side -- it
6 says points west of 15, doesn't it? And Williamsport is a
7 point on 15, so the Applicant could now serve it as a point
8 on 15.

9 JUDGE PORTERFIELD: That is an interesting
10 interpretation. Let's go off the record so I understand Mr.
11 Graf's question.

12 (Discussion off the record.)

13 JUDGE PORTERFIELD: Back on the record.

14 BY MR. LAVELLE:

15 Q Mr. Sines, you have indicated you are not quite
16 sure where the plant of your customer is located?

17 A No. That is correct.

18 Q Fine, sir. In order to have the record developed
19 here, can you indicate for us approximately how often you
20 ship from Zelienople to your Williamsport customer?

21 A About two times a month.

22 Q And what is the range of those shipments in terms
23 of weight?

24 A They are not, you know, that significant in terms
25 of weight, 1500 pounds.

1 Q I'm sorry?

2 A In that range, 1500.

3 Q 1500?

4 A Yes.

5 Q You have indicated earlier that your shipments can
6 be as low as maybe 100 pounds and can range up to maybe
7 18,000 pounds.

8 Is there some range to these customers that most of
9 the shipments would fall into, an average weight that is
10 fairly close?

11 What I'm trying to do is I can avoid asking you with
12 each customer is it close to 100 or is it close to 18,000.
13 If the shipment to Williamsport of 1500 pounds is fairly
14 typical to these customers, then we can agree on a weight
15 like that and save some time perhaps.

16 A That can be a typical weight. However, if you have
17 a set of tracks for like a dozer, they can weigh as much as
18 18,000 pounds. It is just depending upon what type of -- do
19 you understand what I'm saying? It depends on what the
20 commodity is.

21 Q Your customer in Bedford receives freight how often
22 from you?

23 A The customer over in Bedford, of course, there are
24 various customers within this area, I'm not saying --

25 Q That is one single customer?

1 A No.

2 Q When you said the Bedford area, are you talking
3 about the city of Bedford or the whole county? .

4 A Bedford County.

5 Q And approximately how many customers do you have in
6 that county?

7 A Now, you are asking me for a customer base.

8 Q Well, I mean, is it more than 25?

9 A At least 25.

10 Q In Bedford County?

11 A In Bedford County alone, yes.

12 Q Without going into each one of them, on a
13 collective basis, let's assume you have 25 customers.
14 Collectively, how frequently do you have freight moving from
15 Zelenople to Bedford County?

16 A Into the Bedford area, approximately three to four
17 times a week.

18 Q And the shipments again can range in weight up and
19 down the scale?

20 A Yes, sir.

21 Q At State College, when you mentioned that point,
22 were you talking about a customer, one or multiple
23 customers?

24 A Multiple customers again.

25 Q Is State College another way of saying Center

1 County, or are you more limited in your testimony; when you
2 say State College, you are talking about the immediate
3 vicinity?

4 A We are shipping into Center County as well.

5 Q Well, does -- what does State College mean to you;
6 how wide an area are you talking about?

7 A State College is a region within that area and
8 actually you can be within the parameter. Like the City of
9 Pittsburgh, we ship within the parameters of the city of
10 Pittsburgh, within a 20 mile radius of that.

11 Q All right. If we use a 20 mile radius of State
12 College, any estimate as to the number of customers you
13 have?

14 A Well, again, we do have as much as 15 or 20 within
15 that area.

16 Q And collectively, can you indicate for us how often
17 you have shipments going into that particular portion of
18 Center County?

19 A You are looking at out of Zelienople now we are
20 talking about?

21 Q Out of Zelienople only.

22 A Probably three a month, within that area out of
23 Zelienople.

24 Q Bellefonte is also in Center County. It would be
25 close to the 20 miles away.

1 MR. GRAF: It would be within ten miles.

2 MR. LAVELLE: Well, 15 to 20 miles.

3 BY MR. LAVELLE:

4 Q Were you including Bellefonte in your prior answer?

5 A Yes. It would be covered within the Center County
6 area I was discussing, State College, Bellefonte area.

7 Q Center County is a fairly large county beyond what
8 you have described as the State College, Bellefonte area, 20
9 mile radius of State College.

10 Do you have other customers in the outlying perimeter
11 of the county?

12 A Yes. Definitely we have them out there.

13 Q And you are shipping to those other customers
14 presently how frequently?

15 A In terms of motor freight shipments?

16 Q Yes. This is all motor freight shipments we are
17 talking about.

18 A Yes, I am aware of that. Out of Zelienople, to be
19 sure to give you a precise answer on that, without checking
20 some records, I can't really --

21 MR. GRAF: I didn't hear the last part.

22 A -- to give a precise answer on that, without
23 checking some records, I would be unable to give him a total
24 amount.

25 Q You mentioned two additional points, at least. One

1 was Philipsburg and then you also said Clearfield County
2 generally.

3 Philipsburg is right on the county line. I'm not sure
4 which county it is in.

5 MR. GRAF: Center, Center County.

6 MR. LAVELLE: Is it?

7 THE WITNESS: Yes.

8 BY MR. LAVELLE:

9 Q Philipsburg is right on the western boundary of
10 Center County and that is -- so that is one of the points
11 that would be included in that material that you are not
12 quite sure without checking records of what the volume would
13 be?

14 A Yes, sir.

15 Q Clearfield County then, on the whole, you have
16 customers in that county?

17 A Yes, sir.

18 Q Any estimate as to how many there might be that you
19 regularly ship to?

20 A Again, you are talking at least 20 or more.

21 Q And from Zelienople how frequently do you make
22 shipments to customers in Clearfield?

23 A Again, four or five times a month.

24 Q Is there any particular industry that you are
25 shipping to in Clearfield County?

1 A Generally within the mining industry, either coal
2 or limestone type operations. Road constructors there as
3 well.

4 Q And do those shipments range from very small to --

5 A Very small to it could be quite large again,
6 getting into the heavier weights.

7 Q I'm not sure, did you mention from Zelienople any
8 other destinations? Those are the ones that I was able to
9 take down as you were talking.

10 A No. That was it.

11 Q Now, does your Somerset plant have occasion to ship
12 into the central part of the state to customers, not your
13 interplant, but to customers?

14 A Yes, sir.

15 Q Would it be the same customers?

16 A As mentioned?

17 Q As we have already talked about.

18 A In some cases. Of course, there are others.

19 Q Do the Zelienople and Somerset plants produce
20 different products?

21 A We don't produce. We are sales.

22 Q Sales?

23 A Yes.

24 Q But do they sell different types of parts?

25 A Yes, same type of parts we do in Zelienople.

1 Q So there is an overlap of commodities?

2 A Yes.

3 Q What determines whether Zelianople ships or
4 Somerset ships?

5 A What happens in that situation is the order may be
6 placed upon Somerset, but Somerset may not have it. They
7 would back order it from Zelianople and we would, in turn,
8 ship from Zelianople direct to the customer. Is that what
9 you meant?

10 Q You are saying the order might be placed with
11 Somerset?

12 A The order would be placed with the Somerset
13 facility, since we are talking about Somerset, and say there
14 was an item that was back ordered out of Somerset. That
15 item we would have in stock, we would ship it from
16 Zelianople direct to the customer versus sending it to
17 Somerset and then letting them handle it.

18 Q When you use the term back order, what do you mean,
19 just so we are clear on the record?

20 A Say you have ten items and one or two of those
21 items, Somerset does not have and, in turn, Zelianople does
22 have.

23 Q So it is a part of inventory?

24 A Exactly.

25 Q But if Somerset has it in stock, it would go

1 directly out of that plant?

2 A Out of that plant, yes.

3 Q So a customer, to use an example, a customer
4 located in State College might place an order with
5 Zelienople and end up having it shipped from Somerset?

6 A That is quite possible, too.

7 Q Or it might place the order with Somerset and have
8 it shipped from Zelienople?

9 A That is quite possible.

10 Q Or it might go from the origin plant with which the
11 order is placed?

12 A That is quite possible as well.

13 Q And which plant is initially involved depends on
14 which plant the customer decides to call?

15 A Yes.

16 Q It is not like Somerset services a service area or
17 Zelienople services a customer base area?

18 A Somerset is in an area up there, but that customer
19 can call the home office in Zelienople, he can call
20 Somerset. It doesn't matter. He is the customer. It is
21 his choice as to whom he wants to contact.

22 Q Well then, aside from the back order situations
23 where your Somerset plant is out of material and it comes
24 out of Zelienople, to what extent does the Somerset plant
25 ship direct to customers in Bedford County; how frequently?

1 A How frequently does Somerset ship --

2 Q -- to Bedford County?

3 A They ship into Bedford County two, three times a
4 week.

5 Q And that is in addition to the Zelenople traffic
6 going into Bedford County?

7 A That's correct.

8 Q Does the Somerset plant take an order to ship to
9 Camp Hill?

10 A Somerset does get involved with the facility in
11 Camp Hill, yes, they do ship material over there.

12 Q With what frequency?

13 A Probably once every three months. Approximately
14 four times a year.

15 Q Does Somerset ship up into the --

16 MR. GRAF: Why don't you let him tell us where they
17 ship? I have been waiting to hear him say where they go.

18 MR. LAVELLE: I was going down the same list.

19 BY MR. LAVELLE:

20 Q But you can tell me where -- start with the
21 Somerset plant, we have covered Bedford, Camp Hill, Bedford
22 County, what other areas in the central part of the state
23 does the Somerset plant ship to?

24 A Holidaysburg, down to Berlin, again up to Altoona,
25 and occasionally gets off into State College.

1 Q Any other points?

2 A Not really, no.

3 Q What is the frequency with which it ships to
4 Holidaysburg?

5 A Holidaysburg would be approximately 15 times a
6 year.

7 MR. GRAF: Fifteen times per what?

8 THE WITNESS: Year.

9 MR. LAVELLE: Year.

10 MR. GRAF: Per year. All right.

11 BY MR. LAVELLE:

12 Q And is that a single customer, or more than one?

13 A The one that -- the particular one I'm thinking
14 about now is one customer.

15 Q How many customers would it have in the Berlin
16 area?

17 A In the Berlin area, there is approximately ten
18 customers within that Berlin and general Meyersdale area,
19 down in there.

20 Q What county is that you are talking about, do you
21 know?

22 A Berlin? I believe it is Somerset County.

23 Q And with what frequency does it ship into that
24 portion of Somerset County?

25 A Those are approximately twice a month.

1 Q How many customers are in what you referred to as
2 the Altoona area?

3 A There are several customers within that area.

4 Q And how frequently are shipments made from Somerset
5 to those customers?

6 A Approximately three times a week to various
7 customers.

8 Q When you refer to State College, does it have the
9 same geographical connotation that you referred to before?

10 A Yes.

11 Q And what frequency does Somerset ship to State
12 College?

13 A That would again be approximately once a month, or
14 12 times a year.

15 Q The DuBois plant that you have mentioned
16 previously, can you be more precise as to where it is
17 located?

18 A Route 219 north.

19 Q It is right on Route 219?

20 A Yes, sir. On the right-hand side of the road, if
21 that makes any difference.

22 JUDGE PORTERFIELD: In some cases it might.

23 BY MR. LAVELLE:

24 Q Right-hand side of the road as you are going north?

25 A As you are going north, correct.

1 Q That is still in Clearfield County?

2 A Yes.

3 Q It is close to the county line there?

4 A That is Clearfield County.

5 Q In Clearfield. Fine.

6 MR. GRAF: Now what is your interpretation, is it on
7 219 or not?

8 JUDGE PORTERFIELD: Mr. Graf, I told you, you make a
9 good argument.

10 MR. GRAF: Well, it is either in or out, for part of
11 his testimony.

12 JUDGE PORTERFIELD: If the property abuts 219, it is
13 on 219, notwithstanding that it is west of 219.

14 MR. GRAF: No, it would be east of 219. The
15 right-hand side going north, it would be east.

16 JUDGE PORTERFIELD: I stand corrected.

17 MR. GRAF: So part of his testimony would not be
18 applicable.

19 JUDGE PORTERFIELD: Only as the property is tangent to
20 the route it is on. To the extent that it is not tangent,
21 then it is either east or west of, and unless they have an
22 easement.

23 BY MR. LAVELLE:

24 Q We are talking here of shipments to customers.

25 A Okay.

1 Q Does the DuBois plant, to your knowledge, make
2 shipments to any customers located in Allegheny County?

3 A Not that I'm aware of.

4 Q Does it make shipments to points located in the
5 central third of the state?

6 A Again, we are talking Clearfield area, State
7 College area?

8 Q Right.

9 A Yes.

10 MR. GRAF: I object to any further testimony on that
11 point because then it would be between points in the central
12 area, which is not covered by this application.

13 MR. LAVELLE: And my position is going to be that that
14 plant is on Route 219 and under the second part of the
15 amended application, we are asking for authority from points
16 on and west of U. S. Highway 219 to points in that part of
17 the state located on and east of 219 and west of U. S. 15,
18 so that plant is on 219.

19 MR. GRAF: No. He said it was to the right of it as
20 you go north and it is, therefore, east of and it would be
21 -- anything going east would be between two points east of
22 219.

23 JUDGE PORTERFIELD: The point is well taken, Mr.
24 Graf.

25 MR. GRAF: You can't have it both ways. It is

1 obviously in or out.

2 MR. LAVELLE: The plant can't be on the highway?

3 JUDGE PORTERFIELD: He is saying the plant is on the
4 right of 219 going north, in which event it is east of 219.

5 MR. GRAF: And that would mean he is servicing between
6 two points east of 219 and west of 15. And, therefore, it
7 is not proper testimony.

8 MR. LAVELLE: This is the reverse of his argument
9 before, though.

10 MR. GRAF: No, it is not the reverse. He has
11 identified this one.

12 JUDGE PORTERFIELD: We don't know if they have any
13 property on the west at all, so what I think we have to do
14 is we have to get somebody -- and perhaps the Applicant's
15 operating witness can -- he is here today -- offer at a
16 later date, offer testimony subject to check or whatever,
17 regarding the precise location of these plants.

18 But to keep things moving, let's put the testimony on
19 the record and if it is -- Mr. Graf, you can certainly
20 cross-examine --

21 MR. GRAF: I wonder if we can't locate this plant a
22 little more precisely, then we wouldn't have to have a lot
23 of unnecessary testimony. For instance, is it in DuBois or
24 is it in a point somewhere north of DuBois, some named
25 point?

1 JUDGE PORTERFIELD: Mr. Sines, is there someone you
2 could call to ascertain whether or not the company at that
3 facility has property west of -- I hope it doesn't have
4 property on -- but at least west of 219? Is there somebody
5 there you could easily call?

6 THE WITNESS: Sure.

7 JUDGE PORTERFIELD: Would that satisfy you?

8 MR. GRAF: In other words, is it really in DuBois or
9 is it in the township somewhere or where is it?

10 JUDGE PORTERFIELD: Certainly this is testimony in
11 support of the application. If that is necessary, let's do
12 it.

13 MR. LAVELLE: Can I ask a question here?

14 BY MR. LAVELLE:

15 Q Are you familiar with the, personally --

16 A The location in DuBois?

17 Q Yes.

18 A I am.

19 Q You have identified it as being on 219 north of
20 DuBois. Do you know --

21 A Interstate 80 and the Holiday Inn is right at that
22 vicinity there in DuBois, and as you go north on 219, we are
23 approximately a mile, mile and a quarter on the right-hand
24 side.

25 Q Are you this side of Interstate 80, or north --

1 A No, we are just north of Interstate 80.

2 MR. GRAF: So he isn't in DuBois then.

3 BY MR. LAVELLE:

4 Q So, DuBois is a reference that you use for the
5 biggest town?

6 A That is our address in DuBois.

7 JUDGE PORTERFIELD: That is our local commercial
8 zone.

9 BY MR. LAVELLE:

10 Q But from the actual city of DuBois, it could be
11 three miles or so, according to the map -- I'm looking at a
12 highway map -- it could be three miles north?

13 A I would say two miles maybe from the town of DuBois
14 up to it.

15 Q All right. Now, regardless of the distance there,
16 does your company's property abut U. S. Highway 219?

17 A Yes, it does.

18 Q Do you know whether or not that property extends
19 across to the other side?

20 A That I have no idea.

21 JUDGE PORTERFIELD: Is there anything over there, Mr.
22 Sines?

23 THE WITNESS: Across the road?

24 JUDGE PORTERFIELD: Yes.

25 THE WITNESS: Not presently.

1 BY MR. LAVELLE:

2 Q So your plant facility is on the right-hand side
3 going north?

4 A Yes.

5 Q You drive off the highway directly onto your
6 company's property?

7 A That is correct.

8 Q Okay.

9 MR. LAVELLE: Are we going to be able to take the
10 testimony both ways?

11 MR. GRAF: I object to it. It is not within the
12 scope.

13 MR. LAVELLE: Regardless of where the plant is
14 located, just so we are clear, my position is that the
15 application asks for authority to operate -- I'm looking at
16 part 2 of the application --

17 JUDGE PORTERFIELD: Okay.

18 MR. LAVELLE: -- from points in that part of
19 Pennsylvania on -- that is the operative word, as far as I'm
20 concerned -- on U. S. Highway Route 219.

21 MR. GRAF: And west of.

22 MR. LAVELLE: Sure, west of takes it all the way to
23 the Ohio line. This happens to be a --

24 JUDGE PORTERFIELD: The on has to have significance.
25 That is a conjunctive word.

1 MR. GRAF: Yes, it does.

2 JUDGE PORTERFIELD: It is a good argument. We have to
3 take the testimony and maybe this can be argued on brief or
4 something. I think if the plant abuts from the east, that
5 to my mind is still on 219.

6 You make some good arguments, Mr. Graf, but I think we
7 have to take a more liberal --

8 MR. GRAF: Let's look at the second part of it.

9 MR. LAVELLE: I didn't get to the second part.

10 JUDGE PORTERFIELD: And west.

11 MR. LAVELLE: And west.

12 MR. GRAF: Of 15.

13 MR. LAVELLE: Wait. You are jumping ahead of us. It
14 says the origin point -- looking at it from the beginning --
15 is from points on and west of U. S. Highway Route 219 to
16 points in that part of the state located on and east of
17 U. S. Highway Route 219 and west of U. S. Highway Route 15.

18 MR. GRAF: So it can't be both on and west and on and
19 east. That is my point.

20 MR. LAVELLE: It certainly can. That is exactly the
21 point that I'm making in this case.

22 JUDGE PORTERFIELD: Let's go off the record.

23 (Discussion off the record.)

24 MR. LAVELLE: There are three situations here. If the
25 point is -- let's take a case where it is not abutting a

1 highway. If the point is clearly one mile to the east of
2 U. S. Highway 219, then I would say it is not on the route.
3 Therefore, as far as this application is concerned, the
4 important testimony would be to and from points west of the
5 line or on and west of the line.

6 If it is located one mile to the west of U. S. 219,
7 then the pertinent testimony would be to and from points on
8 and east.

9 The third situation is that plant that is located
10 actually on the dividing highway, either U. S. 219 in the
11 west or U. S. 15 in the east.

12 JUDGE PORTERFIELD: Whether it is sitting on the east
13 or the west of the highway, as long as it abuts.

14 MR. LAVELLE: We are asking for authority to go --
15 there are three situations -- to another point on the same
16 highway, to any point east of that highway, within the
17 confines of the application, and to any point west of that.

18 JUDGE PORTERFIELD: He does want it both ways.

19 MR. GRAF: Yes, he does want it both ways.

20 MR. LAVELLE: That is the way it is worded. That is
21 the way it is worded.

22 JUDGE PORTERFIELD: I understand. I think we have to
23 accept the testimony, Mr. Graf, and sort it out on briefs,
24 because I agree that when you say on, whether the shipper is
25 situate on the right of the highway or the left of the

1 highway, physically, it is still on the highway. That would
2 be my initial thought, anyway.

3 So let's accept the testimony and then sort it out
4 later as to what would be the best construction of the --

5 MR. GRAF: Going back to Williamsport and Camp Hill,
6 the other argument was employed when he was trying to find
7 out which side of the highway it was on in Camp Hill and
8 Williamsport. Now, come on. It is not an incorporated
9 community. It is north of the city and the city may be on
10 that point, but when the plant is out, two miles out in the
11 county on the right side of the highway, that plant is not
12 on the route.

13 JUDGE PORTERFIELD: See, I think, without giving it
14 more thought, my initial impression is that it is on the
15 route if it abuts from the -- if it abuts from the east and
16 the authority is on and west of. My impression is that it
17 is still covered, because it is on, notwithstanding that it
18 abuts from the east.

19 MR. LAVELLE: Otherwise the word on loses
20 significance.

21 JUDGE PORTERFIELD: It doesn't mean anything, because
22 we know there are no shippers literally on the highway.

23 MR. GRAF: But there are communities on the highway,
24 and I think that is when it was determined where you have a
25 situation of the route going through a city.

1 JUDGE PORTERFIELD: It is a fascinating issue and we
2 are counting angels on the head of a pin. I would say
3 accept the testimony and let's sort it out on briefs.

4 BY MR. LAVELLE:

5 Q You have explained where your DuBois plant is
6 physically located. Do you have customers served from that
7 DuBois plant located in the central third of the state?

8 A Yes, we do.

9 Q Would you be kind enough to tell us where they are
10 and approximately the volume of traffic that you have going
11 to them.

12 A Okay. Out of the DuBois facility you would have
13 people in Clearfield, Pennsylvania, again in State College,
14 Pennsylvania, in the Philipsburg area, Bellefonte area and
15 without getting a map and looking at the towns and areas
16 around there, I cannot give you any other specific names,
17 not having a customer base out of DuBois on my mind at the
18 present time.

19 Q Do you know with what frequency shipments are made
20 to Clearfield County customers?

21 A To those customers?

22 Q Yes. Out of DuBois.

23 A Again, I would only be hypothetically saying. Two
24 or three times a week.

25 Q What about to the State College area?

1 A State College area, again we are looking at
2 approximately two or three times a week.

3 Q Does that include Bellefonte again; did you put
4 that in with State College?

5 A Yes, within the -- Bellefonte and State College we
6 said was in the parameters of the State College area.

7 Q And to Philipsburg, which is on the -- beyond that
8 20 mile radius, I believe, what --

9 A Yes.

10 Q -- what frequency of shipments would be there?

11 A Approximately once a month.

12 Q Now, still using the DuBois plant as an origin,
13 does it ship to customers that are located on or west of
14 U. S. Highway 219?

15 A Yes.

16 Q And where are those customers located?

17 A Again, they are down within our area, Westmoreland
18 County, shipped into that area.

19 Q What industry is served, do you know?

20 A Again, it is the mining industry.

21 MR. GRAF: The what?

22 THE WITNESS: Mining industry.

23 BY MR. LAVELLE:

24 Q And how frequently are shipments made there?

25 A That is very infrequent, once every couple months

1 we have a shipment going out of DuBois like that.

2 Q Are there any other customers located west of 219?

3 A That DuBois may ship to?

4 Q Yes.

5 A I'm sure that if I would check records, I could
6 find other customers, yes.

7 Q You are not prepared today to identify them?

8 A No.

9 Q Does the McKean plant have occasion to ship to
10 customers in that central third of the state?

11 A Not as a rule.

12 Q How is the traffic being moved today between your
13 plants?

14 A We are speaking between --

15 Q Your own plants. You have indicated the DuBois --

16 A Which locations?

17 Q Well, maybe you covered this already, but you
18 indicated DuBois, Somerset have the interchange arrangement?

19 A That is correct.

20 Q I think you said Zelienople to DuBois is a private
21 carriage?

22 A That is correct.

23 Q How about Zelienople Somerset?

24 A Zelienople Somerset, again is private carriage.

25 Q Both directions?

- 1 A Yes.
- 2 Q And McKean to DuBois is by regulated carrier?
- 3 A Yes.
- 4 Q McQuaide you said?
- 5 A Yes.
- 6 Q The other shipments that move from your plants to
7 customers, not your own plants, does that move in private
8 carriage?
- 9 A To customers?
- 10 Q Do you deliver with your own trucks to these
11 customers?
- 12 A Not as a rule.
- 13 Q Do they come in and pickup the material?
- 14 A Yes, in some cases.
- 15 Q What part of that would be general customer pickup;
16 is there a general rule or does it vary from area to area?
- 17 A It varies from area to area.
- 18 Q Are there regular carriers that you call for that
19 service as well?
- 20 A Going into?
- 21 Q For example, from Zelienople to any of these
22 central Pennsylvania customer locations, do you use any
23 regulated carriers on that?
- 24 A We do at times.
- 25 Q Who would they be?

1 A We have used Pitt-Ohio Express, we have used PJAX,
2 we have used McQuaide, and at different times we have used
3 Ward.

4 Q Do you use McQuaide to any extent other than that
5 McKean DuBois move?

6 A No.

7 Q Is that the one where you rely on that company?

8 A Primarily, yes.

9 Q How about Ward Trucking, what area, if there is a
10 general area that you use them in?

11 A That is very infrequent that I even use Ward to
12 those areas.

13 MR. GRAF: I can't hear you.

14 THE WITNESS: It is very infrequent that I use Ward
15 going into the area he is talking about.

16 MR. GRAF: From Zelienople?

17 THE WITNESS: That is correct.

18 MR. GRAF: To your customers?

19 THE WITNESS: That is correct.

20 MR. GRAF: You do use them, but it is infrequent?

21 THE WITNESS: Yes.

22 BY MR. LAVELLE:

23 Q Do you use Ward from the Somerset plant?

24 A Not as a rule.

25 Q From the DuBois plant?

1 A DuBois? Some.

2 MR. GRAF: Yes or no?

3 THE WITNESS: Yes.

4 BY MR. LAVELLE:

5 Q To the customers that you referred to?

6 A Yes. Again, it is an infrequent basis, but they
7 are used.

8 Q Why is it infrequent?

9 A Customers come in and pickup a lot of parts.

10 Q What type of service do you require from a motor
11 carrier when it handles your freight; are there any general
12 standards that apply to all the plants?

13 A Service is first.

14 Q And what type of service do you need?

15 A It is next day service.

16 Q Why?

17 A My customers are generally in need of this and they
18 have expensive equipment there and they require these parts
19 to get their machinery running again.

20 Q When you are shipping to a mining facility, is that
21 -- I mean, are we talking about a strip mine or a deep mine?

22 A Yes, sir.

23 Q So are these job site deliveries?

24 A Yes, sir.

25 Q They have to go on the site of the operation?

1 A Or within an area within the parameters of that job
2 site to deliver.

3 Q What kind of trailer equipment do you ship -- do
4 you use on these shipments?

5 A Generally it is box or flat, depending again what
6 the commodity is.

7 Q When you say a box, are you talking about a closed
8 van?

9 A Closed van, yes, sir.

10 Q Do you have customers from which the Zelienople
11 plant ships located in the eastern part of Pennsylvania, the
12 eastern third, or is that beyond your market area?

13 A The eastern third?

14 Q Yes.

15 A We, you know, we have people we ship to over there
16 in eastern Pennsylvania, yes.

17 Q And does Pitt-Ohio participate in any of that
18 traffic?

19 A We certainly try to use Pitt-Ohio if we are going
20 over there, yes.

21 Q Do you have any customers located beyond the state
22 of Pennsylvania?

23 A Yes, we do.

24 Q Do you use Pitt-Ohio on those shipments, interstate
25 shipments?

1 A Sometimes. A lot of that interstate traffic is
2 inbound.

3 Q So your customer base is not in Ohio?

4 A We have a customer base in the eastern counties of
5 Ohio, yes.

6 Q Does Pitt-Ohio handle any of that traffic for you?

7 A Not presently.

8 Q With what frequency does Pitt-Ohio pickup or
9 deliver freight for you today in your Zelianople plant?

10 A Approximately five times a week.

11 Q Generally how have you found its service to be
12 where you are using it?

13 A Excellent.

14 Q If the application here were to be approved by the
15 Commission, would you use Pitt-Ohio's service out of your
16 various plants to your customers in either the western or
17 central portion of the state?

18 A We certainly would.

19 Q Would they participate in the interplant moves to
20 any extent?

21 A That would be a definite consideration. We have
22 done that with other facilities and we would definitely look
23 at something like that.

24 Q Why would you do that?

25 A Cut costs.

1 Q By eliminating your own fleet?

2 A By eliminating my own fleet, correct.

3 MR. LAVELLE: Thank you, sir. I have no other
4 questions of Mr. Sines.

5 JUDGE PORTERFIELD: Mr. Graf, do you have any
6 objection to -- do you have much cross examination?

7 MR. GRAF: I can't tell how long it will be, really.

8 JUDGE PORTERFIELD: Let's take a five, six, seven
9 minute break before cross and then we can decide what we are
10 going to do.

11 You have another witness in the hearing room, Mr.
12 Lavelle?

13 MR. LAVELLE: Yes.

14 JUDGE PORTERFIELD: Maybe we will just push on.

15 (Thereupon, a recess was taken).

16 JUDGE PORTERFIELD: Back on the record. Mr. Graf, are
17 you ready to cross-examine Mr. Sines?

18 MR. GRAF: Yes, I am. Thank you.

19 CROSS-EXAMINATION

20 BY MR. GRAF:

21 Q Let's start, Mr. Sines, with some understanding as
22 to these four plants you mentioned. Which is the considered
23 the home office?

24 A Zelianople.

25 Q And is that where you are based?

1 A Yes, it is.

2 Q Now, where do your orders generally come in, to
3 Zelenople?

4 A They can come into any one of the facilities.

5 Q Any one of the plants?

6 A Yes, sir.

7 Q Are the plants in any way designed or shipping
8 points designed to cover a specific area?

9 A I don't quite understand what you are --

10 Q Well, for instance, does the McKean plant in Erie
11 County have a definite area that they would normally cover?

12 A You are talking in terms of service to the area?

13 Q Yes. Yes.

14 A Yes.

15 Q And what area does McKean cover?

16 A McKean covers the northern area, from approximately
17 the Swamps -- I can't think of the name of the town --
18 Meadville, Meadville area north up into Erie, over to the
19 east toward Warren, over in that area.

20 Q Well, look at your map and tell me what counties
21 normally McKean covers.

22 A Okay. McKean would be up in Erie County, Crawford
23 County, cuts across into -- what is that -- Warren County.

24 Q Warren.

25 A And on over into McKean, McKean County, just the

1 western portion of that right there with the black markings
2 up through there, right across that area there. Actually,
3 Warren, those three are the basic counties and they touch
4 into just the very western portion of McKean County.

5 Q Do they cover any of Forest County?

6 A Forest?

7 Q Or Venango?

8 A No. No.

9 Q Well, what basic area does the DuBois location
10 cover?

11 A DuBois again covers the northern area up in Potter
12 County, going across that way over into the Williamsport
13 area.

14 Q That would be part of Lycoming?

15 A What is that?

16 Q Part of Lycoming?

17 A Yes. Tioga, over that way.

18 Q Cameron; does it cover Cameron County, or Clinton?

19 A Cameron -- give me a town within that area and I
20 will tell you if there is --

21 JUDGE PORTERFIELD: Off the record.

22 (Discussion off the Record.)

23 JUDGE PORTERFIELD: Go ahead, Mr. Graf.

24 BY MR. GRAF:

25 Q On Cameron you wanted a county, I don't have a

1 highway map here.

2 MR. LAVELLE: I have a highway map. Do you object to
3 him seeing that?

4 MR. GRAF: No. No. Sure. Go ahead. I just want to
5 get a rough idea.

6 A Where is this county?

7 Q Emporium is a point in Cameron County, I believe.
8 Does that help you?

9 A Emporium. I am having a tough time seeing this
10 map.

11 MR. LAVELLE: Do you mind if I help him?

12 MR. GRAF: Go ahead.

13 MR. LAVELLE: I mean, at least to show him where the
14 point is.

15 MR. GRAF: Yes.

16 A That would definitely be DuBois. Yes, Emporium
17 would be DuBois.

18 Q So that would be Cameron County?

19 A Yes. It would definitely be their jurisdiction up
20 there, yes.

21 Q Have you basically covered that, as far as you have
22 gone; have you covered DuBois' territory, basically, or is
23 there more of it?

24 A No, that is basically it. DuBois north to the New
25 York state line and east over to the Williamsport area, east

1 and coming back down.

2 Q Refer to your black lines.

3 A Black lines on this map here?

4 Q Yes. Would it be within that area north of DuBois
5 that you cover?

6 A And over east of DuBois as well.

7 Q That would be Centre County?

8 A Centre County. That is correct.

9 Q All right. Okay. Now, Somerset, what area does it
10 basically cover?

11 A Somerset has the Somerset County area, you go over
12 naturally down to the state line, all of those counties
13 across there and it goes over approximately to Carlisle
14 again, over to Bedford, through that area.

15 Q Between the black lines basically would be
16 Somerset, Bedford, Fulton, Franklin, Cumberland Counties?

17 A That is correct. Juniata County.

18 Q Juniata, do you go up that far, Perry, Snyder?

19 A Well, Snyder County, again, you would be getting
20 into some of DuBois' jurisdiction there.

21 Q All right. And Zelienople, does it cover basically
22 points west of the black and yellow line which is 219; is
23 that --

24 A Yes, that is Zelienople. Yes. As far as the
25 service area for the company.

1 Q Yes.

2 A Yes.

3 Q Now, you mentioned, I believe, that your between
4 movement was the exception, of McKean and DuBois, was
5 private carriage and DuBois McKean was McQuaide.

6 A Sometimes going motor freight, yes, it goes
7 McQuaide.

8 Q Let's go to the customers. Out of Zelienople, what
9 carrier is serving the State College area, as you have
10 defined it, or is that private carriage?

11 A Out of Zelienople?

12 Q Yes.

13 A Again, that would be Pitt-Ohio.

14 Q Pitt-Ohio. And that would include, as you stated,
15 State College and 20 miles, and Bellefonte would be included
16 in that?

17 A That is correct.

18 Q Who is handling Bedford County for customers?

19 A Bedford County out of Zelienople again?

20 Q Yes.

21 A Has been Pitt-Ohio, has been McQuaide.

22 Q Okay. And Camp Hill, those three or four per year,
23 who have been handling those?

24 A Those Camp Hill shipments generally go out via
25 Pitt-Ohio Express when I can use them. Again, McQuaide.

1 Q All right. Anybody else?

2 A I have not used Ward's over that way.

3 Q And from Zelienople to Williamsport, two a month,
4 who is generally handling that?

5 A Zelienople to Williamsport again is McQuaide.

6 Q Anybody else?

7 A No.

8 Q Clearfield County area, who has been handling that?

9 A That would be Pitt-Ohio and McQuaide.

10 Q And Philipsburg, you said you weren't sure where
11 the points where or who was doing them, as I recall; is that
12 correct?

13 A No, I'm not sure of the points within that area.
14 You were talking customer base, I think, at the time.

15 Q Oh. Well, who is handling Philipsburg?

16 A That again would be the same situation as the
17 prior, Pitt-Ohio.

18 Q Pitt-Ohio and McQuaide?

19 A And McQuaide.

20 Q And who would be handling Centre County that is not
21 in the State College, Bellefonte area?

22 A Again, it would be the same.

23 Q Pitt-Ohio?

24 A And --

25 Q And McQuaide?

- 1 A And Ward's has gone up into there.
- 2 Q Did McQuaide also service Philipsburg, I forgot?
- 3 A Yes, they serviced it.
- 4 Q Now, from Somerset, who is now handling your
5 customers in Bedford County?
- 6 A Bedford County is generally serviced with McQuaide
7 out of Somerset right now.
- 8 Q And from Somerset to your customers in Camp Hill?
- 9 A Again, same situation, McQuaide.
- 10 Q McQuaide. And from Somerset to Holidaysburg?
- 11 A Same situation.
- 12 Q McQuaide?
- 13 A Yes, sir.
- 14 Q And Berlin in Somerset County, who is handling
15 that, from Somerset?
- 16 A That is again McQuaide.
- 17 Q And the Altoona area?
- 18 A That would be Ward.
- 19 Q And the -- I think you said Berlin covered
20 Meyersdale also?
- 21 A We have customers in Meyersdale.
- 22 Q Would that be McQuaide also?
- 23 A That would be McQuaide as well.
- 24 Q And State College?
- 25 A State College, this is again out of Zelienople?

1 Q No. No. Out of Somerset.

2 A State College again is Ward's.

3 Q Ward. Okay. Now, from DuBois to your customer in
4 let's say Clearfield County, east of 219, who is handling
5 that?

6 A East of 219?

7 Q Yes.

8 A That would be Ward's.

9 Q And from also east of 219, State College Bellefonte
10 out of DuBois?

11 A Bellefonte area?

12 Q Yes.

13 A That, you know, they use again Ward's out of there,
14 they have used McQuaide over the years.

15 Q All right. That would be to both State College and
16 Bellefonte?

17 A That is correct.

18 Q And Philipsburg from DuBois?

19 A Likewise.

20 Q Ward and McQuaide; right?

21 A Yes.

22 Q Now, to points west of 219, Westmoreland County,
23 who is handling that from DuBois, customer locations?

24 A That's being handled by -- again, you're talking --

25 Q Customers.

1 A Right. To the customer from DuBois?

2 Q Yes.

3 A You are talking shipping down in that area with
4 McQuaide.

5 Q All right.

6 A You are talking coming out of there as well with
7 Ward's.

8 Q All right. Anybody else?

9 A Not that I can --

10 Q Not that you can recall?

11 A Not that I can recall.

12 Q And I think you did say nothing as a rule was going
13 to customers from McKean in the area --

14 A That is correct.

15 Q -- marked -- that we are talking about?

16 A That is generally intercorporate moves.

17 Q All right. Okay. That would be private carriage,
18 if anything, right?

19 A Private carriage -- are you talking between McKean
20 and DuBois?

21 Q Yes.

22 A It would be a McQuaide type of move, is who we
23 would be using in that.

24 Q Okay. Now, how long have you been using McQuaide
25 and Ward for some of this traffic?

1 A Been using McQuaide and Ward over the years --
2 well, I have been sitting in the position I'm in, working
3 with traffic, since 1981 and it has been at least that long
4 and I know we were using them prior to that.

5 Q And you are familiar with the fact that both of
6 them can serve you state-wide?

7 A Yes, I am.

8 Q Have you ever called on Evans Delivery Service at
9 all?

10 A No, sir.

11 Q They never called on you either, I guess?

12 A That is exactly right, sir.

13 Q Okay. I want to get both ends in. And you don't
14 know where they go?

15 A I do not, sir.

16 Q Do both McQuaide and Ward give you copies of their
17 tariffs?

18 A Yes.

19 Q And have you used McQuaide and Ward to other
20 points, such as interstate points?

21 A In terms of shipping out or receiving material?

22 Q Either.

23 A Either? Yes, I have.

24 Q And have you used McQuaide and Ward to points east
25 of 15, the eastern part of the state?

1 A That, you know, I can't say we have definitely,
2 without checking records and what have you.

3 Q And have you used them for job site deliveries,
4 McQuaide and Ward?

5 A We have used them to our customers, yes.

6 Q And that could be job site?

7 A That could be job site, it could be their home
8 office, it could be --

9 Q Okay.

10 MR. GRAF: Thank you. That is all I have.

11 JUDGE PORTERFIELD: Any redirect, Mr. Lavelle.

12 MR. LAVELLE: No, I have no redirect for Mr. Sines.

13 JUDGE PORTERFIELD: Thank you, Mr. Sines.

14 MR. LAVELLE: Shall we?

15 JUDGE PORTERFIELD: Yes.

16 JIM FEUCHT, called as a witness, having been duly
17 sworn, was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. LAVELLE:

20 Q Please give the reporter your name and your
21 business address.

22 A Jim Feucht, 1501 Beaver Avenue, Pittsburgh.
23 F-e-u-c-h-t.

24 Q But you pronounce it Feucht.

25 MR. GRAF: In German that means damp.

1 THE WITNESS: Not quite -- yes.

2 BY MR. LAVELLE:

3 Q What company are you representing, sir?

4 A Pittsburgh Mack Sales and Service.

5 Q What is your position with the company?

6 A Owner.

7 Q And how long have you owned it?

8 A Three years.

9 Q As the owner, do you also get involved in the
10 transportation matters of the company?

11 A I oversee any expenses that are involved with the
12 business, basically, yes, I do.

13 Q Are you aware of the carriers that are presently
14 being used or have been used in the past?

15 A Yes.

16 Q Do you make the selection of the carrier or have
17 input?

18 A I don't make the selection myself. I have managers
19 that do that, but we -- I look at it in great detail.

20 Q I mean on a day-to-day basis you don't make the
21 selection?

22 A Right.

23 Q But as a general rule, what carriers are to be
24 used, you give instructions along those lines?

25 A That is correct.

1 Q What is the specific business that you conduct?

2 A We sell, service Mack trucks, Nissan trucks, we
3 service them and we also sell parts for them and we also do
4 used trucks, we have a good business in used trucks.

5 Q Does your clientele base -- is it located in
6 Allegheny County or does it go beyond that?

7 A It is solely Allegheny County. It is right across
8 the river here.

9 Q That is where you are located?

10 A Yes. That is our main base, only base.

11 Q Now, do you have shipments of merchandise, items
12 coming into your sales outlet here?

13 A Yes, I do.

14 Q Do you make shipments outbound?

15 A Yes, I do.

16 Q What do the inbound shipments consist of?

17 A Parts, new parts that would go on a Mack. It could
18 be internal engine parts, cab parts, anything that has to do
19 with -- dealing with a Mack truck, and also Nissan.

20 Q Do those parts come from any points within the
21 scope of this application? And since you are located in
22 Allegheny County, you are familiar with the fact that this
23 involves just a limited number of counties in just the
24 center part of the state.

25 A Bedford, there is a Mack deliver there, and also

1 Altoona, that we get parts from.

2 Q These people are in the same type of business you
3 are?

4 A Yes, they are a similar Mack dealership. They
5 have, I guess, a little more money than I do, because they
6 have more parts, but I look to use their source, also.

7 Q When you have shipments of parts coming in from
8 them, which dealership makes the selection of the carrier,
9 yourself as the receiver?

10 A Yes.

11 Q Because it is your merchandise coming in; is that
12 the way you do it?

13 A Yes.

14 Q How frequently would you have shipments coming in
15 from the Bedford dealership?

16 A Three, four, five a month. It all depends on how
17 the business runs. Our business, service business, it is
18 very vital having the part available. So if we have a very
19 big month and a lot of trucks are down, we may use them more
20 than another month.

21 The winter months dictate more damage than say a
22 summer month would, so your service business goes and
23 increases accordingly.

24 Q How about from the Altoona dealership that you have
25 a connection with, the same situation apply there?

1 A Basically the same, yes.

2 Q Roughly the same volume of traffic, three to four
3 per month?

4 A That is correct. Yes. But it may jump. Like I
5 say, you try to do an average, but business kind of dictates
6 that.

7 Q The shipments that you get inbound from either of
8 these two locations, what is the range and the size of the
9 shipment weight-wise?

10 A Weight, probably 100 pounds, 150 pounds, up to 2500
11 pounds.

12 Q The smaller parts or shipments would be what type
13 of item?

14 A Liner kits, cylinder liners to just various engine
15 parts.

16 Q And the larger ones, the 2500 pound shipment, would
17 be what?

18 A An engine block, a transmission case, rear end
19 housing, maybe a set of frame rails, cab, possibly.

20 Q What type of motor vehicle trailer is required to
21 transport these shipments?

22 A I would imagine just a regular van trailer.

23 Q It could all move on a van trailer?

24 A Yes. Yes. It is nothing -- a monstrosity to the
25 point where you would have to have something else.

1 Q When you get the shipments in from these -- from
2 the dealerships, what kind of service are you looking for
3 from the carrier that handles this?

4 A I would like to see same day, if it is possible.
5 You know, we are in a position where we can buy some time
6 and we look for next day service. Naturally, the quicker
7 the better.

8 Q Now, do you make shipments of parts or other types
9 of materials outbound from your Pittsburgh facility?

10 A Yes.

11 Q To what kinds of customers do you make the
12 shipments?

13 A We have -- the kind of customers? Refuse accounts,
14 we have certain accounts throughout all of Pennsylvania and
15 we -- they are predominately Pittsburgh based companies that
16 have expanded their locations and we ship parts to them in
17 their locations there.

18 Q Now, within this central Pennsylvania area, the
19 counties that are involved, Clearfield, Blair, Huntingdon,
20 Bedford, Cambria, Somerset, do you have any of these
21 customers in that area?

22 A Yes.

23 Q Where are they located?

24 A Around the State College area.

25 Q Okay. That is in Centre County.

1 A Is that in Centre?

2 Q Yes. You are looking at a map that was -- the red
3 outlined counties are the ones we are concerned with here.

4 A Around Bedford we do have an account there that we
5 do service with parts.

6 Q Do you select the carrier on shipments going out
7 there?

8 A Yes. Yes.

9 Q What kind of customer is that? Not the name, but
10 what business is that customer in?

11 A He is in the refuse business.

12 Q The parts are used what, on his vehicles?

13 A Right. He has his own maintenance, his own
14 maintenance garage. We wouldn't normally bring it in to
15 Pittsburgh, the geography being such.

16 Q How many shipments do you estimate you make to that
17 customer in Bedford in a month or a year?

18 A Five, maybe five to ten a month, possibly.

19 Q Do you have any customers in any of these other
20 counties, Clearfield or Blair or Huntingdon?

21 A In the Clearfield area I believe we do have some.
22 Am I required to give the customer name?

23 Q No, you don't have to give the specific customer
24 name.

25 A Yes, there are some.

1 Q You have customers there?

2 A Yes.

3 Q What volume or frequency of shipments do you have
4 going up into that county?

5 A Basically the same. I see it growing in the future
6 because of a certain amount of accounts that we have that
7 are expanding their operations.

8 So, for the present, it is pretty much of a stable
9 amount, but I foresee growth.

10 Q Looking at that same geographical area there, do
11 you have customers in any of the other counties?

12 A No, I don't believe so.

13 Q How are those shipments being transported today,
14 either the -- well, let's start with the inbound. From your
15 Altoona and Bedford dealerships that you deal with, who is
16 hauling that today?

17 A We use Pitt-Ohio, we use Overnight, we just PJAX, I
18 believe.

19 Q Is any one of those given preference today, or is
20 it pretty evenly split?

21 A I think Pitt-Ohio probably has a good portion of
22 that.

23 MR. GRAF: Is that from both points or just Bedford?

24 THE WITNESS: Bedford, yes. From Bedford.

25 BY MR. LAVELLE:

1 Q That is from Bedford?

2 A And Altoona, too.

3 Q Would the same three carriers be from Altoona?

4 A Yes.

5 Q In the same, fairly evenly split with maybe
6 Pitt-Ohio --

7 A I would say Pitt-Ohio having maybe a higher
8 percentage.

9 Q Going the other direction, your Allegheny County to
10 Bedford customer, what carrier is transporting that?

11 A Pitt-Ohio. We use Pitt-Ohio. Pitt-Ohio again
12 having the majority, Overnight, PJAX.

13 Q And what about to the Clearfield customer?

14 A Basically the same as I described.

15 Q Do you use Pitt-Ohio in any other portions of
16 Pennsylvania today?

17 A Yes.

18 Q Where would they be?

19 A Basically all over. You know, we go -- we have
20 shipments going west into Ohio, we use Pitt-Ohio. Shipments
21 going east, Philadelphia, what have you, Allentown. There
22 is a rebuild plant on the other side of Harrisburg that we
23 ship a lot of engines to. Pitt-Ohio is a big part of the
24 business.

25 Q Do they handle anything in the western part of the

1 state for local service?

2 A Yes. Yes.

3 Q Have you -- how would you describe their service
4 for us?

5 A Excellent.

6 Q If this application is granted, will they receive
7 additional freight that may now be transported by PJAX or
8 some other carrier, Overnight?

9 A Yes, I believe so.

10 Q Why would you make the shift?

11 A Just service. My business is such that time is a
12 very big factor. Like I mentioned before, I don't have the
13 luxury of having a high parts inventory because that costs
14 money and I'm not about to put -- double my parts inventory
15 if someone else has the part and I can get it the same day
16 or overnight, so I will let someone else have the burden on
17 that.

18 Q Have you ever used Ward Trucking Company?

19 A No, not at all. Not that I know of.

20 Q Have they ever, to your knowledge, solicited your
21 company's business?

22 A No.

23 Q How about McQuaide Trucking Company?

24 A No.

25 Q You are not familiar with them either?

1 A No.

2 Q They have never called on you that you know of?

3 A No, not that I know of.

4 Q Have you used Evan's Delivery?

5 A We haven't really had anybody come in and call on
6 us. There are some people that do and we naturally look at
7 their -- what they have to offer service-wise, but it is
8 almost an out of sight, out of mind, type thing. We look at
9 service as being the key factor.

10 Q How frequently do you estimate that the Pitt-Ohio
11 truck is in your facility; how many days a week would they
12 be in either delivering, picking up?

13 A Two, maybe, three, I don't know.

14 Q The shipments into the central part of the state,
15 either to the central part of the state or vice versa that
16 you referred to that are moving by Pitt-Ohio, do you know
17 the way in which they are now transporting those shipments;
18 are you familiar with it at all?

19 A I have an idea. They are not going directly into.
20 They have to go through their terminal, I believe. They
21 have a terminal outside.

22 Q Outside -- do you know the specifics of it, where
23 it is located?

24 A Not that I know of, no. Where is that, Maryland?

25 Q But you are not fully acquainted with the

1 operation?

2 A No, not really. It is more important for me to get
3 inbound freight, I guess, than outbound.

4 Q Why is that?

5 A Well, just for the fact that if I have a truck that
6 is down, is in my shop, I naturally need the part ASAP.

7 Q What about your customers at either Clearfield or
8 Bedford who get their parts from you, aren't they in your
9 same position?

10 A Yes. Basically we work around that, the next day
11 service type of attitude, but we would like to see same day,
12 if it is possible.

13 MR. LAVELLE: Thank you, sir. I have nothing else.

14 CROSS-EXAMINATION

15 BY MR. GRAF:

16 Q How long did you say you owned this business?

17 A Three years.

18 Q Three years. How long have you been using
19 Pitt-Ohio?

20 A Oh, I guess probably six years, possibly. Five,
21 six years, somewhere around there.

22 Q Well, have you been with the company?

23 A Yes. I used to run the office for Mack Trucks here
24 in town and then I bought it three years ago.

25 Q So in the last three years, you have used Pitt-Ohio

1 as owner?

2 A Yes, sir.

3 Q And have you used them for three years from Bedford
4 and Altoona?

5 A Yes, sir.

6 Q And for three years to Bedford and Clearfield?

7 A Right.

8 Q How long have you used Overnight?

9 A That again probably goes back to '83, '84, right in
10 there. I think they were even using them before I got
11 there. The facility was using Overnight, PJAX.

12 Q Okay. Do you have any idea of what service Ward
13 can provide for you?

14 A I may have an idea, but I don't know if it is good
15 or bad.

16 Q Well, do you know that they can serve the entire
17 state for you?

18 A Well, I can't guess that. You know, I don't really
19 have --

20 Q I asked you do you know whether they can?

21 A I guess -- no, I guess I don't know that.

22 Q How about McQuaide?

23 A No.

24 Q Do you know they can serve you over the entire
25 state?

1 A No.

2 Q Are you the person that they would have to solicit
3 in order to get business?

4 A They would talk to one of my managers, but
5 ultimately I would be the decision maker on that.

6 Q And as far as you know, they haven't talked to your
7 managers?

8 A As far as I know.

9 MR. GRAF: I think that is all I have. Thank you.

10 JUDGE PORTERFIELD: Redirect, Mr. Lavelle?

11 MR. LAVELLE: No, sir. No questions.

12 JUDGE PORTERFIELD: Okay. Thank you Mr. Feucht. Is
13 it all right, Mr. Lavelle, if we take a lunch break?

14 MR. LAVELLE: Yes, sir.

15 JUDGE PORTERFIELD: Why don't you suggest a time that
16 we go back on the record. Do you want to confer with your
17 client?

18 (Thereupon, a luncheon recess was taken.)

19 JOHN R. RIHN, called as a witness, having been duly
20 sworn, was examined and testified as follows:

21 JUDGE PORTERFIELD: The person not going to testify,
22 would they identify themselves and their company.

23 MR. FIELD: My name is Doug Field. The company is
24 Lincoln Aluminum Distributing Company.

25 JUDGE PORTERFIELD: Thank you, Doug.

DIRECT-EXAMINATION

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BY MR. LAVELLE:

Q What is your name, sir?

A John R. Rihn.

Q Spell your last name.

A R-i-h-n.

Q What company are you employed by?

A Neville Chemical Company.

Q And what is your business address?

A It is Neville Island, Pittsburgh, Pa.

Q Is that located in Allegheny County?

A Yes.

Q What position do you hold with the company?

A I'm the Corporate Traffic Manager.

Q And how long have you held that position?

A Ten years.

Q And were you employed by the company prior to that?

A Yes. I have been there for 20 years.

Q You are familiar with the scope of this application
of Pitt-Ohio Express?

A Yes, I am.

Q Is the shipping point or receiving point about
which you are testifying Neville Island?

A Yes.

Q With that in mind then, you are aware of the fact

1 that the relevant geographical area consists of all or
2 portions of six counties in the central part of the state?

3 A Yes.

4 Q All right. What are the commodities that your
5 company is involved with?

6 A We very basically make a range of synthetic resins
7 and antioxidants.

8 MR. GRAF: What was the last one?

9 THE WITNESS: Synthetic resins and antioxidants, as
10 well as to distribute the various solvents that we do not
11 manufacture.

12 BY MR. LAVELLE:

13 Q The solvents you don't manufacture?

14 A No. We are a distributor for several producers
15 such as Shell, Exxon, Pennzoil.

16 Q The first two commodities you mentioned --

17 A We produce.

18 Q You produce?

19 A Yes.

20 Q What form are they shipped out, packaged, bulk
21 form, loose?

22 A Both.

23 Q Both?

24 A We ship bulk commodities as well as loose drums and
25 drums on pallets.

1 Q What, of those various means then of shipping,
2 would be involved as far as traffic you might tender to
3 Pitt-Ohio Express?

4 A It would be packaged.

5 Q Is that drums?

6 A Again both.

7 Q And bags on pallets?

8 A Yes. We have a couple different drum commodities.
9 We have some individual drums that weigh anywhere from 400
10 to 600 pounds and we also have some fiber drums that are
11 lighter and palletized.

12 Q Is there any range in the size of your shipments?

13 A Yes. They range anywhere from 500 up to full truck
14 loads of say 44,000 max. Most of our LTL shipments are in
15 the 5,000 to -- 500 to 5,000 pound range, let's say, with
16 some being a little heavier.

17 Q If you look at it from an individual shipment
18 standpoint, what portion of your outbound freight would be
19 in the LTL category?

20 A In number of shipments, it would probably be in the
21 70 to 80 percent range.

22 MR. GRAF: I didn't hear you.

23 THE WITNESS: 70 to 80 percent, number of shipments.

24 BY MR. LAVELLE:

25 Q To what kinds of customers do you make these

1 shipments?

2 A All types of coatings and adhesives industries, ink
3 industries, plastics and rubber industries and those would
4 primarily be the resins and antioxidants.

5 The solvents can be anything from a small paint
6 company to a tool and die company to a degreasing company to
7 who knows what.

8 Q Now, within that central part of the state, that
9 six county area, do you have customers in that area to which
10 you are making shipments?

11 A Yes, we do. We have customers --

12 Q Where are they located?

13 A Representative points would be Bedford, Somerset, I
14 don't know if -- Johnstown is probably right on the border
15 and then there are some PennDOT locations that we ship some
16 product to during the summer months.

17 Q Do you know where they are?

18 A The first one that comes to -- the obvious one I
19 guess would be Ebensburg and then there are a couple
20 others. They are actually shipped to PennDOT storage sheds,
21 so they could be -- normally relative to the county seat and
22 I couldn't just name them offhand.

23 Some of the other solvent customers that we have in
24 the area, again, would have maybe locations that I'm not
25 exactly that familiar with, but they would be in those

1 areas.

2 Q Can you give us an approximate number of shipments
3 you would make from your Neville Island plant into this six
4 county area in the course of a month or a year?

5 A It is probably anywhere from 100 to 130 shipments a
6 year, averages about two to three a week.

7 Q How many doors or docks do you have at your Neville
8 Island plant for loading trucks?

9 A Three loading docks -- I'm sorry, six, three at
10 each warehouse.

11 Q There are two buildings?

12 A There are two buildings that we store products in.
13 Three doors in each building.

14 Q The package freight -- I assume what you have been
15 talking about is the palletized or drum freight?

16 A Yes. When I was referring to the 120 shipments per
17 year, yes.

18 Q What carrier or carriers are now handling that
19 freight for you?

20 A We use our own fleet.

21 Q And what, insofar as package dry freight is
22 concerned, what does that amount to, tractors, trailers,
23 straight trucks, how many?

24 A Three tractors, two trailers and two straight
25 trucks.

1 Q Where do you concentrate the use of your private
2 fleet if, in fact, it is concentrated in a certain area?

3 A As far as the business we do for our -- what we
4 call our solvents and chemicals division -- which would be
5 the freight that I'm talking about in these areas -- it is
6 primarily the tri-state area including parts of Ohio and
7 West Virginia and the southwestern portion of Pa.

8 Q Including the central part?

9 A Including those counties, yes.

10 Q Now, do you have shipments that move beyond that
11 say into the eastern part of Pennsylvania and the northern
12 part of the state?

13 A Yes, we do.

14 Q Do you use your private fleet in there?

15 A Occasionally. Usually only for volume loads, but
16 occasionally.

17 Q How are those shipments that are not transported by
18 private fleet handled today?

19 A By common carrier. We use Pitt-Ohio for most of
20 them.

21 Q Do you use that company for any interstate
22 shipments?

23 A Yes.

24 Q How many times a week do you estimate that they
25 have trucks in your facilities picking up freight?

1 A Four to five days a week.

2 Q When you are delivering freight to these companies,
3 customers, what period of time do you want the shipment to
4 arrive after you dispatch it?

5 A Well, overnight would be the least we would
6 expect. When you deal with customers -- especially with our
7 own fleet -- a lot of that is same day delivery, but
8 overnight would be the least we could put up with.

9 Q Have you ever had occasion to use the services of
10 W. C. McQuaide?

11 A Yes, we have.

12 Q Are you using them today on any freight?

13 A Only when we do not take that freight with our
14 fleet and that is only the one customer, which is
15 Westinghouse in Bedford, at their request.

16 Q That is a customer request?

17 A When we do not use our own fleet, yes, which is
18 very seldom.

19 Q Why don't you use McQuaide to other locations?

20 A I know very little about McQuaide.

21 Q At your choice, I should say.

22 A Yes, at my choice. I know very little about
23 McQuaide and have never really had the occasion to try to
24 put a program in with them.

25 Q Have they presented you with a program or solicited

1 your freight?

2 A Not very often, no.

3 Q If they were to solicit your company's freight
4 would they talk to you or someone else?

5 A Yes, they would talk to me.

6 Q Have you ever used Ward Trucking Company?

7 A Yes.

8 Q What type of freight do they haul and where?

9 A We use them on LTL freight, again when it is
10 requested by the customer.

11 Q You haven't yourself gone to Ward and offered them
12 freight where you select the carrier?

13 A Not recently, no, not for a period of years. They
14 have been non-competitive price-wise as well as having
15 difficulties with scheduled pickups.

16 Q What do you mean by that; what are you referring
17 to?

18 A They had a period of time going back several years
19 ago that they tended to miss pickups and it was at that
20 point that we decided to only use them when the customer
21 requested them.

22 Q Do you know anything about a company named Evans
23 Delivery?

24 A Yes.

25 Q Are you using them?

1 A We use them for truck load shipments to the New
2 Jersey area.

3 Q You have not used them on intrastate Pennsylvania
4 traffic?

5 A Yes, we have used them for some truck loads on
6 intrastate traffic to the Philadelphia and Lancaster area.

7 Q What is your purpose in supporting Pitt-Ohio
8 Express for this authority?

9 A There are a couple of points on which we have based
10 our decision to support this.

11 MR. GRAF: I can't hear you. Will you please speak
12 up.

13 A There are a couple of points that I based my
14 decision to support them. One, they are a prime carrier for
15 us to other areas and have done an excellent job, been on
16 the leading edge of price and service innovations that have
17 done well.

18 Two, there is the potential that we may limit or
19 decide to discontinue our private fleet and we would like to
20 have them poised to pickup the slack and handle this
21 traffic.

22 Q When you refer to service innovations, is there
23 anything in particular you can mention?

24 A They have combined price and service, for instance,
25 on say truck load as well as LTL traffic into areas that we

1 needed some service on, whereas other carriers were
2 interested in either one or the other.

3 They were probably the first carrier to provide us
4 with consistent overnight service to most of the points that
5 they handle.

6 There is one other factor, I guess, too, the nature of
7 part of our business is such that some of the products
8 require preshipment sample approvals and oftentimes these
9 samples are not approved until late in the day and it has
10 never been a problem to get Pitt-Ohio into our facility to
11 make these pickups and still maintain the overnight
12 delivery.

13 Q I'm not sure what you said, the samples -- who is
14 doing the samples?

15 A We send the samples to customers to get them to
16 approve a specific batch before we can ship it. It is just
17 the nature of the product.

18 Q Does that move by a common carrier or your own
19 fleet?

20 A Both at times, depends on where the customer is and
21 how much we are talking about.

22 Q All right. Then the customer checks it out and you
23 say it doesn't happen until sometimes late afternoon?

24 A If we send a sample UPS or however, they get it in
25 the morning, they may not have it approved until 2 or 3:00

1 o'clock in the afternoon. At that point in time, it is
2 pretty difficult to get some carriers in, as you may well
3 understand.

4 Q Are you -- how does that testimony, that situation
5 bear on your support of Pitt-Ohio?

6 A Well, strictly on the LTL aspect of it, Ward and
7 Evans both are located quite some distance from Neville
8 Island and we have had problems with trying to get late
9 pickups made the same day.

10 Q Has Pitt-Ohio come in and made late pickups in the
11 afternoon?

12 A Yes. Late pickups, Saturday pickups, whatever it
13 takes.

14 MR. LAVELLE: Thank you, Mr. Rihn. I have nothing
15 else.

16 CROSS-EXAMINATION

17 BY MR. GRAF:

18 Q Sir, how long has your company had a private fleet?

19 A For approximately 15 years.

20 Q And how long have you been Corporate Traffic
21 Manager?

22 A Ten years. I was in the Traffic Department for
23 four years prior to assuming the Traffic Manager's position.

24 Q All right. Now, you use McQuaide you said, I
25 think, at customer request?

1 A Yes.

2 Q Who pays the freight charges on that?

3 A Westinghouse in Bedford is the customer.

4 Q Westinghouse pays. And do you always honor
5 customer requests?

6 A We try to.

7 Q And in the case of Ward customer request traffic, I
8 presume whoever orders them pays that freight, also?

9 A Yes.

10 Q Now, if I correctly understood you, the shipments
11 that you're discussing are first only the drum and bag
12 traffic, not bulk?

13 A Correct.

14 Q And as I further understood you, only for -- you
15 are supporting them only for LTL?

16 A I am supporting Pitt-Ohio only for LTL?

17 Q That's my question. That is all you have
18 mentioned.

19 A I didn't break it down to that, but if that is what
20 the authority that they are seeking is, that is fine, too.

21 Q I am asking you what are you supporting, LTL?

22 A Yes.

23 Q All right. Fine.

24 MR. LAVELLE: Well, that is only part of the story.

25 MR. GRAF: Well now, he is the witness.

1 MR. LAVELLE: I don't want the witness misled.

2 MR. GRAF: I'm not misleading anybody.

3 MR. LAVELLE: The witness indicated in his other prior
4 answer if that is what they are seeking. I think that he
5 ought to be advised that the application should not be
6 limited to --

7 MR. GRAF: He said he understood the application. Why
8 should I ask him that? This is Cross-Examination. You are
9 interjecting yourself into it.

10 JUDGE PORTERFIELD: We will permit redirect to fill
11 out any confusion that is created.

12 BY MR. GRAF:

13 Q Now, did I correctly understand that all of the
14 traffic, at least into Bedford, Somerset, Johnstown and
15 Ebensburg, that you mentioned has moved private carriage?

16 A Not all of it. All of it except for those
17 shipments that we, for one reason or another, were not able
18 to take with our private fleet. There have been shipments
19 like that.

20 Q And which were they?

21 A I can't pinpoint them, but there have been times
22 when we were not able to carry a certain shipment with our
23 fleet due to other commitments and we shipped it common
24 carrier.

25 Q Within the last year who have you used to Bedford?

1 A I don't think we have shipped other than private
2 fleet.

3 Q In the last year to Somerset, who did --

4 A I don't think there has been one there.

5 Q Johnstown?

6 A I don't also believe there has been one there. I
7 can't tell you when they were, but there have been
8 instances. You asked me ever.

9 Q I'm talking about the last year.

10 A I don't think there has been in the last year.

11 Q How about the last two years?

12 A I couldn't tell you that far back.

13 Q Okay. Fine. Now, you are aware, of course, that
14 McQuaide can handle any point in Pennsylvania for you, are
15 you not?

16 A No, I was not aware of that.

17 Q You know they can handle all four you named, don't
18 you know that?

19 A Yes.

20 Q And Ward could do the same?

21 A I'm aware Ward has authority throughout the state,
22 yes.

23 Q All right. Now, you said there were some missed
24 pickups by Ward. How long ago was that?

25 A Probably a year or so ago we had problems, year and

1 a half.

2 Q Was that on customer routed traffic or something
3 you routed?

4 A I don't remember at this time.

5 Q And you don't remember where it went to or anything
6 else?

7 A No.

8 Q Now, you said they were non-competitive on price.

9 A Yes.

10 Q Compared to whom?

11 A Compared to my private fleet as well as Pitt-Ohio.

12 Q All right. Now, did Pitt-Ohio give you --

13 A And some other carriers.

14 Q -- a price to the points we are talking about; is
15 that where they are non-competitive. Or is it somewhere
16 else?

17 A They are non-competitive in other points.

18 Q In other points. Do you know what the rate levels
19 are by McQuaide and Ward to Bedford, Somerset, Johnstown or
20 Ebensburg?

21 A I don't know what McQuaide's are, but Ward is part
22 of Middle Atlantic and we have a discount level with them,
23 so I know what they are.

24 Q Pitt-Ohio publish rates to Johnstown, Somerset,
25 Ebensburg?

- 1 A No, I don't think so.
- 2 Q Now, you said you used Evans for truck loads only
3 to New Jersey and Philadelphia.
- 4 A Yes.
- 5 Q And to Lancaster, I believe.
- 6 A Yes.
- 7 Q Have you ever used them for LTL's?
- 8 A Occasionally.
- 9 Q And to the same area?
- 10 A No, they were New Jersey shipments.
- 11 Q To New Jersey on LTL's. Now, is your traffic to
12 Bedford truck load or less than truck load?
- 13 A It can be both.
- 14 Q And to Somerset?
- 15 A It is primarily LTL.
- 16 Q And to Johnstown?
- 17 A LTL.
- 18 Q And to Ebensburg?
- 19 A LTL.
- 20 Q And are you supporting for truck load service to
21 Bedford?
- 22 A I'm supporting the application as it is, yes.
- 23 Q Let's answer my question, are you supporting it to
24 Bedford?
- 25 A Yes.

1 Q So that is LTL and truck load?

2 A Yes.

3 Q Now, you said you had two or three shipments per
4 week into the area.

5 A Uh-huh.

6 Q How many go to Bedford?

7 A It can vary. This year has been a bad year for us
8 with Westinghouse, so it has probably only been one a month
9 or one every two months.

10 Q All right. How many shipments are going into
11 Somerset?

12 A I couldn't pin it down. It is just an average of
13 what we take normally with our fleet.

14 Q I realize that. I'm trying to be a little more
15 specific.

16 A I don't have those figures.

17 Q How about Johnstown, how often do you ship there?

18 A Again, I don't have the figures broken down for
19 points.

20 Q Or for Ebensburg?

21 A No.

22 Q Now, in the operation of your private fleet, is it
23 primarily used on the larger size shipments?

24 A No.

25 Q It is not?

- 1 A No.
- 2 Q What percentage of your traffic moving in private
3 carriage is truck load?
- 4 A To the areas -- which areas?
- 5 Q To the areas you were talking about.
- 6 A The six counties?
- 7 Q Bedford, Somerset, Johnstown --
- 8 A 95 percent is LTL.
- 9 Q 95 percent.
- 10 A Maybe 98 percent.
- 11 Q 95 to 98 percent. Is the account at Bedford
12 Westinghouse Electric?
- 13 A Yes.
- 14 Q And is it correct that McQuaide has handled that
15 traffic?
- 16 A Yes, when we don't take it with our private fleet.
- 17 Q What determines when you are going to take it with
18 a private fleet, when you have something else going in the
19 same area?
- 20 A That is one of the factors, yes.
- 21 Q What is the other factor?
- 22 A What other business we may have that may be more
23 urgent.
- 24 Q All right.
- 25 A We also do some bulk hauling with our private

1 fleet.

2 Q Well, you know this application doesn't cover bulk?

3 A I know, but I'm telling you we use that equipment
4 to haul other products other than what we are talking about
5 here, so there are a number of factors that determine
6 whether or not I take it with our fleet.

7 Q Now, how long has Westinghouse Electric been
8 designating McQuaide to handle the Bedford traffic?

9 A I really couldn't tell you. It has been a while.

10 Q Several years?

11 A Three or four years, yes.

12 Q Three or four years. And is it a specific customer
13 that is requesting Ward?

14 A Not in this area, in other areas.

15 Q Other areas?

16 A Not in the six county area.

17 Q You haven't used Ward at all into this area that
18 you are talking about?

19 A Not to my knowledge.

20 Q What areas have you used Ward to, so we can get
21 some handle on that?

22 A Strictly from memory, I think there is a customer
23 in Ohio that routes by them, as well as one in New Jersey.

24 Q But not to any Pennsylvania point?

25 A Not that I can remember offhand.

1 Q Now, just a bit of clarification on the preshipped
2 sample approval, I want to make sure I understand it.

3 As I gather from your testimony, a customer will ask
4 for a sample of one of your commodities and you ship it UPS?

5 A It depends. That is --

6 Q Well, that is what you said on direct.

7 A I said we ship some of them UPS.

8 Q You ship some of them UPS.

9 A We make certain products, that because of the
10 nature of the products, they may not perform the same way in
11 the customer's application, so that every time that customer
12 places an order or a series of orders, we have to reserve a
13 batch of product for them and send them a sample to make
14 sure it is approved and it can be used.

15 Once that batch or amount of product is approved, then
16 we can use that until such time as we need to get more
17 material approved.

18 Sometimes we send samples UPS, sometimes Federal, just
19 depends on where the sample is going.

20 Q Sometimes Federal Express?

21 A Right.

22 Q Do you ever do it with your own fleet?

23 A No.

24 Q After the customer gets the test, then he calls in
25 if it is satisfactory, placing an order?

1 A Most times the order is already placed. He calls
2 in to release the record at that point.

3 Q To release the record?

4 A Right.

5 Q And that may be in the afternoon or maybe the
6 following day?

7 A It is possible. It varies. It never goes past a
8 day.

9 Q Then you either decide to take it in private
10 carriage or in some other means?

11 A Correct.

12 Q All right. Thank you. That clears that up. The
13 type of equipment that is used is what, vans?

14 A For the most part vans and straight trucks.

15 Q All right. And are your trailers vans?

16 A We have two vans and two straight jobs, one is
17 closed and one is open.

18 Q You have an open straight truck and a van straight
19 truck?

20 A Yes.

21 Q And the trailer is a van?

22 A Yes.

23 MR. GRAF: Thank you, that is all I have.

24 JUDGE PORTERFIELD: Redirect, Mr. Lavelle?

25 MR. LAVELLE: No. I have no questions. He has

1 cleared up the point.

2 JUDGE PORTERFIELD: Thank you, sir. You are excused.
3 You were previously sworn, sir?

4 MR. FIELD: Yes.

5 MR. LAVELLE: This is Mr. Doug Field.

6 DOUGLAS B. FIELD, called as a witness, having been
7 duly sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. LAVELLE:

10 Q Would you give the reporter your name and your
11 business address.

12 A Douglas B. Field. Business address is Lincoln
13 Aluminum Distributing Company, 105 Lincoln Way East,
14 Jeannette, Pennsylvania.

15 MR. GRAF: What did you say the name was?

16 THE WITNESS: Lincoln Aluminum Distributing Company.

17 BY MR. LAVELLE:

18 Q What position do you hold with the company?

19 A I'm basically inside sales, estimator and basically
20 that is my duties there, but there is any one of four of us
21 that could call and order a truck for services.

22 Q So you are in the traffic end of things?

23 A Yes. Yes.

24 Q And you have contact with motor carriers?

25 A Yes.

1 Q And you are responsible for contacting and
2 arranging for transportation by motor carrier?

3 A Yes.

4 Q How long have you been doing that for the company?

5 A Four years.

6 Q What is the business of Lincoln Aluminum?

7 A We are a master distributor for aluminum products
8 called Tubalite and we either ship out extrusions, aluminum
9 extrusions or prefabbed window frames, door frames, doors,
10 all in aluminum.

11 Q Are they -- when you ship these out, is it just the
12 frame, or is there glass or plexiglass installed in it?

13 A No glass. No glass. Just the frame, just aluminum
14 only, and hardware to go with it.

15 MR. GRAF: Windows and door frames?

16 THE WITNESS: Yes.

17 BY MR. LAVELLE:

18 Q Who do you ship these products to?

19 A To glass shops in the State of Pennsylvania, Ohio,
20 West Virginia, Maryland, all over.

21 Q And then what do these glass shops do?

22 A They install the product into different areas,
23 example, store fronts, mall sliders, in the mall for the
24 stores, they do the actual installation.

25 Q Do they also put glass in the frame that you have

1 provided?

2 A They put the glass into the frame, yes.

3 Q Your company is only involved with the production
4 and shipping of the frame, the aluminum frame itself?

5 A Correct.

6 Q And you do this work at Jeannette, Pennsylvania?

7 A Yes.

8 Q What county is that?

9 A Westmoreland.

10 Q Between what hours do you normally ship your
11 traffic?

12 A 8 a.m. to 4:30 p.m.

13 Q How many days a week?

14 A Five days, Monday through Friday.

15 MR. GRAF: Did you say 4 or 4:30?

16 THE WITNESS: 4:30.

17 MR. GRAF: Thank you.

18 BY MR. LAVELLE:

19 Q What facilities do you have there for loading
20 trucks?

21 A You mean how many docks?

22 Q Yes.

23 A We have basically one main dock. There is another
24 dock, but we basically don't use it, there is only one dock
25 there that we actually load our product into.

1 Q Do you receive any shipments inbound at your plant
2 by truck?

3 A Yes.

4 Q And do they have to use that same dock?

5 A Yes.

6 Q The shipments that you make outbound from
7 Jeannette, what is the range and the size of individual
8 shipments; what is the lowest shipment in terms of weight
9 that you would make?

10 A Lowest I would say around 60 pounds per carton.
11 That would be about the weight of an aluminum door, and then
12 it can go on up to 230 pounds per one carton, 24 foot long
13 of extrusions.

14 Q Do you ever ship full truck loads of product to a
15 single customer?

16 A No, all LTL.

17 Q What is the upper range of your LTL shipments,
18 weight-wise?

19 A We have reached about 2500 pounds.

20 Q So it would run between 60 and 25,000 pounds per
21 shipment?

22 A Correct.

23 Q Now, do you, your company, select the carrier that
24 is going to handle this outbound traffic?

25 A The majority, yes.

1 Q What percentage would you move?

2 A I would say 99 percent.

3 Q Do you have customers, glass shops, to which you
4 make shipments located in the central part of Pennsylvania
5 between roughly between U. S. Highway 219 and U. S. Highway
6 15?

7 A Yes, we do.

8 Q Can you tell us where some of those customers are
9 located?

10 A Altoona, Clearfield, Bedford, DuBois --

11 MR. GRAF: Can you go just a little bit slower.

12 THE WITNESS: Altoona, Clearfield, Bedford.

13 MR. GRAF: DuBois?

14 THE WITNESS: DuBois, yes. St. Marys, State College
15 and Waynesboro.

16 BY MR. LAVELLE:

17 Q Do you know where Waynesboro is located, what
18 county it is in or what town it is near?

19 A I'm not exactly sure what county.

20 MR. GRAF: Waynesboro is Franklin County. It is south
21 of Chambersburg.

22 MR. LAVELLE: Okay. Franklin County.

23 MR. GRAF: St. Marys in your area, Bill? I don't have
24 a highway map and I'm not sure that it is.

25 MR. LAVELLE: The highway map shows St. Marys to be

1 approximately eight to ten miles east of U. S. 219.

2 JUDGE PORTERFIELD: That is Elk County, isn't it?

3 MR. LAVELLE: That is Elk County.

4 MR. GRAF: Yes.

5 BY MR. LAVELLE:

6 Q Are these representative locations of your
7 customers in that central Pennsylvania area?

8 A Yes. Yes.

9 Q Is there one customer per town that you mentioned
10 here, or do you have more than one?

11 A Basically just one.

12 Q Just one. How frequently do you make shipments to
13 your customer in Altoona?

14 A I would say about twice a year -- twice a month.

15 Q Twice a month?

16 A I'm sorry, yes. Twice a month.

17 Q And what would be, if you know, the amount of
18 traffic collectively in a year that you would send there,
19 how much weight, total?

20 A About 20,000 pounds.

21 MR. GRAF: Is that per year?

22 THE WITNESS: Per year.

23 BY MR. LAVELLE:

24 Q What about Clearfield; how much -- how frequently
25 do you ship to Clearfield?

1 A That one is a little less frequently, about once a
2 month.

3 Q And what is the volume to that point?

4 A About 10,000 pounds a year.

5 Q Is your customer in DuBois, to your knowledge,
6 located in the city of DuBois?

7 A Yes.

8 Q How frequently do you make shipments to that
9 customer?

10 A About 20 times -- about twice a month, also.

11 Q And is there a volume figure you can put with that
12 collective volume?

13 A 18,000, I would say, per year.

14 Q St. Marys is in Elk County. Is that also a glass
15 shop customer?

16 A Yes.

17 Q Are all of these glass shops?

18 A These are all glass shops per se.

19 Q And what is the annual volume of traffic that you
20 have for that point?

21 A That is about roughly twice a month also. It is
22 kind of interesting here that the customer in DuBois and the
23 customer in St. Marys is one in the same customer, they just
24 have two branches right there.

25 Q But you make shipments to each of their two

1 branches?

2 A Each place, right.

3 Q And what is the weight of the shipments
4 collectively?

5 A About the same as the DuBois, 18,000 pounds.

6 Q Per year?

7 A Per year.

8 Q State College you mentioned as a point. How often
9 do you have occasion to ship up to that point?

10 A That could run two and a half to three times a
11 month.

12 Q On the average?

13 A On the average, yeah.

14 Q And what is the collective weight of those
15 shipments in a year's time?

16 A 26 to 30,000, I would say.

17 Q And this Waynesboro in Franklin County, that
18 customer receives shipments how often?

19 A About once a month.

20 Q And the weight is what?

21 A Ten -- 10,000.

22 Q I think Bedford you also mentioned as a point. How
23 often do you ship to that point?

24 A The same as -- about once a month, 10,000 a year.

25 Q Now, those are your regular customers that you deal

1 with over the years, during the course of a year?

2 A Right.

3 Q Are there other glass shops in the central part of
4 the state that you know you have done business with in the
5 past but maybe on a less frequent basis?

6 A There probably are. I can't think of them. Yes.

7 Q What method of transportation are you using now to
8 move that freight into those customers?

9 A Using now?

10 Q Yes.

11 A Basically Pitt-Ohio.

12 Q Okay. Were you using someone else before
13 Pitt-Ohio?

14 A Yes.

15 Q Who?

16 A Ward Trucking.

17 Q Are they still being used to any extent or not,
18 Ward Trucking, that is?

19 A No.

20 Q How long has it been since you used Ward on a
21 regular basis?

22 A I would say about maybe six months ago we sort of
23 dropped them off.

24 Q Is there any particular reason why they were
25 dropped off as you call it?

1 A Yes. Since we only have one dock, we like to try
2 to eliminate as much congestion in our area as possible. So
3 since we -- I understand that Pitt-Ohio does have a terminal
4 down in Maryland and comes up the interstate that way into
5 our customers, still uses the same time limit of overnight
6 and goes that way and Pitt-Ohio has been giving us great
7 service, where Ward Trucking has been late picking up, they
8 don't always -- when we call, they don't always come and
9 they don't always let us know.

10 Q Are you using Pitt-Ohio to other points in the
11 State of Pennsylvania?

12 A Yes.

13 Q Other than these six or eight points you mentioned
14 in the central part of the state?

15 A Eastern Pennsylvania, up in the Erie area, yes.

16 Q Are there glass shops in the southwestern part of
17 the state?

18 A Yes.

19 Q More local to you?

20 A Yes.

21 Q And do they participate in freight shipments?

22 A Yes.

23 Q Do you have occasion to ship to out of state
24 points?

25 A Yes.

1 Q Does Pitt-Ohio handle any of that freight?

2 A Yes.

3 Q How would approval of this application change your
4 situation?

5 A I think it would help quite a lot. As I said
6 earlier, it will eliminate the congestion and it will get
7 down to using just one trucker instead of two or three,
8 let's say.

9 Q Can all of these aluminum extrusions be transported
10 on closed van trailers; is that all the equipment you need?

11 A Yes.

12 Q It is not necessary to have a flat bed?

13 A We don't want a flat bed. If it rains or gets wet,
14 it actually stains the aluminum and then it is no good.

15 Q What type of service are you looking for from a
16 carrier that handles your outbound traffic from Jeannette,
17 transit time to destination?

18 A Overnight.

19 Q Have you received that from Pitt-Ohio?

20 A Yes. Definitely.

21 Q Do they make pickups at your place within the time
22 limits that you have set?

23 A Yes, they do. In fact, sometimes twice a day.

24 Q What do you mean twice a day?

25 A Well, they may come in twice to pickup.

1 Q Oh. McQuaide Trucking is opposing the
2 application. Are you familiar with that company at all?

3 A Somewhat, yes.

4 Q Have you ever used them within Pennsylvania, and
5 specifically within the central part of the state?

6 A In the central part of the state, no.

7 Q Is there any reason why not?

8 A We used Ward's before and we didn't -- I really
9 wasn't familiar with McQuaide.

10 Q Did they solicit your freight?

11 A Just recently they just did.

12 Q McQuaide?

13 A McQuaide did.

14 Q How recently would you say they have been in?

15 A Within the last two months.

16 Q And what were they selling, anything in particular,
17 or just generally their service?

18 A Just generally their service.

19 Q Is there any reason why you didn't see fit to give
20 them any freight?

21 A I didn't know about them before. Up to that point,
22 the combination -- we were getting good service from what we
23 were using before.

24 Q How about Evans Delivery Company, do you know
25 anything about that company?

1 A I know of them.

2 Q Have you ever used them?

3 A Never have.

4 Q What portion of your traffic to the central
5 Pennsylvania customers would Pitt-Ohio receive on approval
6 of the application?

7 A They would get all of them.

8 MR. LAVELLE: Thank you, Mr. Field.

9 JUDGE PORTERFIELD: Mr. Graf.

10 CROSS-EXAMINATION

11 BY MR. GRAF:

12 Q You earlier mentioned that you paid the payment for
13 the -- do you pay the freight charges?

14 A Lincoln Aluminum does not pay the freight.

15 Q That is on anything you mentioned?

16 A It all goes out collect.

17 Q All collect. All right. Now, you mentioned
18 something about using Ward until six months or so ago.
19 Exactly when did you start using Pitt-Ohio?

20 A Well, we started using Pitt-Ohio basically four
21 years ago, but you mean in this central area?

22 Q In this area. In this area.

23 A I will say within -- six months ago we started
24 using it -- within a year to six months, six months to a
25 year.

1 Q Six months to a year ago. Were you using both Ward
2 and Pitt-Ohio at the same time for part of that period?

3 A Yes.

4 Q All right. And then gradually you dropped Ward; is
5 that it?

6 A Yes.

7 Q All right. Now, let's say a year ago, were you
8 using Pitt-Ohio and Ward to Altoona?

9 A Pitt-Ohio and Ward to Altoona?

10 Q Yes.

11 A I will say a year ago we were using Ward.

12 Q All right. And a year ago were you using both
13 Pitt-Ohio and Ward to Bedford?

14 A I would say Ward.

15 Q All right. And to DuBois, the same question.

16 A Both there.

17 Q Both. And to St. Marys?

18 A Both.

19 Q And to State College?

20 A Both.

21 Q And to Waynesboro?

22 A Ward.

23 Q And finally I think Clearfield you mentioned.

24 A Yes, I did. That was both.

25 Q That was both. Okay. Now, you said McQuaide

1 solicited you within the past what, two months?

2 A I would say within the last couple of months, yes.

3 Q Did they make known to you that they could serve
4 you to any point in Pennsylvania from Jeannette?

5 A At that time, yes, they did.

6 Q Did they leave with you their tariff?

7 A They mailed it to me. No one came to see me
8 personally, it was through a phone conversation.

9 Q All right. Now, you said you were familiar with
10 Evans. Do you know where they can serve you from Jeannette?

11 A A little bit.

12 Q Basically, anywhere east, isn't it?

13 A Yes.

14 Q You haven't used them, though?

15 A Never have.

16 Q How long did you use Ward until you dropped them
17 entirely, into this area?

18 A Oh, we have been using them pretty exclusively
19 before for all intrastate. We had been using Pitt-Ohio for
20 all the out of state and then more and more we found out
21 that Pitt-Ohio was being able to cover different areas of
22 Pennsylvania, we were delighted we could get down to one
23 trucking --

24 Q You mentioned that, but how long have you used
25 Ward? That was my question.

1 A How long? They have been using Ward since I have
2 been there, working at Lincoln Aluminum.

3 Q And how long have you been there?

4 A Four years.

5 Q So Ward was used for four years. Are you still
6 using Ward?

7 A Very little.

8 Q I gathered you were using Ward for intrastate only;
9 is that what you are telling me?

10 A Yes.

11 Q Do you know where they can serve you in interstate
12 commerce?

13 A No, I do not.

14 Q Did you ever ask them?

15 A No.

16 Q Do you know where McQuaide can serve you in
17 interstate commerce?

18 A Interstate?

19 Q Inter, beyond Pennsylvania.

20 A No, I don't.

21 Q Now, if McQuaide, for example, can serve the area
22 you mentioned which was Pennsylvania, Ohio, West Virginia
23 and Maryland from Jeannette, serving any point in those
24 states, that would enable you to use a single carrier, would
25 it not?

1 A Yes, I guess it would.

2 Q And if Ward could do the same thing, that would
3 also enable you to use a single carrier, would it not?

4 A Yes, I guess it would.

5 Q If I understood you correctly, you have a main dock
6 you were using, but you have another dock; is that a loading
7 dock also?

8 A Yes, it can be, but they are like this. If one
9 truck is in like this dock, there is no way to get at the
10 other dock.

11 Q They are directly opposed, not room in-between?

12 A That is correct.

13 Q How long has that condition persisted, the four
14 years you have been there?

15 A Yes.

16 Q Now, you mentioned that you received commodities
17 inbound, but I didn't hear you mention anything coming in
18 from Pennsylvania.

19 A That is correct. We don't receive anything from
20 Pennsylvania.

21 Q I see. So all of your testimony is for LTL
22 outbound to the points you have named; is that correct?

23 A Yes.

24 Q Now, as I understood your testimony, if this
25 application is approved, you would give all the traffic to

1 the points you have named in this area to Pitt-Ohio?

2 A Yes, I would.

3 Q And if I also understood you correctly, you are now
4 giving it all to Pitt-Ohio; is that correct? Is that what
5 you said?

6 A Not all yet.

7 Q Not all? Now, which is correct; are you giving it
8 all now to Pitt-Ohio? You said you were using Ward and you
9 stopped them and Pitt-Ohio is now handling it. I want to
10 get -- make sure -- I'm not trying to mislead you, but I
11 recall you saying you were using Pitt-Ohio to all of these
12 points and the only other one you used was Ward and you
13 stopped them six months ago; now, is that correct?

14 A We haven't stopped Ward entirely six months. We
15 have been phasing them out, basically phasing them out.

16 Q I see. So Ward is still serving some of these
17 points that you named?

18 A Yes. Yes.

19 Q Which one is it still serving now?

20 A We just had a truck come in last week, Ward, and I
21 have no -- I do not know where it went. I really don't.

22 Q It may have been another area?

23 A It could be.

24 Q Do you have any documents with you that would show
25 any traffic to the points you specifically name by Ward in

1 the last six months?

2 A With me?

3 Q With you.

4 A (Witness shakes head in the negative.)

5 Q When did you know you were going to be coming here,
6 sir?

7 A A week and a half ago.

8 Q Did it occur to you to check your records to see
9 what you have been shipping by whom?

10 A No.

11 Q You didn't check them?

12 A (Witness shakes head in the negative.)

13 Q Is that correct?

14 A No. That is right.

15 MR. GRAF: All right. Thank you. That is all I
16 have.

17 JUDGE PORTERFIELD: Any redirect, Mr. Lavelle?

18 MR. LAVELLE: Yes.

19 REDIRECT EXAMINATION

20 BY MR. LAVELLE:

21 Q Mr. Field, you were asked questions about
22 interstate service of Ward and McQuaide. Did Ward or
23 McQuaide solicit your interstate freight?

24 A For the longest time Ward did not. It has just
25 been very, very recently Ward started to solicit our

1 business.

2 Q And what about McQuaide, did they ever solicit your
3 interstate freight?

4 A Just within the last couple of months when they
5 made that phone call and that was it.

6 Q Okay. Now you were asked a hypothetical question
7 that if either of those carriers had the interstate
8 operating authority to serve the surrounding states of New
9 Jersey, New York, Maryland, Ohio, West Virginia, and had
10 intrastate authority to serve all points in the state, would
11 they not be able to give you geographical coverage of all of
12 your needs. And you said perhaps they could in both cases.

13 But are you convinced that they can give you the
14 service that you are looking for?

15 A No. I feel Pitt-Ohio gives us better service.

16 Q I think you already testified about Ward, did you
17 not, that you have had problems with them?

18 A Yes.

19 Q So that geographical -- is geographical coverage of
20 all of your customer locations the end of the story as far
21 as you are concerned; is that enough? Let me reword the
22 question.

23 Is it enough for you to have a carrier that can serve
24 all points regardless of the service they might render?

25 A No. It has to be service oriented, too.

1 MR. GRAF: I didn't hear his answer.

2 (Answer read.)

3 BY MR. LAVELLE:

4 Q And McQuaide has just recently made their services
5 known to you?

6 A Right.

7 Q So you have no experience with them?

8 A (Witness shakes head in the negative.)

9 Q You don't know what kind of service they could give
10 you?

11 A We did use them once, but not in this area, it was
12 just the Johnstown area.

13 Q Okay.

14 MR. LAVELLE: I have no other questions of Mr. Field.

15 JUDGE PORTERFIELD: Any recross, Mr. Graf?

16 MR. GRAF: Yes.

17 RECROSS-EXAMINATION

18 BY MR. GRAF:

19 Q What did you base your decision on that McQuaide
20 could not give you an overnight service to these
21 Pennsylvania points, if anything?

22 A Actually I haven't really heard of them that much.
23 I don't know what their service is. From what they tell me
24 over the phone, I -- no customer has ever really requested
25 them. Pitt-Ohio has a great service record with us.

1 Q I didn't ask you about Pitt-Ohio.

2 A I know. You are asking about McQuaide.

3 Q I'm talking about McQuaide.

4 A But why leave something good when you already have
5 it?

6 Q All right. Now, is it a correct statement that you
7 really don't know whether McQuaide can give you overnight
8 service or not; is that a correct statement?

9 A Oh, I know that they will give overnight service.

10 Q All right. You know they will?

11 A Yes.

12 Q Now, if they have the area and if they can give you
13 the overnight service and if they can give you the one
14 carrier, isn't that what you are here seeking; isn't that
15 what you said you wanted?

16 A Well, yes.

17 MR. GRAF: Okay. Thank you. That is all I have.

18 MR. LAVELLE: Your Honor, one question.

19 REDIRECT EXAMINATION

20 BY MR. LAVELLE:

21 Q Your answer there is based on the assumption that
22 the carrier has all of the interstate authority and can
23 serve all interstate shipments to be made; is that correct?

24 A (Witness nods head in the affirmative.)

25 Q Do you know of your own knowledge whether or not

1 they do have that authority?

2 A I do not know whether they have the authority or
3 not.

4 Q The question was asked in a hypothetical manner, if
5 McQuaide has all of the interstate authority and has
6 state-wide authority in Pennsylvania, would that not give
7 you a carrier and you said yes.

8 A Yes.

9 Q But your answer assumes those facts to be --

10 MR. GRAF: Wait a minute. He testified that McQuaide
11 had made known to him his interstate authority, so it is not
12 a hypothetical. When I asked him that before, he said, yes,
13 he knew they had that authority and they made it known to
14 him.

15 THE WITNESS: For intrastate, but not interstate.

16 MR. GRAF: I thought you said they showed you their
17 interstate authority, or made it known to you.

18 THE WITNESS: I don't think they did. Not interstate,
19 intrastate. When they gave me that phone call, it was just
20 basically in intrastate. If they can go out of state, I
21 either misunderstood or didn't know.

22 MR. GRAF: Well, whatever.

23 JUDGE PORTERFIELD: Okay. Anything else? Go ahead.

24 BY MR. LAVELLE:

25 Q And the only area you have used them to is to

1 Johnstown?

2 A That is right.

3 Q What is the basis then for your earlier agreement
4 with Mr. Graf that you know they could give you overnight
5 service to all of these points; on what is that answer
6 based?

7 A Basically from that phone call and from that one
8 delivery, they did it overnight.

9 Q Just one experience, plus what they represented to
10 you by telephone, that is the backup for your answer?

11 A Yes.

12 MR. LAVELLE: Okay. Thank you. I have nothing else.

13 JUDGE PORTERFIELD: Nothing else, I presume?

14 MR. GRAF: No.

15 JUDGE PORTERFIELD: We could go on for that ad
16 nauseam.

17 MR. GRAF: We could. I'm not going to.

18 JUDGE PORTERFIELD: Do you have your witness here?
19 You have one more witness?

20 MR. LAVELLE: No.

21 JUDGE PORTERFIELD: That is it today?

22 MR. LAVELLE: That is five, I guess, and we had a
23 couple, three people who were originally scheduled who
24 couldn't make it and we will try to work them in tomorrow.

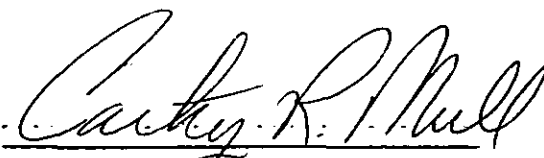
25 JUDGE PORTERFIELD: Tomorrow morning is there any

1 possibility you want a half hour earlier start? I'm not
2 pressuring you to do that. It is up to you. Strictly your
3 convenience, early in early out. Off the Record.

4 (Discussion off the record.)

5 (Thereupon, at 3:30 o'clock p.m., the hearing was
6 adjourned.)

7 I hereby certify that the proceedings and evidence are
8 contained fully and accurately in the notes taken by me
9 during the hearing of the within cause, and that this is a
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