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COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

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 :
J. F. Lomma, Inc. :
 Right to begin to transport, property, which : Docket No.
 because of size or weight, requires the use :
 of rigging, special handling, or special : A. 105101
 equipment between points in Pennsylvania. :

Further hearing.

RECEIVED

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Pages 228 through 354

Hearing Room 1
 State Office Building
 Broad and Spring Garden Streets
 Philadelphia, Pennsylvania

**SECRETARY'S OFFICE
 Public Utility Commission**

Tuesday, October 9, 1984

Met, pursuant to notice, at 10:00 a.m.

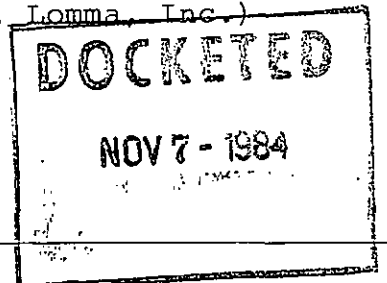
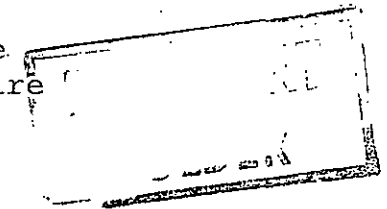
BEFORE:

JOSEPH J. KLOVEKORN, Administrative Law Judge

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NUMBER FOR IDENTIFICATION IN EVIDENCE

Applicant's

No. 11 (Guinto)	230	270
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P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE JOSEPH J. KLOVEKORN: I call
3 to order this hearing in case A. 105101, application of
4 J. F. Lomma, Inc.

5 This is a further hearing in this proceeding, held
6 for the purpose of receiving supporting shipper testimony.

7 If we have no preliminary matters, Mr. Patterson,
8 do you want to call your first witness?

9 MR. PATTERSON: Yes, sir. Your Honor, the Applicant
10 calls Mr. Guinto.

11 Whereupon,

12 VINCENT G. GUINTO

13 having been duly sworn, testified as follows:

14 MR. PATTERSON: Your Honor, I have previously distri-
15 buted to the parties, to yourself and to the court reporter
16 a three-page document headed, "Prepared Testimony of Vincent
17 G. Guinto," and I would ask that that document be marked for
18 identification as Applicant's Exhibit 11.

19 JUDGE KLOVEKORN: Without objection, it will be so
20 identified.

21 (Whereupon, the document was
22 marked as Applicant's Exhibit
No. 11 for identification.)

DIRECT EXAMINATION

23
24 BY MR. PATTERSON:

25 Q Mr. Guinto, do you have in front of you a copy

1 of the document that I just identified?

2 A. Yes, I have.

3 Q. Are you familiar with that document?

4 A. Yes, I am.

5 Q. Did you participate in its preparation?

6 A. Yes, I did.

7 Q. If I asked you the questions that are set forth in
8 the document would your answers under oath be the same as are
9 therein set forth?

10 A. Yes, they will.

11 Q. And do you wish to adopt Exhibit 11 for identifica-
12 tion as your basic testimony in this proceeding?

13 A. Yes, I do.

14 Q. Mr. Guinto, have you been made aware of the
15 identity of the Protestants in this proceeding?

16 A. Yes, I have.

17 Q. With respect to Protestant Frank Hake, does your
18 company utilize the services of that company within Pennsyl-
19 vania?

20 A. I can't recall the last time we utilized Frank
21 Hake in the state of Pennsylvania.

22 Q. Does that company solicit your traffic?

23 A. Yes, they do. However, they solicit the rigging
24 business, not the heavy hauling business. Heavy hauling,
25 according to my perception, is ancillary to the rigging

1 business.

2 Q And would you describe what you mean by "rigging"
3 for the record?

4 A Basically, my dealings with Hake have always been
5 when they want to rig components that are in excess of
6 approximately 200 tons.

7 Q How about Protestant Moore-Flesher Hauling, Inc.?
8 Do you use the services -- does Westinghouse use the services
9 of that company within Pennsylvania?

10 A No one from Moore Flesher has solicited my business
11 in probably ten years or more, so I haven't used them in the
12 last ten years.

13 Q Protestant David Graham and Company, does
14 Westinghouse use the services of that company?

15 A Yes, we do.

16 Q Within Pennsylvania?

17 A Yes, we do.

18 Q When is the last time that you used that company's
19 services?

20 A Approximately two weeks ago.

21 Q And would you describe that circumstance, or whatever
22 they did for you?

23 A I did a small generator -- small by my standards,
24 it weighed 126,000 pounds -- and we called David Graham to
25 pick up the load and transport it down to Philadelphia,

1 Pennsylvania. It took approximately a week for them to
2 furnish their tractor. The only tractor that they had that
3 would haul the component was down somewhere in the Texas
4 area and we had to wait for that tractor to do a job and then
5 come back up to Pennsylvania. They did haul the load.

6 Q What were the consequences, if any, to Westinghouse
7 as a result of that week's delay?

8 A Well, it caused some slight aggravation because we
9 want to get our components shipped to our customers as fast
10 as possible so that we can bill them and collect our dollars.

11 Q And are circumstances like that part of the reason
12 why you are here this morning supporting the application of
13 J. F. Lomma, Inc.?

14 A That's correct.

15 Q Protestant Daily Express, Inc., has Westinghouse
16 used the services of that company within Pennsylvania?

17 A I haven't used Daily Express in probably 10, 12
18 years.

19 Q Why not, sir?

20 A Well, when they first moved to the Pittsburgh
21 area --

22 MR. NURICK: I'm going to object, Your Honor, if they
23 are talking 10 or 12 years ago. That's not relevant. That is
24 too far removed to have any relevance to this case. I've
25 seen cases where two years might constitute stale evidence.

1 I'm thinking of the Duie Pyle case, if I recall.

2 Ten to 12 years ago is too long ago for any evidence
3 to be relevant to this case.

4 MR. PATTERSON: Your Honor, that 12 years ends today.
5 I think Mr. Nurick's objection is a little bit premature. I
6 think the witness had just started his answer. It would be
7 entirely proper to say that he had never used a carrier for
8 40 years. Now, if the next question has to do with something
9 that happened 40 years ago, perhaps that's the time for the
10 objection.

11 Certainly, the testimony that the company hasn't used
12 them for that long is not stale. That's current.

13 JUDGE KLOVEKORN: What's the question outstanding?

14 MR. PATTERSON: I think it was, essentially, "Why not,"
15 why haven't they used them for the last 12 years.

16 JUDGE KLOVEKORN: I will sustain the objection.

17 BY MR. PATTERSON:

18 Q. Have you used the services of Daily Express, Inc.
19 within the last two years?

20 A. Not that I can recall.

21 Q. In Pennsylvania?

22 A. No.

23 Q. Why not?

24 MR. NURICK: I'm going to object again, Your Honor,
25 because it's obviously based on something that happened 10

1 12 years ago.

2 MR. PATTERSON: No, it's not, not yet, not until we
3 hear the answer.

4 JUDGE KLOVEKORN: Let's hear the answer.

5 THE WITNESS: Would you repeat the question again,
6 please?

7 BY MR. PATTERSON:

8 Q If you haven't used them for the last two years,
9 why not?

10 A They really haven't aggressively solicited the
11 business and we found alternate carriers that can satisfy
12 our needs.

13 MR. NURICK: I'm going to object on the basis, Your
14 Honor, that whether they solicited or not -- just so I'm
15 consistent -- isn't the issue here. It's whether or not they
16 have been called on and been used.

17 MR. PATTERSON: Your Honor, I think that the interest
18 displayed by the Protestant carriers who feel it necessary to
19 come here and oppose this application, their actual interest
20 in handling the traffic of these shippers, is certainly rele-
21 vant. That is usually shown by whether they have expressed
22 an interest to the shipper in handling the traffic.

23 MR. NURICK: Your Honor it's not relevant. It's
24 relevant whether the shipper has called on the carrier and
25 the carrier has been able to give him the service. I would

1 doubt that any particular shipper would be able to call on --
2 any particular carrier -- would be able to call on every
3 single shipper in the Commonwealth.

4 MR. PATTERSON: Your Honor, I would expect that if
5 Daily was interested in handling heavy hauling traffic within
6 the state of Pennsylvania that Westinghouse might be fairly
7 close to the top of their solicitation list.

8 MR. NURICK: Well, Your Honor, again, I've stated my
9 objection.

10 JUDGE KLOVEKORN: I will overrule the objection.

11 MR. PATTERSON: That's all I have on direct, Your Honor,
12 and I tender the witness for cross-examination.

13 CROSS-EXAMINATION

14 BY MR. KAHN:

15 Q Mr. Guinto, the commodities that you mentioned on
16 the first page of your statement -- do you have that in front
17 of you?

18 A Yes, I do.

19 Q The paragraph at the bottom of the page, can some
20 of those commodities be shipped on regular flat trailers?

21 A Yes, they can.

22 Q Will you go through the list and tell us which
23 items can be shipped or shipped some of the time on regular
24 flat trailers, starting with turbine generators?

25 A All of them can be shipped at any one time based on

1 weights and dimensions.

2 Q. Of the approximately six shipments a month that
3 you estimate would go to Pennsylvania destinations, from your
4 experience how many of those move on regular flat trailers?

5 A. Two.

6 Q. Do all shipments originate at, what is it, East
7 Pittsburgh, your facility at East Pittsburgh?

8 A. The ones where I control the routing, yes, they
9 do.

10 Q. Well, of the total number of shipments that you
11 have to Pennsylvania points -- we are speaking just about
12 outbound shipments within the scope of this application -- do
13 the consignees direct the routing on some of them?

14 A. In rare cases they do.

15 Q. Now, the inbound shipments that come within the
16 scope of this application, are they all shipments from steel
17 mills?

18 A. Some may be from steel mills; not all of them.

19 Q. What other types of origins do they come from?

20 A. They come from electric power plants in the state,
21 they come from the port of Philadelphia, inbound shipments
22 from overseas.

23 Q. Those would be foreign commerce shipments, would
24 they not?

25 A. Yes.

1 Q Well, we are confining ourselves in this proceeding--

2 A Excuse me, sir. Not all of them would be foreign
3 commerce. Some would be interstate, where they come on a
4 barge from another state.

5 Q I see. But they would originate someplace outside
6 of Pennsylvania?

7 A Yes.

8 Q Well, we are confining ourselves here in this
9 proceeding to shipments which originate in Pennsylvania.
10 Do you understand that?

11 A Right.

12 Q Now, going back to your estimate of numbers, does
13 that affect your estimate of six per month to Pennsylvania
14 points on the outbound side? Do they all originate in East
15 Pittsburgh and go to points in Pennsylvania?

16 A If I understand your question correctly, I would
17 have to probably revise those numbers because some of the
18 outbound shipments would go to the port of Philadelphia for
19 export.

20 Q Well, would you revise those numbers and tell us --
21 exclude the export shipments or the shipments which go through
22 the port to a point in another state?

23 A I would probably say the average of the six ship-
24 ments per month within Pennsylvania, I would revise downward
25 to approximately four per month, strictly intrastate.

1 Q Of the four would you still agree that two of those
2 could move on regular flat trailers?

3 A Yes, that's possible. But it depends, again, on
4 the weight and the dimensions of the product. I might have
5 one shipment this month that weighs 40,000 pounds and the
6 next month I could have three or four shipments that weigh
7 100,000 pounds; obviously they wouldn't go on what you call
8 the regular flat.

9 Q Well, is it correct that the shipments which are
10 not overdimensional could move on a regular flat trailer?

11 A Well, overdimensional and overweight.

12 Q I would include overweight in the overdimensional.

13 A Yes.

14 Q Now, coming back to the inbound movements, is the
15 routing on those generally controlled by the shipper?

16 A The majority of our inbound shipments within the
17 state of Pennsylvania would come from electric power plants,
18 components coming back for repairs. Most of the electric
19 utility companies do not have a professional traffic depart-
20 ment per se. Consequently, they give Westinghouse the
21 authority to make all of the arrangements.

22 Q Well, that's what I'm inquiring about. Do you,
23 as a matter of fact, route the shipments on the majority of
24 the inbounds?

25 A Yes, we do.

1 Q On the inbounds, can you tell us what percentage
2 of those move on regular flat trailers?

3 A Thirty percent.

4 Q Now, looking to your destinations, if you will,
5 in the middle of the second page, in the last year have you
6 shipped to any Pennsylvania points other than Lester and
7 Philadelphia?

8 A Yes, I have.

9 Q How many other points?

10 A Well, I couldn't tell. I make probably 250
11 shipments a month of various sizes, from LTL up to rail
12 shipments. I don't know the destinations of the thousands
13 of shipments I make every year.

14 Would you like me to try to elaborate on some of the
15 points I've shipped to?

16 Q Well, what I'm inquiring about -- I'm limiting
17 my inquiry to shipments within the scope of this application
18 which, as you know, is a heavy hauling application. So let's
19 exclude from consideration the smaller LTL shipments. We
20 aren't talking about those.

21 A All right.

22 Q And we are not talking about shipments which move
23 on regular flatbeds. Do you understand that?

24 A Yes, I do.

25 Q Now, that group that are strictly heavy hauling

1 shipments, do you have any other destinations within the last
2 year other than Lester and Philadelphia?

3 A. Yes, I do. Let's see. Shelocta, Pennsylvania.
4 Are you familiar with that? That's in western Pennsylvania,
5 I believe. We had a shipment that weighed about 130,000
6 pounds going up there.

7 Q. What county is that?

8 A. Let's see, Shelocta, I think might be Indiana
9 County. It's a power plant for PennElec.

10 (Witness perusing documents.)

11 A. Here it is. It's in Indiana County.

12 Q. Any others within the last year?

13 A. They probably have been. I can't recall at the
14 present time. I can always check my records when I get back
15 to the office and go through my bills of lading. I believe
16 I had some shipments up to the Erie, Pennsylvania area;
17 I think I had some shipments up to the Scranton area.

18 Q. So you think? You're not sure about those? Those
19 were heavy hauling shipments?

20 A. Heavy hauling, yes.

21 Q. Within the last year?

22 A. Like I say, I have hundreds of shipments and I don't
23 know all of them.

24 Q. Again, coming back to the inbound, you mentioned
25 inbound raw materials originating at the facilities of

1 U. S. Steel and Bethlehem Steel; is that correct?

2 A. Yes, I did.

3 Q On those shipments which originate at the steel
4 mills, don't the steel mills choose the carrier?

5 A That's their general practice, unless the terms
6 are such that Westinghouse is paying the freight. If Westinghouse
7 is paying the freight we will route the traffic and then
8 so advise the steel mills.

9 Q Well, as a matter of practice how is it normally
10 handled, that is, your traffic from the steel mills?

11 A I route the traffic when I pay the freight.

12 Q Then what percentage of those moves do you pay the
13 freight on?

14 A I would probably say 95 percent.

15 Q And which U. S. Steel facility is that that you
16 receive inbound commodities from?

17 A The Homestead Works.

18 Q That's in the Pittsburgh area?

19 A Yes, it is.

20 Q And which Bethlehem Steel facility do you
21 receive inbound shipments from?

22 A Bethlehem, Pa.

23 (Pause.)

24 A We also have steel coming from, I think, the
25 Coatesville area, Lukens Steel.

1 Q You testified that Frank Hake solicited you for
2 regular work only?

3 A That's correct.

4 Q You're aware, are you not, that Frank Hake also
5 offers over-the-road transportation of the commodities that
6 it rigs?

7 A Yes, I am.

8 MR. KAHN: I think that's all I have.

9 JUDGE KLOVEKORN: Thank you.

10 CROSS-EXAMINATION

11 BY MR. WALSH:

12 Q Mr. Quinto, you testified that Moore-Flesher has
13 not soliciting your traffic for nearly ten years; is that
14 correct?

15 A That's correct.

16 Q So you haven't used Moore-Flesher out of your
17 Pittsburgh facility for more than ten years?

18 A I'd say that's about correct, yes. I have not
19 routed any shipments via Moore-Flesher.

20 Q And those would be outbound shipments, then?

21 A That's correct.

22 Q Has Moore-Flesher ever been in your East Pitts-
23 burgh facility in the last ten years?

24 A Yes, I believe they have.

25 Q And I take it those would be inbound shipments

1 routed by, say, the utility from whom you were receiving your
2 transformer?

3 A. I don't manufacture transformers in East Pittsburgh.

4 Q. Well, whatever commodity is coming back from the
5 utility, that is routed by the utility via Moore-Flesher,
6 that would be going back to East Pittsburgh, right?

7 A. That's correct.

8 Q. And Moore-Flesher is therefore familiar with the
9 location of your facility?

10 A. Yes, they are.

11 Q. And your shipping and receiving requirements
12 generally, right?

13 A. They are familiar with our plant. I don't know how
14 familiar they are with our shipping and receiving requirements.

15 Q. Do you know how recently they've been in your
16 East Pittsburgh facility on inbound shipments?

17 A. I would suspect it was within the last two months.

18 . There is one utility that has a very good traffic
19 department. I think that is Allegheny Power Systems. I think
20 you're referring to a 135,000 pound rotor where they elected
21 to furnish their own equipment, the utility did. Consequently
22 in that case they did go with, I believe, Moore-Flesher.

23 Q. To your knowledge did Moore-Flesher satisfactorily
24 handle that shipment for Allegheny Power System?

25 MR. PATTERSON: If you know.

1 A. I know they were in the plant. I know they picked
2 up it up because my shipping department loaded it and blocked
3 it and braced it. I know it arrived at the destination.

4 Q. And that outbound shipment went via Moore-Flesher,
5 I take it?

6 A. The utility did route by Moore-Flesher, yes, it
7 did.

8 Q. Do you know where Moore-Flesher is located?

9 A. I believe it's in the Pittsburgh area. I don't
10 know exactly their street address.

11 Q. So they are, in other words, accessible to your
12 East Pittsburgh facility, right?

13 A. I believe they are within a 25, 50 mile radius
14 of the plant, yes.

15 Q. And I take it from your inbound service you are
16 familiar with the fact that they do have the proper equipment
17 and do offer heavy hauling services within the Commonwealth?

18 A. In the specific case you referred to apparently
19 they did have the proper equipment.

20 Q. Is Allegheny Power System the only company that
21 has utilized Moore-Flesher on inbound transportation to your
22 knowledge?

23 A. With Westinghouse that's the only one that I can
24 recall. I wouldn't be surprised if another utility might have
25 used them.

1 Q If I'm not mistaken, Lomma does not intend to
2 place a terminal in the Pittsburgh area, based on the testi-
3 mony of their chief operating witness. Why would you want to
4 utilize a carrier that is not based in the Commonwealth when
5 you've got a carrier like Moore-Flesher available right in
6 your own area who has demonstrated that their ability to
7 provide you with the proper equipment to make these heavy
8 hauling movements?

9 MR. PATTERSON: We are going to object to that. I think
10 the record will bear out that this carrier, the Applicant,
11 J. F. Lomma, has a facility right in Pittsburgh.

12 MR. WALSH: I'm sorry, Your Honor; then I will withdraw
13 the question.

14 BY MR. WALSH:

15 Q Allegheny Power System has more than one generating
16 station within the Commonwealth from which they ship inbound
17 shipments into your East Pittsburgh facility; is that correct?

18 A I don't know all their locations. I think that
19 shipment might have been going down to West Virginia, to a
20 power station in West Virginia; I could be wrong.

21 Q They have a power station located in Masontown;
22 is that correct?

23 A That is correct.

24 Q Don't they have another one located in Elrama,
25 Pennsylvania?

1 A. To an extremely limited extent. Our private truck-
2 ing operation is basically open-tops and closed vans. They do
3 have, I think, approximately six flatbeds which are domiciled
4 in High Point, North Carolina, that pick up loads at all the
5 Westinghouse locations within the time constraints. They
6 travel all over the United States of America. So they have
7 limited heavy hauling, if you will. I think they have a
8 couple of drop frames. That is a separate division of
9 Westinghouse Electric.

10 Q. But that is available to the corporation; is that
11 correct?

12 A. Yes, it is.

13 Q. Do you remember the last shipment you had moving
14 to Lester, Pennsylvania, to East Pittsburgh?

15 A. Yes, I do.

16 Q. And when was that, sir?

17 A. Approximately two weeks ago.

18 Q. And what carrier handled that?

19 A. David Graham.

20 Q. Was that a regular flatbed trailer?

21 A. No, that was -- the component weighed approximately
22 126,000 pounds. It was a multi-wheeled vehicle with a flat
23 configuration. I think it was a seven axle or five axle
24 trailer.

25 Q. And before that two week ago movement to Lester,

1 when was the last movement you had to Lester?

2 A. Several months ago.

3 Q. Several months?

4 A. I'm not exactly sure of the exact date.

5 Q. Who handled that?

6 A. I think it was David Gra~~h~~am -- excuse me -- yes,
7 David Graham.

8 Q. It was David Graham?

9 A. What is?

10 Q. I'm asking you.

11 A. Oh, I thought you had the records.

12 Q. No.

13 A. I don't have the documents in front of me. I believe
14 it was David Graham.

15 Q. Now, to Philadelphia when was the last movement
16 you had to Philadelphia?

17 A. I don't know every shipment that I make. I have
18 professional traffic representatives that take care of the
19 routine day-to-day routing.

20 Q. Do you recall who might have handled it?

21 A. I can't think off the top of my head.

22 Q. How about Shelocta? Do you remember the last
23 movement to Shelocta?

24 A. Yes, I do.

25 Q. When was that?

1 A. Two months ago, two-and-a-half months ago. It
2 was an inbound shipment.

3 Q. So that wasn't a destination, then, that was an
4 inbound shipment?

5 A. That was an inbound shipment, yes. We have had
6 some outbound shipments going up there.

7 Q. When was the last time you had an outbound shipment
8 to Shelocta?

9 A. About two months ago.

10 Q. How handled that shipment?

11 A. I believe it was Moss & Moss or Casey.

12 Q. Was that on a flatbed trailer?

13 A. Yes, on a flatbed trailer.

14 Q. When was the last time you had a movement to
15 Shelocta that wasn't a flatbed trailer?

16 A. Probably two years ago.

17 Q. Two years ago? Would that same be true with
18 regard to Erie?

19 A. Erie, I think, was probably a year or two years
20 ago when we had some shipments going up in that general
21 vicinity.

22 Q. They were flatbed?

23 A. I think they were probably flatbeds with heavy
24 loads on them in excess of 40,000 pounds.

25 Q. But you're not sure about that?

1 A. I'm not sure.

2 Q. How about Scranton? When was the last time you had
3 a shipment going to Scranton?

4 A. Like I said previously, I probably made shipments
5 to most of the utilities in the area, in the state of
6 Pennsylvania. I don't recall specifically the date or the
7 product that I shipped up there in that general vicinity of
8 the Scranton area. I don't recall. A couple of years ago,
9 maybe.

10 Q. A couple years ago is when the last one went to
11 Scranton?

12 A. It could be, yes.

13 Q. Do you recall, maybe, who you used at that time?

14 A. I believe it was John Benkart and Son, who has
15 since gone bankrupt or gone out of business.

16 Q. Was that a flatbed?

17 A. I suspect it was a multi-wheeled vehicle because
18 we used Benkart considerably and they hauled a lot of our
19 Pennsylvania intrastate until they went bankrupt.

20 Q. How long have you been in your present position
21 as manager of traffic?

22 A. Since 1975.

23 Q. Do I understand you could not recall when the
24 last shipment to Philadelphia was? If I asked you that I
25 don't remember what your answer was.

1 A. I can't recall specifically now.

2 Q. Was it over a year ago?

3 A. I would say it was less than a year ago.

4 Q. Do you know precisely what kind of equipment was
5 used? If you don't, just say so.

6 A. No, I don't.

7 Q. Do you know who might have handled the move?

8 A. No, I don't.

9 (Pause.)

10 A. Philadelphia -- excuse me. It could have been
11 Moss & Moss. I suspect that could have been Moss & Moss.

12 Q. Who pays the freight for your outbound moves?

13 A. In the majority of cases Westinghouse Electric
14 does.

15 Q. What would you say is the majority?

16 A. Well, 95 or better, 95 percent or better.

17 Q. Now, on your inbound freight you mentioned a couple
18 points; I believe you said Homestead was a point.

19 A. That's correct.

20 Q. Now, does that move on flatbeds, regular flatbeds?

21 A. Yes, it does.

22 Q. And how about from Bethlehem?

23 A. That would probably be regular flatbeds, some
24 multi-axled trailers.

25 Q. Do you recall the last time you might have had a

1 multi-axle trailer transportation from Bethlehem?

2 A. No, I don't.

3 Q. How about Lukens Steel? Is that regular flats?

4 A. In the majority of the cases it would be regular
5 flats.

6 Q. Do you remember the last time you had a movement
7 from Lukens on anything other than a regular flat to your
8 facilities?

9 A. We have a regular movement so consequently I
10 don't check on that.

11 Q. It's regular flats, though? Basically is that
12 correct?

13 A. Correct.

14 Q. Who performs the transportation from Homestead?

15 A. I believe we are using an outfit by the name of
16 AAA Transport.

17 Q. From Bethlehem?

18 A. I really can't recall.

19 Q. How about Coatesville?

20 A. Coatesville, the prime carrier, I believe, is
21 A. Duie Pyle and Tornetta.

22 Q. Tornetta, T-O-R-N-E-T-T-A.

23 A. That's it.

24 Q. Was Benkart's authority sold to another carrier?

25 A. I would suspect, but I don't know what happened

1 after their demise.

2 Q. So you don't know?

3 A. No, I don't.

4 Q. You don't know, in other words, if another carrier
5 purchased Benkart's authority or its total operation? That
6 you're not aware of; is that correct?

7 A. That's correct.

8 MR. NURICK: I don't have any more questions.

9 JUDGE KLOVEKORN: Thank you.

10 REDIRECT EXAMINATION

11 BY MR. PATTERSON:

12 Q. Mr. Guinto, how often have you utilized the
13 Westinghouse private fleet for heavy hauling shipments --
14 size and weight shipments -- out of your East Pittsburgh
15 facility to points in Pennsylvania? Is it a rare occasion or
16 does it happen often?

17 A. It's a rare occasion when we make shipments to
18 Pennsylvania intrastate points. They don't have the
19 equipment available at the time we need it.

20 Q. So that most of your intrastate heavy hauling
21 shipments go by for-hire carriers?

22 A. That's correct.

23 Q. In connection with the movement of product, of
24 devices, that you testified moved on flatbed trailers, by what
25 means, generally speaking, are those commodities on and

1 off-loaded from the trailers?

2 A. Well, they are always loaded, 100 percent of the
3 time, in the plant by overhead cranes. Unloading, in the
4 great majority of cases, because they are going to job sites
5 and piers or what have you, they would also be done by
6 overhead cranes or outdoor facilities, rigging off to the
7 side, skidding off to the side -- but basically cranes.

8 Q. Are there occasions when you require the carrier,
9 even though it's employing flatbed equipment rather than
10 specialized lowboy or dropdeck trailer equipment, to provide
11 that off-loading capacity via crane or other rigging?

12 A. Generally at the destination the customer at the
13 destination will make his own unloading arrangements. We have
14 assisted in some cases, but in the majority of cases the
15 customer will make all of those arrangements.

16 Q. If you are aware that Moore-Flesher has been in
17 your facility in service to Allegheny Power in connection with
18 the movement of a generator or some other device, why is it
19 that you have not sought out that carrier to provide service
20 for you?

21 A. We used to use Moore-Flesher years ago when they
22 had intra -- well, interstate authority also. They elected
23 years ago to sell their interstate authority. We used them
24 in the bulk of those cases in interstate. My perception
25 would be that they have retrenched themselves to a few local

1 customers.

2 Q I want to clear something up, sir, on the last
3 answer that begins at the bottom of the first page and carries
4 over to the top of the second page. You answered one of Mr.
5 Kahn's questions indicating that all of those devices could
6 be handled on flatbed equipment.

7 What determines whether those devices that you name in
8 that answer are handled on flatbed equipment or on more
9 specialized trailer equipment?

10 A Obviously the weights and dimensions of the
11 components. I have generators that might weigh 30,000 and I
12 have generators that weigh over 1 million pounds apiece.

13 Q And is a similar range available for the other
14 commodities that are named in that answer?

15 A Generally, the stators and generators can weigh
16 up to in excess of 1 million pounds. Rotors can weigh up
17 to approximately 450,000 pounds. Motors can be over 100,000
18 pounds; it depends on the style, the frame size and whatever.
19 The weights differ.

20 Q What determines -- what are the factors which
21 determine how often or how seldom you ship to or receive power
22 stations operated by Pennsylvania operating public utilities?

23 A As to shipments, when we receive an order from the
24 customer and we, eventually, after manufacturing, have to send
25 those components on time to satisfy the customer's requirements

1 to get it there immediately because they have a construction
2 schedule they have to adhere to.

3 Inbound shipments from the power plants are generally
4 on an emergency basis, where we need the equipment immediately.
5 The customer's power plant might be down and time is of the
6 essence. So the equipment is needed the minute we call up
7 the carrier sometimes. It's an unusual burden to put on the
8 carriers, but unfortunately that is the environment of the
9 work.

10 Q Do the power companies in Pennsylvania generally
11 each of them deal with a particular manufacturer of generators,
12 for example, or does a given power company utilize generators
13 made by Westinghouse, made by GE and made by others?

14 A The utilities deal with all of the electrical
15 generator manufacturers. There are only a handful in the
16 world: Westinghouse, GE, and a few overseas. But if their
17 power plants are down they normally always go back to the
18 original equipment manufacturer.

19 Q Does Westinghouse provide generators or the other
20 commodities you named for the account of Pennsylvania Power
21 & Light?

22 A Yes, we do.

23 Q Do you supply them to the account of Philadelphia
24 Electric?

25 A Yes, we do.

1 Q Do you supply them to the account of --

2 MR. KAHN: If Your Honor please, I think we are going
3 beyond the scope of cross now. I don't think any of this
4 was gone into on cross.

5 MR. PATTERSON: Oh, I think it was.

6 MR. KAHN: This is more direct examination is what it
7 is.

8 MR. PATTERSON: Well, we got into movements from power
9 companies and whether it was on flatbed trailers. There was
10 cross-examination about Allegheny Power--

11 MR. KAHN: Exactly. It didn't matter what companies.

12 MR. PATTERSON: You got into Allegheny Power.

13 MR. KAHN: We didn't get into the list of customers.

14 MR. NURICK: Your Honor, I will join that motion.

15 I stuck with specific points named, and I think this is
16 going beyond the scope of direct examination; I move that
17 his answer be stricken in this regard.

18 MR. PATTERSON: Well, Your Honor, there's only an
19 objection to one question, I think.

20 MR. KAHN: I object to the question about what companies
21 they have as customers and I move to strike the answers which
22 were given as to the names of customers in this, which is
23 redirect and limited to the scope of cross-examination.

24 MR. PATTERSON: Your Honor, the objection runs to one
25 question. I'm comfortable with answering the objection to

1 that question. There was no objection to the other questions
2 or to the answers that had already been given. I don't think
3 we ought to delve back into the record and start carving
4 out.

5 I suggest to Your Honor that this is completely within
6 the framework of the cross-examination and I'm entitled to
7 examine this witness further on the same subject.

8 MR. WALSH: Your Honor, with regard to customer
9 testimony, my question was limited to inbound shipments
10 routed by Allegheny Power Systems to show who controled the
11 inbound routing of those shipments and the destinations and
12 the fact that Moore-Flesher handled traffic within Westing-
13 house facilities within the past month. My questions were
14 limited to that one company, Allegheny Power Systems. I
15 didn't ask the gentleman what other utilities routed their
16 traffic.

17 MR. PATTERSON: Your Honor, I'm certainly not even in
18 a court of law restricted to the precise parameters of an
19 area of questioning that is opened up by cross-examination.
20 I suggest that I am within the zone of consideration with
21 this line of questioning.

22 MR. NURICK: Your Honor, I would suggest, if I may,
23 that in a court of law you would be, and I stuck specifically
24 to the points that were named and that is one of the reason,
25 so that we didn't open it up all over again. I would again

1 ask Your Honor to sustain our objection.

2 JUDGE KLOVEKORN: I sustain the objection to the
3 question outstanding.

4 BY MR. PATTERSON:

5 Q Mr. Guinto, do you have a feel for how many power
6 companies in Pennsylvania Westinghouse does business with
7 and to whom you ship from your East Pittsburgh facility?

8 MR. NURICK: Objection, Your Honor.

9 JUDGE KLOVEKORN: Sustained.

10 BY MR. PATTERSON:

11 Q Do you route any traffic to Allegheny Power
12 or do they route all of their own traffic into and out of your
13 facility?

14 A I'm not totally familiar with the philosophy of
15 routing control with the Allegheny Power System. Undoubtedly
16 my experience has been on the major apparatus they route --
17 we work in conjunction with them. For rail equipment, we
18 might secure the rail cars and so forth. I don't know on
19 routine shipments what their philosophy is. It's very
20 conceivable we could have routed normal shipments on regular
21 flatbeds for that matter.

22 The shipment we are speaking about was a critical
23 shipment that was needed undoubtedly where top management
24 decided to get these people directly involved.

25

1 Q Did you see the Moore-Flesher equipment that was
2 used on that occasion?

3 A I believe I saw one piece of equipment several
4 months ago from Moore-Flesher.

5 Q Was that on the occasion of the shipment that we
6 are talking about, or do you recall?

7 A I don't think I saw it at that time.

8 (Pause.)

9 A Our plant is approximately two miles long and we
10 have several shipping locations. I can not conceivably get
11 to all of the shipping locations.

12 Q Are you or are you not convinced that Westinghouse
13 needs the availability of J. F. Lomma within Pennsylvania?

14 MR. NURICK: Objection. It's a legal conclusion.

15 MR. PATTERSON: No, I'm asking him whether Westinghouse
16 needs the service, Your Honor. Certainly that is within the
17 competence of the shipper witness.

18 MR. NURICK: Your Honor, that's the determination to
19 be made by you.

20 MR. PATTERSON: The Commission determines whether the
21 public needs it in a common carrier application. Certainly
22 a shipper is entitled to testify that his company needs it.
23 Otherwise, we wouldn't call them.

24 MR. NURICK: Your Honor, he's one of the members of
25 the public, and I submit that if you have one shipper that's

1 the public also in application and that is the conclusion.

2 JUDGE KLOVEKORN: Overruled.

3 BY MR. PATTERSON:

4 Q Are you convinced?

5 A That's the reason why I'm here. Yes, I'm
6 convinced.

7 Q Why is it that you need Lomma?

8 A Because of the nature of our business, we need
9 equipment on a moment's notice and we haven't really been
10 able to secure the equipment, generally, on a moment's notice.
11 I feel by having a facility in the Pittsburgh area that it
12 will greatly enhance my ability to satisfy my customers and
13 to get my products to the electric power plants on time.

14 MR. PATTERSON: Thank you, Mr. Guinto.

15 MR. KAHN: Well, Your Honor, just one or two things.

16 RECROSS-EXAMINATION

17 BY MR. KAHN:

18 Q You were asked about crane loading the flat trailers.
19 You said normally the utilities unload them at destination.
20 My question is how about origin? Doesn't Westinghouse
21 normally load them with cranes at origin?

22 A That's what I said, sir.

23 Q I didn't remember you saying about the origins.

24 One further thing about your final answer on redirect:
25 is it your feeling, generally, that the more heavy haulers

1 that are available to Westinghouse the better off you are?

2 A. The more qualified heavy haulers, yes.

3 Q. Right. And that's why you're supporting Lomma
4 here?

5 A. Yes.

6 MR. KAHN: That's all I have.

7 RE-CROSS-EXAMINATION

8 BY MR. WALSH:

9 Q. Mr. Guinto, we have established that you do not
10 control the routing on all outbound shipments from your
11 East Pittsburgh facility; is that correct?

12 A. I don't control 100 percent, that's correct.

13 Q. Specifically, Allegheny Power Systems would be an
14 example?

15 A. That's an example, yes.

16 Q. I believe you also testified on redirect that you
17 had utilized Moore-Flesher for interstate shipments up until
18 a number of years ago, at which time you conceived that they
19 sold their interstate authority; is that correct?

20 A. That's correct.

21 Q. Up to that point in time had you had any problem
22 with the service provided by Moore-Flesher on an interstate
23 basis?

24 A. Equipment availability was a problem, yes.

25 Q. And how many years ago would they have ceased that

1 interstate service to your company?

2 A. Whenever they sold their authority. I believe
3 that was years ago, seven, eight, nine years ago. I don't
4 know the specific time.

5 Q. And you've been traffic manager since 1975, I
6 believe?

7 A. 1975. I was a traffic supervisor, basically
8 controled the whole thing, since 1972.

9 Q. Would the sale of their interstate authority have
10 anything to do with their ability to provide intrastate
11 service for Westinghouse?

12 A. It's very possible. Undoubtedly I think they might
13 have sold their authority and some of their equipment.

14 Q. You're not familiar with that, though, are you?
15 All you think is that they sold their interstate authority,
16 correct?

17 A. That's correct, and their service sort of went
18 downhill by our perception.

19 Q. But you have never used them for intrastate service
20 within the past ten years, have you?

21 A. They have never called on me in that ten years
22 either to secure my business.

23 Q. So how can you characterize their intrastate
24 service if you haven't utilized them?

25 A. Well, seeing that I'm one of the largest heavy

1 hauler shippers in the area and they used to do business with
2 us, I thought it strange that they didn't want our business
3 anymore.

4 Q. On an intrastate basis?

5 A. That's correct.

6 Q. But they have been in your facility, correct?

7 MR. PATTERSON: We are going to object to that, Your
8 Honor. That is repetitive. Yes, they have been in the
9 facility. We have talked about that 16 times this morning.

10 JUDGE KLOVEKORN: I don't know that we are getting
11 anywhere at this point. You may proceed with your next
12 question.

13 MR. WALSH: That's all I have.

14 RE-CROSS-EXAMINATION

15 BY MR. NURICK:

16 Q. Mr. Guinto, when was the last time that you had a
17 shipment on a moment's notice from West Pittsburgh to a point
18 in Pennsylvania that was of a heavy hauler type nature?

19 MR. PATTERSON: East Pittsburgh?

20 MR. NURICK: East Pittsburgh. I'm sorry.

21 A. A couple weeks ago.

22 BY MR. NURICK:

23 Q. Where did that go to?

24 A. Western Pennsylvania.

25 MR. PATTERSON: We are going to object to that as being

1 completely repetitive. We are just going over the same
2 ground. We have talked about that same shipment at least
3 three times.

4 MR. NURICK: You mentioned it on --

5 MR. PATTERSON: On direct, on cross and now on recross.

6 MR. NURICK: On redirect, Your Honor, he said he needed
7 shipments on a moment's notice.

8 MR. PATTERSON: Well, that is an area of questioning
9 that I have not objected to yet because that question has not
10 been asked. What I'm objecting to is to again get into this
11 same old shipment to Lester.

12 MR. NURICK: I didn't know, Your Honor, that his
13 answer was going to be Lester when I asked him the last time.

14 MR. PATTERSON: It was the last three times he answered
15 the same question.

16 BY MR. NURICK:

17 Q. And before that?

18 A. I would probably venture to say because of the
19 nature of the electric utility industry in this country right
20 now that the great majority of my shipments are on a moment's
21 notice, whether they be rail or truck or so forth.

22 Q. But that doesn't answer my question, Mr. Guinto.

23 MR. NURICK: I move that that answer be stricken as
24 unresponsive.

25 MR. PATTERSON: I don't even remember what the question

1 was, Your Honor. I thought that that was where Mr. Nurick was
2 headed.

3 JUDGE KLOVEKORN: Why don't you ask your question again,
4 Mr. Nurick.

5 MR. NURICK: May I have his answer stricken, Your
6 Honor?

7 JUDGE KLOVEKORN: No.

8 BY MR. NURICK:

9 Q. When was the time before Lester that you had a
10 shipment on a moment's notice to a point in Pennsylvania?

11 A. Two months ago to Shelocta, Pennsylvania for
12 PennElec, that I can recall.

13 Q. And was that a flatbed trailer?

14 A. Yes, it was.

15 Q. I want to know the last time for a heavy hauling
16 move, though, to a point in Pennsylvania.

17 A. Heavy haulers have flatbed equipment.

18 Q. I understand. But this was a flatbed move to
19 Shelocta. I want to know when the last time was that you had
20 a heavy hauling equipment type move --

21 MR. PATTERSON: Well, Your Honor, let's let Mr. Nurick
22 define what he means by "heavy hauling" because as I under-
23 stand the law there are any number of occasions when traffic
24 which is handled on flatbeds because of other circumstances
25 is properly defined as heavy hauling. It is a difficult

1 definition to get ahold of, so I would ask that rather than
2 characterizing something as flatbed rather than heavy hauling
3 as if they are mutually exclusive that we define it, if we
4 have to go this far.

5 MR. KAHN: On that point, Your Honor, I think we
6 ought to clarify that. It's my understanding of the law
7 as laid down by the PUC that a flatbed movement is heavy
8 hauling only if the loading or unloading equipment is
9 furnished by the carrier.

10 MR. PATTERSON: Your Honor, all I'm seeking is if
11 Mr. Nurick is going to ask questions that he work with a
12 definition that he's comfortable with and that the witness
13 is comfortable with so that we don't get this whole thing
14 all balled up.

15 MR. NURICK: I will pursue that further, Your Honor.

16 BY MR. NURICK:

17 Q. On the Shelocta move who loaded the equipment?

18 A. Westinghouse Electric.

19 Q. With Westinghouse Electric's equipment; is that
20 correct?

21 A. That's correct.

22 Q. And who unloaded it, sir?

23 A. The customer made his own arrangements. I don't
24 know if he used his own equipment or if he used outside
25 suppliers.

1 Q But it was on the customer's premises?

2 A That's correct.

3 Q The facilities that did the unloading?

4 A That's correct.

5 Q Would the same be true with the move to Lester?

6 A The move to Lester -- yes, that is correct.

7 Q The Lester move was a flatbed move also?

8 A Multi-wheeled vehicle.

9 Q I just don't remember.

10 A It was probably eight or nine axles total,
11 including the tractor and the trailer.

12 Q Now, prior to Shelocta when was the last time you
13 had an emergency move to a point in Pennsylvania?

14 MR. PATTERSON: You mean heavy hauling?

15 MR. NURICK: Heavy hauling.

16 A I have so many throughout the country and the world
17 I can't recall the last emergency. Probably 50 percent of all
18 my loads are emergency.

19 BY MR. NURICK:

20 Q But within your definition of emergency would be
21 the situation also where you have a flatbed trailer loaded at
22 the origin by the shipper and unloaded at the destination by
23 the consignee; is that correct?

24 A That's correct.

25 Q And that's basically what you're talking about?

1 MR. NURICK: I have nothing further, Your Honor.

2 MR. PATTERSON: That's all I have, Your Honor. I would
3 move the admission of Exhibit A-11.

4 JUDGE KLOVEKORN: Without objection; and the witness is
5 excused. Thank you very much.

6 (Whereupon, the document marked
7 as Applicant's Exhibit No. 11
8 was received in evidence.)

9 (Witness excused.)

10 JUDGE KLOVEKORN: Let's take a five minute recess.

11 (Recess.)

12 JUDGE KLOVEKORN: Back on the record.

13 MR. CIEMNIECKI: Your Honor, I would like to call Mr.
14 Rhinier to the stand, please.

15 Whereupon,

16 CHARLES W. RHINIER

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. CIEMNIECKI:

20 Q. Sir, would you please state your name and business
21 address for the record?

22 A. Charles W. Rhinier, 800 East Virginia Avenue,
23 West Chester, Pennsylvania.

24 Q. And with what company or companies are you
25 associated?

1 page two of the exhibit, and in connection with the second
2 question you indicate that your volume moving to Pennsylvania
3 points is two to five heavy hauling shipments, and then you go
4 on to indicate your average monthly total tonnage and total
5 Pennsylvania tonnage.

6 Now, are those figures the traffic volume of Schramm
7 or are they of PEECO; what are they exactly?

8 A. They are actually figures, weight movements, of
9 Schramm, Incorporated, who is the manufacturer and could be
10 possibly PEECO sales.

11 Q. So that would be sort of a combination of both
12 PEECO and Schramm traffic?

13 A. It could be, yes.

14 Q. Now, Mr. Rhinier, moving down to the next question,
15 well, first of all, on the next question you indicate that you
16 sell your products through dealers and distributors.

17 A. That's correct.

18 Q. And then you list some representative destinations
19 in the second paragraph of your answer. Are those primarily
20 dealers and distributors that you have in Pennsylvania?

21 A. No. They could be customers of dealers or
22 distributors, and possibly distributors.

23 Q. In addition to the destinations listed do you have
24 additional dealers located in Pennsylvania?

25 A. I wouldn't say dealers, but I would say customer

1 facilities, the Pennsylvania Department of Highways, the
2 Turnpike Commission. And I don't know all of those particular
3 maintenance garages by heart, which are destinations throughout
4 Pennsylvania.

5 Q I'm sorry. I believe I missed the names. What
6 agencies are you referring to?

7 A Well, the Pennsylvania Department of Highways and
8 the Pennsylvania Turnpike Commission.

9 Q They are customers of your's; is that correct?

10 A They are customers of our's and PEECO.

11 Q In what connection would you ship products to
12 PennDOT and the Turnpike Commission? To what particular
13 facility or to different facilities?

14 A Well, it would be sold to either the Pennsylvania
15 Department of Highways or the Turnpike Commission, assigned to
16 a maintenance garage. That is the destination or that is the
17 point in Pennsylvania. It doesn't go to the Turnpike
18 Commission building.

19 Q So you would make delivery directly to the
20 destination, the maintenance facility or whatever?

21 A That's correct.

22 Q Now, in connection with the type of special
23 equipment that you require, you indicate a need for detachable
24 gooseneck lowboy trailers. For what purpose would you require
25 detachable gooseneck lowboy trailers?

1 A. Well, because of the dimension of the large
2 rotodrills, quarry mining machines and the heavy tractors,
3 heavy duty tractors that we manufacture, and are delivered to
4 job sites. In many of those cases there are not unloading
5 facilities and it's a run-on and run-off type of situation.

6 Q. When you say "run-on" and "run-off" could you
7 explain that?

8 A. It's mobile. The neck detaches and you have a
9 ramp which you run the crawler or the tractor up on and
10 tie it down, and because of height some of the dimensions of
11 lowboys are eight inches from the ground, nine inches from
12 the ground. It then becomes a dimensional factor when
13 delivering to job sites and maintenance garages. In some
14 cases they could be picked off, but very seldom. They weigh
15 great and the job sites and a lot of the dealers and the
16 highway garages don't have heavy unloading equipment.

17 Q. So the detachable goosenecks are actually to
18 facilitate the loading and unloading of your product?

19 A. And weight in some cases, yes.

20 Q. Mr. Rhinier, could you indicate for the record
21 why you feel you need the services of J. F. Lomma?

22 A. I need the service of J. F. Lomma because I need
23 a second carrier that is a good carrier and I don't like to
24 put all my eggs in one basket. You never know when you have
25 all your eggs in one basket when somebody is going to drop

1 one of them. They show up with the proper equipment, they
2 have the proper equipment that I need.

3 Q When you say "they have the proper equipment" is
4 that Lomma that you're referring to?

5 A That's Lomma, yes.

6 MR. CIEMNIECKI: That's all I have on direct, Your
7 Honor.

8 CROSS-EXAMINATION

9 BY MR. KAHN:

10 Q Mr. Rhinier, do I understand that PEECO does the
11 shipping of all the products manufactured?

12 A No, they do not. I do. They do the selling.

13 Q Well, you've said in your statement that you're
14 authorized to testify for both PEECO and Schramm.

15 A That's correct.

16 Q PEECO, of course, as you've said, is a wholly
17 owned subsidiary of Schramm?

18 A Sales organization.

19 Q Sales organization. What I'm trying to find out
20 is do both companies ship?

21 A Yes.

22 Q And you say do and they don't. You're referring
23 to you as Schramm?

24 A That's correct.

25 Q But you're also here testifying for PEECO?

1 A. That's correct.

2 Q. But both companies do ship?

3 A. Yes.

4 Q. And the figures you've given us on page two of
5 the statement, as I understand from your answer, on direct,
6 are the combined figures?

7 A. Yes.

8 Q. Are those averages computed in actual shipments
9 in Pennsylvania?

10 A. Yes. Well, the one figure there states -- yes,
11 that's right.

12 Q. You said your total monthly tonnage is 219,000
13 pounds with points in Pennsylvania being 164712?

14 A. That's right.

15 Q. That's all the combined figures. Do you have
16 any of the documents here from which those figures were
17 computed?

18 A. No, I don't.

19 Q. Do you have the --

20 A. That is the 1983 traffic census up until June of
21 last year that I had to supply the federal government. They
22 are those figures, and I don't have that document in my hands.

23 Q. Now, you describe in your statement that you
24 require detachable gooseneck trailers, detachable gooseneck
25 lowboy trailers. What percentage of that traffic figure

1 you've given us above moves on these detachable gooseneck
2 lowboys?

3 A. The 164,712 pounds.

4 Q. That all moves on detachable gooseneck lowboys?

5 A. Yes, or drop-decks.

6 Q. Or drop-decks?

7 A. Right.

8 Q. Were any of those shipments in the 164,000 figure
9 shipments for export to the piers in Philadelphia or anywhere
10 else?

11 A. No.

12 Q. You testified that you need a second good carrier.
13 Who is your first carrier?

14 A. Daily Express.

15 Q. And how long have you been using Daily Express?

16 A. A number of years.

17 Q. And you're supporting J. F. Lomma here so that you
18 can have a backup carrier?

19 A. That's correct.

20 Q. Haven't you also in another proceeding supported
21 Robbins Transportation?

22 A. I have, yes.

23 Q. And you were aware that Robbins obtained the
24 authority to transport heavy hauling in Pennsylvania?

25 A. No, I'm not aware of that.

1 Q Have you been giving any traffic to Robbins?

2 A No, I haven't.

3 MR. KAHN: I think that's all I have.

4 JUDGE KLOVEKORN: Thank you.

5 CROSS-EXAMINATION

6 BY MR. WALSH:

7 Q Mr. Rhinier, are the representative destinations
8 set forth on page two of your prepared testimony taken from
9 that review of your traffic during the first six months of
10 '83?

11 A No, it isn't.

12 Q How did you determine those?

13 A By destinations from memory.

14 Q Would those also include the PennDOT maintenance
15 facilities?

16 A Some of those are, yes. There are more that I can't
17 bring to mind right now.

18 MR. WALSH: I believe that's all the questions I have.

19 JUDGE KLOVEKORN: Thank you.

20 CROSS-EXAMINATION

21 BY MR. NURICK:

22 Q With regard to the freight which moves for your
23 company, Schramm, who pays the freight charges for that?

24 A Schramm, Incorporated pays and in some instances
25 bills the customer.

1 Q Bills the customer for the freight?

2 A That's right.

3 Q Then in those instances the customer would have
4 the right to select the carrier, isn't that right?

5 A They certainly would. But they rely on my expertise
6 to do it for them.

7 Q But they could change at any time?

8 A At any time they choose.

9 Q Now, PEECO, who pays the freight for the PEECO
10 movements? Is that Schramm or PEECO?

11 A Schramm, Incorporated pays it and we bill PEECO.

12 Q You bill PEECO? And then is that charge also
13 passed on?

14 A I don't know.

15 Q So you're saying you don't know how PEECO makes
16 the transportation arrangements?

17 A That's right. I don't know what their final
18 transactions are.

19 Q Now, when you have customers that purchase to
20 sell to points at other points in the state, that customer
21 could pay the freight charges; isn't that correct?

22 A They could, yes.

23 Q And isn't that what is normally the case?

24 A No, it isn't.

25 Q It is not?

1 A. Not in this particular case.

2 Q. Is it what you said before, that even for those
3 customers while they eventually pay the freight they say
4 you choose the carrier?

5 A. Correct.

6 Q. Now, do I understand from what Mr. Kahn asked you
7 just to make absolutely sure -- you have no documents in
8 here with you to support that figure moving to Pennsylvania
9 points?

10 A. No, I don't.

11 Q. Do you remember the last time you had a movement
12 going to Clearfield?

13 A. No, I don't recall.

14 Q. Would the same be true for the other destinations
15 points listed?

16 A. Yes, sir.

17 Q. Those, as you say, were just from your memory of
18 points you served sometime in the past?

19 A. That's correct.

20 Q. Now, looking at your testimony where it says,
21 "Indicate your volume of heavy hauling traffic," and the
22 answer there, I take it, that all your shipments come from
23 West Chester; is that correct?

24 A. Yes, sir.

25 Q. Now, you talked about in your answer to that heavy

1 hauling traffic. What do you consider heavy hauling traffic
2 to be, sir?

3 A. What do I consider it?

4 Q. Yes.

5 A. Overdimensional traffic that cannot be hauled on
6 a flatbed or a normal general commodity trailer. That's my
7 definition.

8 MR. NURICK: Well, Your Honor, without being able to
9 see any documents on that number would be the thing that I
10 would get into. I really have no further questions.

11 JUDGE KLOVEKORN: Thank you.

12 MR. CIEMNIECKI: I have a couple questions on redirect,
13 Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. CIEMNIECKI:

16 Q. Sir, you indicated that you supported the
17 application of Robbins. Was it Robbins Transportation?

18 A. Robbins Transportation.

19 MR. KAHN: Robbins Motor Transportation.

20 THE WITNESS: Excuse me.

21 MR. CIEMNIECKI: Thank you, Mr. Kahn.

22 BY MR. CIEMNIECKI:

23 Q. Robbins Motor Transportation?

24 A. Robbins Motor Transportation.
25

1 Q But you indicated that you were not aware that they
2 received the authority that was sought?

3 A That's right.

4 Q Has anyone from Robbins contacted you since you
5 testified on their behalf?

6 A No, they haven't.

7 Q Now, in response to, I believe, Mr. Nurick's
8 questions you indicated that certain of your customers pay
9 the freight charges or are billed for the freight charges --

10 A I don't want to open a can of nails, but I have to
11 explain our situation in retrospect of maybe a Westinghouse
12 or somebody like that. These people are small independent
13 drilling people or maybe the highway agencies. That price
14 is so competitive for the heavy equipment and the way the
15 economy is right now that a freight price may be negotiated
16 during the selling price, and it may come out that we eat
17 some of that.

18 So in most cases, in fact, in 100 percent of the cases
19 it's always easier to prepay a special heavy hauling shipment
20 and negotiate it afterwards in our particular situation. I
21 don't know about the rest of them.

22 Q So when you negotiate with a customer the bottom-
23 line price that you arrive at for the purchase of your
24 product will include the transportation charges right in
25 there?

1 A. In some occasions, some transactions. In some
2 transactions the sales people may not be aware of that and
3 when it comes to ship it it still has to. You see, suppose
4 a driller in Clearfield has a name of Oscar. He may have
5 not credit rating at all. One of these pieces weigh 120,000
6 pounds and they cost \$400,000. He's negotiating \$400,000,
7 so you know what it must cost to ship the thing.

8 So we are rendering them a service and getting it
9 prepaid so he can operate and start paying for it.

10 Q In actuality what percentage of the outbound
11 shipments that you routed to Pennsylvania points does one of
12 your customers select the carrier?

13 A. Five percent, probably, some of the Pennsylvania
14 agencies.

15 Q Now, you indicated that you were supporting the
16 instant application indicating a desire to have Lomma as a
17 backup carrier for Daily Express. Is it your intention to
18 use Lomma only as a backup carrier? By the I mean will you
19 only call Lomma for service if --

20 A. No.

21 Q Well, just let me finish the question

22 -- If Daily does not have equipment available, or
23 will there be instances when you will pick up the phone and
24 call Lomma before you even contact Daily?

25 A. Yes.

1 Q There will be instances when you will call Lomma
2 before you make any contact with Daily?

3 A That's right.

4 Q For service to Pennsylvania points?

5 A That's true.

6 MR. CIEMNIECKI: That's all I have.

7 RECROSS-EXAMINATION

8 BY MR. NURICK:

9 Q In connection with this last answer, you're aware
10 of other heavy hauling carriers that can serve you from your
11 facilities to points in Pennsylvania too, aren't you?

12 A Not really.

13 Q You're not aware of any?

14 A No, sir.

15 Q Did you check with the Public Utility Commission
16 to see if there were any such carriers?

17 A No, I haven't had the time.

18 MR. NURICK: Okay.

19 RECROSS-EXAMINATION

20 BY MR. KAHN:

21 Q With reference to your last answer to Mr.
22 Ciemniecki's question, I still understand your testimony to
23 be that Daily will remain your primary carrier.

24 A Probably, yes.

25 MR. KAHN: That's all I have.

1 MR. WALSH: No questions, Your Honor.

2 MR. CIEMNIECKI: I would just move for the admission
3 of Exhibit A-12, please.

4 MR. KAHN: No objection.

5 JUDGE KLOVEKORN: If there is no objection it will be
6 received in evidence.

7 (Whereupon, the document marked
8 as Applicant's Exhibit No. 12
was received in evidence.)

9 JUDGE KLOVEKORN: The witness is excused. Thank you
10 very much.

11 (Witness excused.)

12 MR. PATTERSON: I call Mr. Aylsworth, Your Honor.
13 Whereupon,

14 J. R. AYLSWORTH
15 having been duly sworn, testified as follows:

16 MR. PATTERSON: Your Honor, I have distributed a
17 document headed, "Prepared Testimony of J. R. Aylsworth," to
18 yourself, to Counsel for the Protestants and to the court
19 reporter. I would ask that that be marked as Applicant's
20 Exhibit 13.

21 JUDGE KLOVEKORN: Without objection it will be so
22 identified.

23 (Whereupon, the document was
24 marked as Applicant's Exhibit
No. 13 for identification.)

25

1 DIRECT EXAMINATION

2 BY MR. PATTERSON:

3 Q Mr. Aylsworth, do you have a copy of the document
4 that has been marked as Applicant's 13 in front of you?

5 A I do.

6 Q Did you participate in the preparation of that
7 document?

8 A I certainly did.

9 Q Have you reviewed it in detail?

10 A Yes, sir, I have.

11 Q If I were to ask you the questions that are set
12 forth in that document would your answers under oath be the
13 same as are therein set forth?

14 A They would.

15 Q And do you adopt the document that has been marked
16 as Applicant's Exhibit 13 as your basic testimony in this
17 proceeding?

18 A Yes, sir, I do.

19 Q Mr. Aylsworth, the company that you work for,
20 Seco/Warwick, does it maintain facilities similar to those
21 you speak about in your statement in Meadville in other
22 adjacent states?23 A Until May 8th of this year we had--Warwick Furnace
24 Company had a fabricating facility in Wheeling, Illinois.

25 Q And what became of that facility?

1 A. We moved the fabricating facility into the
2 Pennsylvania operation. The Seco Company was the old
3 Sunbeam Equipment Corporation, and the 8th of May the owners
4 of Seco and Warwick -- or the President of Seco and Warwick --
5 purchased Sunbeam Equipment and Warwick Furnace and they
6 became one. We severed from Allegheny.

7 Q. So the operations which were conducted in Illinois
8 are now being conducted in Meadville?

9 A. That is correct.

10 Q. Do you have with you any figures as to the total
11 of your outbound shipments out of your Meadville facility
12 for the years 1982 and 1983?

13 A. I have '81, '82 and '83.

14 Q. Why don't you give us just '82 and '83?

15 A. All right. 1982, outbound, this is specialized
16 common carriage, we had 6,873,000 pounds; 1983, 4,566,000.

17 Q. Now, when did you say that the Illinois facility --
18 I should say the Illinois operation, the manufacturing
19 operation which occurred out in Illinois -- when was it
20 moved into Pennsylvania?

21 A. The actual purchase was the 8th of May. It was
22 late June, early July when we actually moved the equipment
23 down to Meadville for the actual fabrication.

24 Q. And since that fabrication is now being conducted
25 in Pennsylvania, will that have an affect upon the volume of

1 traffic moving out of Meadville?

2 A. It certainly will. The projections that we have --
3 and I can only say this on a projection basis and in talking
4 to the people there -- it should just about double the out-
5 bound out of the Meadville facility.

6 Q. Of the 6.8 million pounds that you shipped from
7 Meadville in 1982 and the 4.5 million that you shipped in
8 1983, what percentage, approximately, of that tonnage moved
9 in heavy hauling service as has previously been defined here
10 this morning?

11 A. I would say probably about 70 percent.

12 Q. And the remainder of that tonnage is everything,
13 including UPS --

14 A. Common carrier, LTL, air, UPS, things of that
15 nature.

16 Q. And what would be your projection of the percentage
17 of the 8.5 million pounds that will depart Meadville this
18 year? What percentage of that will be heavy hauling in
19 nature?

20 A. A larger percentage. I can't really tell you
21 exactly. The movement of the equipment -- or the fabricating
22 facility from Wheeling -- there not so much renewal parts
23 there that can be shipped LTL. I would say 90 percent of
24 that will be on a specialized move. It's a totally different
25 type of furnace.

1 Q Now, sir, the statistics that we have just been
2 dealing with include your shipments to all points in the
3 world, do they not?

4 A Yes, sir.

5 Q Is your estimate of the total heavy hauling
6 traffic to Pennsylvania as made in the first full question
7 and answer on the second page still the same, despite the
8 movement of the fabricating plant to Meadville?

9 A No. What used to come out of Wheeling would be
10 an interstate move into Pennsylvania. Now we are looking at
11 intrastate. So that percentage is going to increase
12 dramatically, but I really can't give you an exact percentage
13 figure.

14 Q Without giving me a percentage figure, would you
15 take a look at the first question and answer on the second
16 page, which involves an estimate of three shipments per month
17 to Pennsylvania points of a heavy hauling nature. Is that
18 still an accurate number?

19 A Can we -- I'm a little wee bit confused as to
20 heavy haul and dimensions. A lot of the equipment that we
21 are talking about, especially out of the Wheeling facility,
22 which we now have in Meadville, requires detachable goosenecks
23 as the gentleman prior to me was talking about, where they
24 are taken to a job site, the trailer dropped down and they
25 are winched off onto a prepoured platform of concrete.

1 Maybe the weight we are talking is 40,000, 50,000
2 pounds. But they don't have the facilities there on the job
3 site to lift these particular units, so they would become
4 dimensional and really are not heavy.

5 If you're talking about the dimensional and weight,
6 the percentage would drastically increase.

7 Q. So that the record is clear, when I use the term
8 "heavy hauler" I am really referring to both size and weight
9 commodities, that is, commodities which either because of
10 their physical size, their dimension, or because of their
11 heavy weight require the use of specialized equipment, that
12 is, drop-decks, lowboys or whatever, or require the carrier
13 to employ special handling techniques in the event a normal
14 piece of trailer equipment is used.

15 A. In that case the percentage would dramatically
16 change.

17 Q. What would be the total shipments of size and
18 weight commodities per month to Pennsylvania points in that
19 event?

20 MR. NURICK: Your Honor, I'm going to object, and I
21 haven't objected to date. This type of testimony without
22 being able to see the underlying documents to support it, to
23 me, is speculative and just by words not supported. I think
24 that unless he can support this it should not be admissible.

25 THE WITNESS: I am under oath.

1 MR. NURICK: I understand.

2 MR. PATTERSON: Your Honor, all testimony regarding
3 future need, and certainly we deal in these proceedings both
4 with present need and foreseeable future need, whenever you're
5 dealing with the future you're dealing with some degree of
6 speculation. It has become traditional, moreover, whether
7 happily or not in these proceedings and not just this case,
8 not to paper the tables here but rather to get witnesses in
9 who are placed under oath and dealt with as expect witnesses
10 in connection with what they have to testify to. I would
11 suggest to you that this proceeding has continued in that
12 vein since it began. Any number of other proceedings have
13 continued in the same way and the objection should be over-
14 ruled.

15 MR. KAHN: I would just like to be clear from Mr.
16 Patterson's response. This witness who is now testifying,
17 is he now being asked as to present volume or anticipated
18 future volume?

19 MR. PATTERSON: If I wasn't clear, I was attempting
20 to fold the Wheeling, Illinois traffic, which formerly came
21 out of Wheeling, Illinois, into this estimate, which would
22 be future, in effect, because that fabrication plant is now
23 in Pennsylvania and shipments from that plant if they are
24 destined to Pennsylvania points will be intrastate rather than
25 interstate as they used to be, and that affects the volume.

1 That's what I'm trying to get at.

2 MR. NURICK: But, Your Honor, there would be documents
3 somewhere along the line to support that. If you want to
4 go from the present to the future, fine. But let's see the
5 figures on which we are talking.

6 THE WITNESS: Your Honor, irregardless I would be
7 speculating if I were to even give a percentage, you know,
8 of what was going to come into the Pennsylvania area. I can
9 only say by quoting that there will be a dramatic increase.

10 MR. NURICK: Your Honor, then the other objection I
11 would have is that speculation certainly is not admissible.

12 MR. PATTERSON: Your Honor, based on what the witness
13 has said, he can't estimate. I guess he's told me it would be
14 pure speculation, it would be a dramatic increase. There's
15 no use in me going any further on that line. But I would
16 resist striking it. I think it's a fair answer.

17 JUDGE KLOVEKORN: I will overrule the objection.

18 MR. PATTERSON: With those additions as supplemental
19 testimony, Your Honor, I tender the witness for cross-examina-
20 tion.

21 CROSS-EXAMINATION

22 BY MR. KAHN:

23 Q. Mr. Aylsworth all of your outbound shipments come
24 out of your facility at Meadville; is that correct?

25 A. One hundred percent.

1 Q. And as I read your statement you don't have any
2 inbound traffic from Pennsylvania origins?

3 A. We do, sir, but not of a specialized nature.

4 Q. Not of a heavy hauling nature?

5 A. No, sir.

6 Q. Now, I want to be clear. You've told us what you
7 mean by "heavy hauler shipments" but I want to be clear on
8 this point: you've stated in about the middle of the page,
9 page two of your statement, the type of specialized trailers
10 you need. Is the outbound volume which you've estimated to
11 be the present outbound volume, up at the top of the page,
12 does that all move in those kinds of specialized trailers?

13 A. Not 100 percent, naturally. We build furnaces
14 for Timex where they heat treat the mainsprings of the
15 watches and these are very small in nature. Yet we build
16 furnaces where they can run five railroad cars in the furnace
17 at one time for annealing or homogenizing of the aluminum. So
18 we build a wide variety of sizes and types.

19 Q. Well, the small ones you're talking about, of
20 course, could move in a conventional van-type trailer
21 or a flatbed trailer?

22 A. That used to be the practice, but because of the
23 federal law we used to use all asbestos when it came to the
24 lining of the furnaces. Naturally, with the federal law
25 no longer allowing us to use the asbestos, we went to a

1 blanket insulation.

2 The new company has the feeling that for quality and
3 lasting standpoint we are going to pour these things with a
4 refractory now. So some of the smallest units we ship could
5 become, so to speak, heavy haul material.

6 Q I'm not sure I understand. You mean the new
7 lining is going to make them larger?

8 A Make them heavier.

9 Q Heavier?

10 A Yes, sir.

11 Q Well, is that just in the future or is that being
12 done now?

13 A That is being done as of the 8th of May.

14 Q Now, again, when you say that will make them
15 heavy hauling moves, does that mean they will move on one
16 of these types of special trailers you describe or can some
17 of them move on flatbeds?

18 A I would say a good percentage of them would move
19 on the specialized trailers that we are talking about. The
20 hookup is very minimal on these and as I stated earlier
21 the detachable gooseneck, we can just winch it off with
22 practically a wrecker-type winch and set these things on
23 an existing platform and eliminate the need for rigging on the
24 other end.

25 Q I understand that. But a certain percentage of

1 the traffic will move on regular flatbeds?

2 A. Oh, certainly.

3 Q. What percentage is that?

4 MR. PATTERSON: Mr. Kahn, I'm confused about what
5 traffic you're speaking of.

6 MR. KAHN: I'm speaking about what I understand to
7 be his estimate of present traffic: 20 shipments per month
8 with three per month destined to Pennsylvania points.

9 MR. PATTERSON: No, sir, that's his estimate of heavy
10 hauler traffic.

11 THE WITNESS: That's exactly right, sir.

12 MR. PATTERSON: And I think that is where we are not
13 getting anywhere, if I might suggest.

14 MR. KAHN: All right.

15 BY MR. KAHN:

16 Q. What you're calling heavy hauler traffic at the
17 top of the page is all traffic moving on special trailers,
18 is that it?

19 A. Yes, sir.

20 Q. Now, these volume figures that you gave us, '83
21 being 4,566,000 pounds, that's traffic, as I think you were
22 asked, to all points everywhere in the world?

23 A. Yes, sir.

24 Q. What percentage of that traffic in 1983 moved to
25 Pennsylvania points?

1 A. In 1983 very little of that traffic went to
2 Pennsylvania points, the fact being we are in what they call
3 an outlying area and Conrail is not existant. We used to
4 use Conrail on all -- basically, I'm going to say 75 percent
5 of our intrastate authority. Conrail no longer comes into
6 our facility.

7 John Benkart used to move a lot of our intrastate.
8 We no longer service our area.

9 So what we have done is built these things on a knock-
10 down basis, shipped them to the job site and then field-erected
11 them at a much escalated cost.

12 Q. Well, I understand that. But what percent of that
13 volume in '83 did move to Pennsylvania destinations? You
14 said it's a very small percentage.

15 A. I can truthfully say that in 1983 none of the
16 specialized moves were made intrastate because we KD'd them,
17 we knocked them down, and field-erected them. A good example
18 is Caterpillar Tractor in York, Pennsylvania.

19 Q. So they moved on conventional trailers, is that
20 it?

21 A. They sure did. They were basically shipped in.
22 Material was brought out from different facilities, shipped
23 in and field-erected there.

24 Q. With respect to Pennsylvania movements that you
25 have had, you've named three points as representative points:

1 York, Philadelphia and Pittsburgh. Can you tell us in the
2 last year have there been any other Pennsylvania points?

3 A. Poleron Products in Bloomsburg, Pennsylvania.

4 Q. Bloomsburg?

5 A. That's correct. And I didn't feel a necessity
6 to mention Abex and also Meadville Forge, about ten miles from
7 our facility.

8 Q. Were they heavy haul movements?

9 A. Yes, sir, they were.

10 Q. So the last location was Meadville itself, was it?

11 A. Yes, sir.

12 (Pause.)

13 A. I might add, sir, if I may at this time, that on
14 that last particular move we found that with the short distance
15 we could not find anybody that wanted to move that and what
16 we had to do, Sunbeam Equipment, which we were under at that
17 time leased a piece of equipment to our own facility so that
18 we could move it the ten miles ourselves.

19 Q. So you moved that with your own people?

20 A. It was a leased unit, yes, sir.

21 Q. The leasing was done by your company?

22 A. Exactly.

23 Q. Seco/Warwick?

24 A. Exactly.

25

1 Q And Seco/Warwick made the move?

2 A Yes, sir.

3 Q Have there been any other moves in Pennsylvania
4 that you've had to make yourself with equipment that you
5 leased?

6 A No, sir. We are definitely not in the trucking
7 business. This was a unique situation.

8 Q You've named as the carriers that you're using a
9 number of carriers, but your answer states only one has been
10 used to points within Pennsylvania; is that correct?

11 A Yes, sir.

12 Q Daniel Transfer?

13 A That's correct.

14 Q Where are they located?

15 A They are based in Franklin and as of 12 months ago
16 they sold all their specialized equipment. They still own
17 the authority but they don't have the equipment.

18 Q Well, who has been handling your Pennsylvania moves
19 within the last 12 months?

20 A We've knocked them down and shipped them on a
21 manner that was not heavy hauling.

22 Q I see.

23 A As I said, at a much accelerated cost to us.

24 Q When were you contacted by J. F. Lomma, this
25 Applicant?

1 A. I was contacted by Lomma about two months ago.

2 Q. Was that the first time that you knew about them?

3 A. No, sir. With Allegheny International we had
4 46 companies and Lomma had made some moves within the system
5 for the Allegheny International group. That was prior to the
6 takeover the 8th of May.

7 Q. That had been the parent company?

8 A. Yes, sir.

9 MR. KAHN: I think that's all I have.

10 CROSS-EXAMINATION

11 BY MR. WALSH:

12 Q. Mr. Aylsworth, on page one of your prepared
13 testimony you refer to the fact that a single furnace can
14 require 50 to 55 tractor trailer movements.

15 A. Yes, sir.

16 Q. I take it we are talking about a movement that is
17 broken down?

18 A. A knocked down aluminum furnace, yes, sir.

19 Q. And therefore not a heavy hauling shipment?

20 A. Oh, yes. We moved a rail car -- when I look at
21 heavy hauling I'm going to say anything that is legal norm
22 for the highway, all right? We are shipping a unit right now
23 where the rail cars are broke down into two individual pieces
24 so they don't become overdimensional, but they weigh about
25 75,000 pounds per half section. This also requires a detachable

1 gooseneck. These are mobile and when the gooseneck is dropped
2 we just roll them off.

3 Q We are not talking about heavy hauling equipment
4 being required on all of those 55 shipments?

5 A No, sir. As you see, the change was made on the
6 document this morning. The "would" on the first page was
7 changed to "could." It could involve all overdimensional
8 or there could be some of them that would be of a legal
9 nature.

10 MR. PATTERSON: May I interrupt? I did forget that.

11 With the Court's permission, Mr. Aylsworth, I forgot
12 to do that. Your Honor, may we physically change page one of
13 Exhibit 13 in the last sentence in that last answer, where it
14 says, "Each of those movements would." It ought to read,
15 "Each of those movements could." I would appreciate that
16 change.

17 BY MR. WALSH:

18 Q Mr. Aylsworth, on page three of your prepared
19 testimony you indicate Seco has actually had to decline
20 certain Pennsylvania business because of the absence of
21 a satisfactory intrastate carrier.

22 A Yes, sir.

23 Q And the resulting increased cost because you have
24 to knock it down and reconstruct it.

25 A That's right.

1 Q Have you ever contacted the Public Utility
2 Commission to find out what other heavy haulers are available
3 in your area with the operating authority to meet your
4 transportation needs?

5 A I certainly did.

6 Q And they informed you that none were so available?

7 A No, no. They put me in contact with Daily.

8 Q Daily?

9 A Yes, sir.

10 Q And have you ever utilized Daily?

11 A No, sir. They have been contacted no less than
12 12 times in the last 12 months and each time there was no
13 equipment available.

14 Q Is Daily the only carrier that they have that they
15 told you had the adequate operating authority and equipment
16 to meet your needs?

17 A The PUC told me they were sufficient. They said
18 they have the intrastate authority, you get ahold of them and
19 they could move it.

20 Q Did you have to make heavy hauling movements between
21 your facility which was located in the state of Illinois
22 and Meadville prior to the consolidation of those operations?

23 A Oh, certainly.

24 Q What carriers did you utilized for those movements?

25 A Tri-State.

1 Q And they are interstate only, I take it?

2 A Yes, sir. They do not have intrastate Pennsylvania
3 authority.

4 Q Have you ever heard of Morre-Flesher Hauling
5 Company out of Zelienople, Pennsylvania?

6 A No, sir, I never heard of those people.

7 Q Have you ever heard of Reinsenfelter, Incorporated,
8 the company that purchased the operating authority of John
9 Benkart and Sons?

10 A No, sir, I have not.

11 MR. PATTERSON: We are going to object to that. Until
12 it's in evidence I don't think Counsel ought to be testifying.
13 I don't know whether they purchased Reinsenfelter or not,
14 or what they purchased.

15 I beg your pardon. Your Honor, I will withdraw the
16 objection.

17 A No, I haven't. I have never been solicited.

18 MR. WALSH: That's all the questions I have.

19 CROSS-EXAMINATION

20 BY MR. NURICK:

21 Q Mr. Aylsworth, do you have any documents underlying
22 your testimony in the hearing room today?

23 A Just my oath, sir.

24 Q Do you have any documents?

25 A No, sir.

1 Q When was this statement that is Exhibit A-13
2 prepared?

3 A It's been about a week.

4 Q In connection with your transportation of the
5 various parts that you like to send along with the other
6 commodities, would it be a convenience to you to have the
7 same carrier handle both items?

8 A Oh, certainly. Running together delivery
9 schedules, it's much easier. When we quote a job -- let me
10 get into this a little bit -- the proposal comes down and our
11 traffic department is sent a copy of the drawings for the
12 proposed furnace, at which time we quote. It is my aim to
13 have everything that goes out of our facility on a prepaid
14 basis and everything that comes in come in on a collect
15 basis so we can control it. I want to control the freight.
16 So naturally when I am quoting I will deal directly with the
17 carrier and tell him I'm talking four months down the road
18 or eight months down the road and not bother going to a
19 tariff. I talk directly to the carrier, can we do this
20 at an escalated point, say 12 months down the road.

21 At that time their name is put on the purchase order
22 and it is submitted to the customer. We are actually paying
23 the freight. And then we work with the customer throughout
24 to see exactly what equipment we are going to need. A lot
25 of times the carriers will work with our construction company

1 to see in what sequence they need the additional parts and
2 the main units.

3 Q So then are you saying your company selects the
4 carrier?

5 A Definitely, sir.

6 Q Now, as part of one of these total movements, do
7 I understand that part of the move could be heavy hauling and
8 the other part would not be heavy hauling?

9 A You're exactly right.

10 Q And you want to have the same carrier be able to
11 handle both of those?

12 A If at all possible, yes, sir.

13 Q That would be the most convenient transportation
14 for you and the kind you really need; is that correct?

15 A And much less chance for error, yes.

16 Q That's the kind of transportation you would want;
17 is that correct?

18 MR. PATTERSON: Objected to as repetitive.

19 MR. NURICK: Well, I'm asking him.

20 MR. PATTERSON: It has been asked and answered.

21 JUDGE KLOVEKORN: Sustained.

22 THE WITNESS: Let me clarify what --

23 MR. NURICK: Well, there's no outstanding question,
24 Your Honor.

25 THE WITNESS: No, but --

1 JUDGE KLOVEKORN: Just a moment.

2 MR. PATTERSON: Well, I think the witness is entitled
3 to explain the answer, so long as that's what he's doing.

4 MR. NURICK: Well, the objection was just sustained.

5 JUDGE KLOVEKORN: There is no question outstanding.

6 MR. PATTERSON: All right.

7 BY MR. NURICK:

8 Q. Is there rigging performed at the origin by your
9 company?

10 A. Definitely. Definitely.

11 Q. And is that what always happens for a heavy type
12 movement?

13 A. Oh, definitely.

14 Q. And is the consignee the one who always unloads
15 it for a heavy type movement?

16 A. No, sir. As I stated earlier, we have our own
17 construction group that we send out, or we may hire, like, if
18 we are using a heavy hauler and rigger, we will hire the rig-
19 ging outfit to unload the material at the job site.

20 Q. So it would be your people that are hired by you,
21 not necessarily employed by you, but hired by you, maybe
22 as independent contractors, to go out and unload?

23 A. In some cases and in some cases we will send our
24 field people as superintendents and then they will hire out
25 of the locals if we are dealing with a union job.

1 Q Now, from your answer to Mr. Kahn, I take it that
2 the transportation that you utilize to York, Philadelphia
3 and Pittsburgh was not heavy hauling but was a knocked down
4 type of thing?

5 A Yes, sir.

6 Q And when did that shipment to York take place, sir?

7 A Oh, we have had several. They have a complete
8 line of our furnaces. I would say the last one was probably
9 12, 13 months ago. And then we do a lot of renewal parts
10 business but it's not heavy hauling.

11 Q And your last shipment of your main commodity
12 knocked down in Philadelphia, when was that, sir?

13 A I don't think, sir, that we shipped a knocked
14 down to a Philadelphia area. If I remember correctly, we
15 were talking one of the smaller Case Masters that was
16 overdimensional. It did not require a specialized -- I
17 think we put it on a flatbed but it was a dimensional
18 shipment. Therefore, Haver Trucking, who is a contract
19 carrier -- no, I'm going to take that back. It wasn't
20 Haver Trucking. It was Hall's Motor Special Commodities.
21 They took it to Philadelphia because they were able to
22 permit it. They did have the intrastate authority and they
23 did not need a specialized piece of equipment. It was put
24 on a flatbed but the dimensional made it a necessity to have
25 the permit.

1 Q And that was loaded and unloaded in the way you
2 described just a moment ago?

3 A Yes, exactly.

4 Q And when was that? When did that move take
5 place?

6 A About nine months ago.

7 Q Before that when was the last time you had a
8 move to Philadelphia of the kind that would have been knocked
9 down?

10 A That would just be a guess on my part. I wouldn't
11 venture to guess that. Like I said, we go throughout the
12 world and without the documentation to look through, the
13 bills of lading, it would be very hard to tell.

14 Q How about Pittsburgh? When was the last time you
15 had a knocked down type movement to Pittsburgh?

16 A About eight months ago.

17 Q Was that on flatbed type equipment?

18 A Flatbeds, double drops, stretched doubles.

19 Q Who handled that?

20 A That particular move went into Overseas Packaging
21 and they sent their own truck on that.

22 Q That was with private carriage to an overseas
23 port?

24 A Exactly.

25 Q And before the eight months when was the last time

1 you had one in Pittsburgh?

2 A. Once again, I would be guessing.

3 Q. Now, Mr. Walsh asked you a question that involved
4 Daily Express, and you indicated that you contacted them
5 12 times. When was that?

6 A. Within the last 12 months.

7 Q. And who did you contact there?

8 A. The dispatcher at Carlisle.

9 Q. What was his or her name?

10 A. I really don't know.

11 Q. You don't know? Do you have any records that would
12 tell you who you spoke with or what you required?

13 A. No. I really don't keep literature around to
14 give me information on people who can't handle my shipments.
15 I would prefer to keep a record of the ones that could.

16 Q. But yet you know that you contacted them --

17 A. Definitely. ~~They told me I'm in a outlying area~~
18 ~~and they don't have the inbound --~~

19 MR. NURICK: Well, I'm going to move that that not be
20 admissible and be stricken. Number one, it's hearsay and
21 it's not responsive to the question. I just asked him if
22 he contacted them.

23 MR. PATTERSON: It's not hearsay, Your Honor. The
24 witness was finishing his answer and Mr. Nurick interrupted
25 him. The least he could do is let him finish the answer

1 and then if it's objectionable deal with it on that basis.

2 MR. NURICK: If I didn't that, Your Honor, I would be
3 not -- it would be stated that I didn't object soon enough.
4 So I'm trying to object before the answer is given because
5 it's a hearsay matter.

6 MR. PATTERSON: It was his own question. Obviously
7 he couldn't object to it at that stage.

8 MR. NURICK: Well, it doesn't answer my question.

9 MR. PATTERSON: That is what the office of a motion
10 to strike is and that is why you try not to, if it's your
11 own question, that is why you wait for the witness to finish
12 before you move to strike.

13 MR. NURICK: That wasn't my question, Your Honor. He
14 may be correct if that would have been my question. But I
15 asked him a simple question and he went beyond it.

16 MR. PATTERSON: Might I ask that he just be allowed to
17 finish what he was saying and then we can deal with the
18 objection?

19 JUDGE KLOVEKORN: Will the witness please finish his
20 answer?

21 A. ~~They did give me a good explanation. They said~~
22 ~~that I was in an outlying area. They would like to haul my~~
23 ~~freight but they didn't have the truck availability in that~~
24 ~~particular area.~~

25 MR. NURICK: And I move to strike the answer.

1 MR. PATTERSON: I think it's responsive.

2 MR. NURICK: No, it isn't, Your Honor. Not only is it
3 not responsive, but it's a hearsay situation which I didn't
4 lead him into.

5 JUDGE KLOVEKORN: Would you please restate the question?
6 Would the reporter please read the question back?

7 (Whereupon, the reporter read from the record as
8 requested.)

9 MR. NURICK: All I asked was the contact:

10 JUDGE KLOVEKORN: That part of the answer after the
11 first sentence will be stricken.

12 MR. NURICK: I'm sorry. I forget what the first
13 sentence was.

14 JUDGE KLOVEKORN: I believe it was something like
15 "yes."

16 MR. NURICK: So that what would remain of record,
17 Your Honor, would simply be that he did contact them?

18 JUDGE KLOVEKORN: Yes.

19 MR. NURICK: Thank you.

20 BY MR. NURICK;

21 Q. Can you tell me if your contact was with a man or
22 a woman?

23 A. No, sir, I can't.

24 Q. Did you make the contact?

25 A. I certainly did.

1 Q Can you tell me if each contact was at the
2 Carlisle terminal?

3 A No, sir. I am -- my mind is blank as for a name,
4 but I can get it for you. Several of the contacts were
5 through the sales representative that calls on me selling
6 their transportation needs to me. He, himself -- in fact,
7 I think I have his name.

8 THE WITNESS: May I, Your Honor?

9 (Witness perusing documents.)

10 THE WITNESS: ~~The gentleman had called his terminal --~~
11 ~~and I'm guessing when I say two or three or four times --~~
12 ~~and tried to get the equipment --~~

13 MR. NURICK: I'm sorry, Your Honor, but he's going way
14 beyond the scope of my question again.

15 THE WITNESS: No, I'm not. I'm going to what you just
16 asked me.

17 MR. NURICK: No, I asked him a name. I asked him,
18 first of all, if all his contacts were at Carlisle and then
19 he gave me a name. I move that this type of testimony be
20 stricken.

21 MR. PATTERSON: Until you find the name, Mr. Aylsworth,
22 just give him the name.

23 MR. NURICK: May I have a ruling on my motion?

24 JUDGE KLOVEKORN: It will be stricken.

25 MR. NURICK: Thank you, sir.

1 (Pause.)

2 THE WITNESS: What do you want me to do, Your Honor?

3 MR. PATTERSON: Give him a name. I think he's asked
4 for a name.

5 THE WITNESS: The sales representative for Daily
6 Express that calls on the Crawford County area.

7 BY MR. NURICK:

8 Q His name, sir? You looked in your book?

9 A No, I don't have it. I said I may have it. I'm
10 certain that I can get it by a telephone call.

11 Q Now, is that sales representative a male or a
12 female?

13 A Male.

14 Q Now, after those contacts did you call the PUC
15 again to see if there were any carriers that might have
16 authority to serve you?

17 A No, sir, I didn't.

18 MR. NURICK: I have no other questions.

19 REDIRECT EXAMINATION

20 BY MR. PATTERSON:

21 Q Mr. Aylsworth, does the fact that you knock down
22 shipments rather than shipping them assembled for the purpose
23 of erecting the finished product in the field, does that
24 imply or mean that the knocked down components are all
25 flatbed or closed van or open top type shipments and that

1 there are no specialized trailer equipment required?

2 A. Definitely not. For instance, our coolers on the
3 aluminum knock-down furnaces.

4 Q Is a cooler a component rather than the whole
5 thing?

6 A. Yes, sir, definitely, it is a component and
7 these things can go as high as 15 foot. They can go 15
8 foot wide and maybe 23, 24 feet long.

9 Q And do you ship them within Pennsylvania?

10 A. We have not sold an aluminum knock-down furnace in
11 the state of Pennsylvania since we are not able to use
12 Conrail anymore. Salem Furnace and some of the other furnaces
13 that are outside the state have bid us -- underbid us --
14 because of the cost escalation when we have to erect it in
15 the field.

16 Q Now, sir, you did call Daily dispatch in Carlisle
17 at once, did you?

18 A. I said 12 times in the last 12 months.

19 Q All right, sir. Did the people there give you
20 their name each time you called?

21 A. They usually say, "Dispatch."

22 Q Did you call seeking equipment for a particular
23 move?

24 A. Certainly.

25 Q Based on the response of Daily's dispatch what is

1 your conclusion as to whether their service is available to
2 you?

3 MR. NURICK: Objection. Again, it's a legal conclusion.

4 MR. PATTERSON: It's not a legal conclusion. It's a
5 perfectly appropriate way to get to what Mr. Nurick wanted to
6 avoid.

7 MR. NURICK: It's his opinion. It's the decision of
8 the Commission to decide as to whether Daily or any other
9 carrier is available to serve.

10 MR. PATTERSON: And I'm sure the Commission will
11 review this. That's what these witnesses are here for.

12 JUDGE KLOVEKORN: Objection overruled.

13 A. A good example --

14 BY MR. PATTERSON:

15 Q. My question, sir, was what is your conclusion as
16 to whether Daily is available for service to your company
17 within the scope of this application?

18 A. They are not. They are not available.

19 Q. Now, sir, is it essential to you that the same
20 carrier who handles the large components in size and weight
21 or heavy hauling service be the one who handles the smaller
22 components or parts with respect to a given installation job?

23 A. No, sir.

24 Q. Is it unusual for you to use a number of carriers
25 in connection with an installation job, that is, one for the

1 heavy hauling and one for the parts?

2 A. It's certainly not unusual. I wish it were.
3 It would simplify it.

4 MR. PATTERSON: That's all I have, sir.

5 RE-CROSS-EXAMINATION

6 BY MR. NURICK:

7 Q. You mentioned when you called Daily you sought
8 particular moves. Were those moves to points in Pennsylvania?

9 A. The one that I was speaking of was a Louisville,
10 Kentucky, that they had quoted. Their name was on the purchase
11 order and then they couldn't furnish the trucks to move the
12 equipment.

13 Q. So is that the move you're talking about,
14 Louisville, Kentucky?

15 A. That was one that I have in mind right now. There
16 have been intrastate Pennsylvania moves that they couldn't
17 furnish equipment also.

18 Q. To where?

19 A. Oh, brother.

20 Q. Do you know specifically?

21 A. They have declined so many times it would be
22 rough for me to point out that many destinations. I'm sure
23 that they were -- and once again -- and you say you can't
24 use speculation -- I'm speculating when I say that I think
25 probably Caterpillar Tractor in York, Pennsylvania --

1 Q If you don't mind, sir, not "probably," I want
2 to know if you can name me a specific point that you asked
3 them to go from your facilities in Meadville, Pennsylvania to
4 a destination point in Pennsylvania.

5 A I understand the question; no, I can't, sir.

6 Q You can't?

7 A No, sir.

8 Q The only one that you're sure of today is
9 Louisville, Kentucky; is that correct?

10 A No, sir, that's not the only one that I'm sure of.
11 I'm just not sure of the destination within the intrastate
12 authority.

13 Q You can't name one?

14 A No, I can just tell you under oath that they were
15 within the state.

16 MR. NURICK: Nothing further.

17 MR. PATTERSON: That's all I have, sir, and I would
18 ask the admission of Applicant's Exhibit 13.

19 JUDGE. KLOVEKORN: Without objection it will be
20 received into evidence; and the witness is excused. Thank
21 you very much.

22 (Whereupon, the document marked
23 as Applicant's Exhibit No. 13
was received in evidence.)

24 (Witness excused.)
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JUDGE KLOVEKORN: We will break for lunch now and
come back at 1:30.

(Whereupon, at 12:38 p.m., the hearing was adjourned,
to be reconvened at 1:30 p.m., this same day.)

)

1 A. They would be with one exception.

2 Q. All right, sir.

3 A. On page two, the second answer, I noticed there
4 were figures transposed. The last sentence reads, "Total
5 inbound tonnage for the period in question approximated
6 2,430,000 pounds." That figure should be "4,230,000" pounds.

7 Q. With that change are your responses as set forth
8 in this document accurate and correct?

9 A. Yes, they are.

10 Q. And do you adopt A-14, with that change as you
11 just mentioned, as your basic testimony in this proceeding?

12 A. Yes, I do.

13 MR. PATTERSON: I tender the witness for cross-examina-
14 tion.

15 CROSS-EXAMINATION

16 BY MR. KAHN:

17 Q. With regard to these figures that you've just been
18 talking about, Mr. Ackerman, in that paragraph that you just
19 corrected, the total inbound of 4,230,000 pounds, I assume,
20 is total from all sources?

21 A. That's correct.

22 Q. They are not from Pennsylvania?

23 A. No.

24 Q. Does your division, the Ambridge Division, operate
25 any transportation equipment?

1 A. No, we do not.

2 Q. And all outbound shipments come from Ambridge?

3 A. Yes.

4 Q. That you're supporting here?

5 A. That's right.

6 Q. Now, this type of commodity that you ship,
7 described at the top of page two, what type of trailers do
8 you require to move those items?

9 A. Basically I'm a flatbed shipper.

10 Q. So everything you've named moves on flatbed
11 trailers?

12 A. Yes.

13 Q. And I assume it's loaded at origin by your company?

14 A. Yes, it is.

15 Q. And unloaded at destination by the consignee?

16 A. Part of the time. We also do our own unloading.

17 Q. Does your company do some steel erection?

18 A. Yes, it does.

19 Q. So is that when you have crews on the site that
20 your people do the unloading?

21 A. That is correct.

22 MR. KAHN: I think that's all I have.

23 CROSS-EXAMINATION

24 BY MR. NURICK:

25 Q. What company pays the freight for the transportation

1 A. H. H. Robertson.

2 Q. And all of the inbound is to Ambridge also; is that
3 correct?

4 A. Yes, that's correct.

5 Q. And the inbound is moved on flatbed equipment
6 also?

7 A. That's correct.

8 Q. And is that the same as for the origin? It's
9 loaded at origin and unloaded at destination -- loaded at
10 origin by the company that's shipping it and unloaded at
11 destination by either you or the company shipping it?

12 A. Always.

13 Q. So that's the same for inbound and outbound?

14 A. Basically, yes.

15 Q. Well, that is the same?

16 A. Well, on an outbound shipment we sometimes unload
17 it and sometimes the private erector will.

18 Q. I understand. But the situation for outbound and
19 inbound is flatbed equipment unloaded by the shipper -- or
20 loaded by the shipper at the origin point, -- unloaded by the
21 consignee or you at the destination; is that correct?

22 A. Yes.

23 MR. NURICK: No further questions.

24

25

CROSS-EXAMINATION

1
2 BY MR. WALSH:

3 Q. Mr. Ackerman, we are talking about less than ten
4 percent of your total outbound traffic being intrastate in
5 nature anyway, based on the figure that you've given us on
6 page two; is that correct?

7 A. Yes, that's correct.

8 Q. All transported on flatbed trailers; is that
9 correct?

10 A. Yes, that's correct.

11 MR. WALSH: That's all the questions I have.

REDIRECT EXAMINATION

12
13 BY MR. PATTERSON:

14 Q. Mr. Ackerman, are you aware of the type of
15 equipment that Lomma operates?

16 A. Yes, I am.

17 Q. And are you aware, then, that they operate lowboys,
18 drop-decks, and so forth?

19 A. Yes, I am.

20 Q. Is that equipment of any use to you in connection
21 with the shipment of your products?

22 MR. NURICK: Objection.

23 MR. KAHN: Objection.

24 MR. WALSH: Objection.

25 MR. PATTERSON: Your Honor, I don't suspect that you

1 rule on objections without hearing the reason. I can't
2 reply to them unless there's a reason stated.

3 MR. WALSH: It's beyond the scope of cross-examination,
4 Your Honor.

5 MR. NURICK: Precisely my objection. It wasn't
6 brought on direct and it's beyond the scope of cross, Your
7 Honor.

8 MR. PATTERSON: Your Honor, the cross-examination
9 had a substantial amount to do with the type of equipment
10 that this witness is interested in and is using. I'm
11 questioning him on that very subject matter.

12 The fact that I don't question specifically using the
13 term "flatbed" doesn't make the question beyond the bounds.

14 MR. KAHN: Well, if Your Honor please, his testimony
15 was quite clearly, through a number of questions, that he
16 is a flatbed shipper. Now, this sounds almost like an
17 attempt to impeach his own witness, to try to get him to
18 say some other type of equipment might be useful to him.

19 MR. PATTERSON: Your Honor, at the point it becomes an
20 attempt to do that then the objection is well laid. But I
21 can only ask one question at a time.

22 I would suggest to you that if you let me continue
23 with this line you can still rule on the line of questioning
24 in light of a full record rather than just as I've gotten
25 started.

1 JUDGE KLOVEKORN: It just seems to me that it's
2 beyond the scope of the cross-examination and it's improper
3 redirect.

4 BY MR. PATTERSON:

5 Q. Mr. Ackerman, do you always ship on flatbeds?

6 A. No.

7 MR. NURICK: Objection.

8 MR. PATTERSON: Well, how is that beyond the scope?
9 My goodness, that's what they questioned him on.

10 MR. WALSH: And his answer to each one of us was
11 "yes, all on flats."

12 MR. PATTERSON: Does that make the question improper?

13 MR. WALSH: It makes it repetitive if not improper.

14 MR. PATTERSON: It does nothing of the kind, Your
15 Honor. I'm seeking an explanation as to what the witness
16 meant when he testified. I know what he testified to on
17 cross-examination, and I think it's of some importance to
18 this record to give some explanation. It certainly was
19 covered.

20 MR. NURICK: Your Honor, it's an attempt to impeach
21 his own witness. It's very clear what was said on cross and
22 that was the reason we stopped when we did.

23 MR. WALSH: Your Honor, my specific question on cross
24 was wasn't less than ten percent of your total outbound
25 traffic intrastate, less than ten percent.

1 "Yes."

2 "Was that all transported on flatbed trailer units?"

3 "Yes."

4 And that's it. That was the end of my cross.

5 MR. PATTERSON: I don't recall the second question as
6 quite that way.

7 MR. WALSH: Well, we can have the court reporter read
8 it back.

9 MR. PATTERSON: Your Honor, I think I'm entitled to
10 inquire into this subject area. Perhaps my way of going
11 about it initially was awkward in introducing the name of
12 some other type of equipment, but I could certainly go on
13 redirect in connection with those things about which the
14 witness testified on cross; and that's exactly what I'm
15 doing.

16 MR. NURICK: What's going to happen, as I see it, Your
17 Honor, in a procedural way, is we've done our cross based on
18 direct and now we are going to open up the whole thing and
19 it's going to go back again as if it didn't start that way.
20 I don't think that that is proper procedure.

21 MR. PATTERSON: Your Honor, if we assume that that is
22 correct then the objection would be well laid. But I don't
23 think we can make that assumption at this stage of the
24 questioning.

25 MR. KAHN: Well, the witness clearly testified in

1 response to the questions from each one of us that he shipped
2 on flatbeds.

3 MR. PATTERSON: Does that mean that he doesn't ship on
4 anything else? Obviously it does not.

5 MR. WALSH: We limited our cross-examination based on
6 his response.

7 MR. PATTERSON: You didn't ask the right questions,
8 perhaps, and that's why I'm getting back to it.

9 MR. NURICK: Well, we asked the questions --

10 MR. PATTERSON: Your Honor, I will withdraw the
11 question.

12 BY MR. PATTERSON:

13 Q. Now, Mr. Ackerman, why are you supporting this
14 application?

15 A. I'm supporting this application because of the
16 unavailability of equipment, choice of equipment, that I
17 presently have.

18 Q. What type of choice of equipment?

19 A. Basically, I have a flatbed choice and that is it.

20 Q. Is that in some manner unsatisfactory?

21 A. It is unsatisfactory because I do not ship by
22 weight, I ship by square foot and I prefer to load either
23 stretch trailers or lowboy trailers when available.

24 Q. Do you do that in interstate commerce?

25 A. Yes, I do.

1 Q Do you wish to do so in intrastate commerce within
2 Pennsylvania?

3 A Yes, I do.

4 Q But up until now within the recent past your
5 shipments within Pennsylvania have been on flatbed equipment?

6 A Within the 34 weeks of this statement, yes.

7 MR. NURICK: Your Honor, I'm going to move that that
8 be stricken for this simple reason: that could have been
9 very easily brought out in this statement or on direct. We
10 are back to square one on this whole case. We had our direct,
11 we had our cross-examination, and that's, to me, well beyond
12 the cross, number one, and should have been brought out on
13 direct.

14 MR. PATTERSON: Your Honor, on cross they only asked
15 him what he had shipped on. They didn't ask him whether he
16 wanted something else. So it's not going back on anything.

17 MR. NURICK: But there is nothing in direct saying
18 that he wanted anything else.

19 MR. PATTERSON: His arrival at the hearing room and his
20 taking of the stand in support of a heavy hauling application
21 might suggest to you that he might be interested in using
22 this Applicant.

23 MR. NURICK: Not necessarily.

24 MR. KAHN: Not necessarily.

25 MR. PATTERSON: Well, I said "might." If it didn't

1 suggest it to you I don't know why.

2 JUDGE KLOVEKORN: I will overrule the objection.

3 Perhaps it would have been preferable to handle it in another
4 way, but I will permit the testimony to remain in the record.

5 BY MR. PATTERSON:

6 Q Of what advantage to your company is it to be able
7 to utilize the specialized types of equipment that you
8 mentioned a few moments ago?

9 A As I stated, because of the weight factor of our
10 material our loads are very, very light. So we base our
11 loads on square foot. I'm very limited to a 40 foot trailer
12 exactly how much square foot I can put in that trailer.

13 Q Why is that, sir?

14 A Because of our loading methods and the type of
15 material that we have and the length of the material I ship
16 An example: a 20 foot or a 24 foot shipment out of my plant
17 which I would pay as a truckload, I got approximately 5,000
18 square foot on it. If I had a 48 foot trailer, if I had a
19 lowboy trailer, I could take that up to 7,000, 8,000 square
20 foot.

21 Q And is that of some importance to your company?

22 A Very much so.

23 Q Why?

24 A Well, we are price competitive with everybody else.
25 The more I can load on the trailer and the less loads I can

1 ship out of there is to our advantage.

2 MR. PATTERSON: That's all I have.

3 RE-CROSS-EXAMINATION

4 BY MR. KAHN:

5 Q I'm not clear on your testimony about the method
6 you're being billed on now. You pay now on a square foot
7 basis, do you?

8 A We don't pay -- no. We sell and ship on a square
9 foot basis. Of course, we pay on a per 100 weight. But when
10 I load a trailer that has to be in Philadelphia in the
11 morning I've got to buy that trailer whether I utilize 40
12 foot or 20 foot or 15 foot or whatever amount.

13 Q You pay truckload rates?

14 A Yes, I am.

15 Q And if you used a stretched trailer you would have
16 more trailer surface to put material in?

17 A That's right.

18 Q But do not the carriers that operate stretched
19 trailers charge a higher rate for that stretched trailer than
20 for an ordinary flat?

21 A Some have penalty clauses and some don't.

22 Q Aside from the penalty clause, that is an expensive
23 piece of special equipment. Isn't there normally a higher
24 truckload rate for a stretched than for a regular flat?

25 A No, sir. I have carriers that will haul stretch

1 loads out of our place, 45 foot loads, that do not charge
2 any extra.

3 Q. They charge the same as for a regular flat trailer?

4 A. That's right.

5 Q. And another thing I'm not clear on, if a carrier
6 uses a low bed trailer which is not stretch, how do you get
7 more square footage on that?

8 A. Well, I can stack higher.

9 Q. But for how long a time have you been using just
10 flat trailers for your Pennsylvania shipments?

11 A. We have always been a flatbed shipper starting
12 with, you know, the company in 1906. However, in previous
13 years I have used lowboy trailers when available to Pennsyl-
14 vania.

15 Q. Isn't it a fact that even if this application is
16 granted you will continue to use flat trailers?

17 A. Oh, yes.

18 Q. To a large extent?

19 A. Yes.

20 MR. KAHN: I think that's all I have.

21 RE-CROSS-EXAMINATION

22 BY MR. NURICK:

23 Q. On the inbound for the steel coils you wouldn't
24 require a stretch trailer or a --

25 A. That's correct.

1 Q That would be flatbeds only for inbounds; is that
2 correct?

3 A Yes, that's correct.

4 Q And up to now you've been using the flatbed
5 trailers to move your commodities?

6 A Yes.

7 Q And if you have a larger trailer it will still be
8 loaded and unloaded the same way you testified to before;
9 isn't that correct?

10 A Yes.

11 Q Even if it's a stretch trailer or a lowboy?

12 A That's correct.

13 Q Now, do I understand that sometimes you have
14 accessories that go with the main load?

15 A Yes.

16 Q Is that transported on a separate trailer?

17 A No. If there is space available it goes on the
18 same trailer.

19 Q So you're going to need a carrier that has
20 authority to transport regular commodities to transport your
21 commodities as opposed to a heavy hauler?

22 MR. PATTERSON: Objected to as clearly requiring a
23 legal conclusion as to the meaning of heavy hauling operating
24 authority and whether it includes the accessories that move
25 along with a heavy hauling piece.

1 MR. NURICK: I'm just asking.

2 MR. PATTERSON: I beg your pardon?

3 MR. NURICK: I'm just asking. He can answer the
4 question.

5 MR. PATTERSON: No, I'm objecting to the question on
6 the basis that it requires a legal conclusion as to the
7 scope of heavy hauling authority.

8 MR. NURICK: No, it doesn't. I just asked him what the
9 requirement is.

10 MR. PATTERSON: You asked him wouldn't you need another
11 carrier because this operating authority wouldn't be
12 sufficient.

13 JUDGE KLOVEKORN: Can I have the question reread,
14 please?

15 (Whereupon, the reporter read from the record as
16 requested.)

17 MR. PATTERSON: The question is whether the carrier
18 needed authority, and that requires a legal interpretation
19 of the full scope of so-called size and weight carriage.

20 MR. NURICK: He has testified as to different tractors
21 he needs. I would think he would be able to -- or trailers.
22 I would think he would be able to testify on this.

23 MR. PATTERSON: Your Honor, the question runs to the
24 interpretation of authority.

25 JUDGE KLOVEKORN: I sustain the objection.

1 BY MR. NURICK:

2 Q Do the accessories always move with the main
3 commodities?

4 A Provided there is room on the trailer, yes.

5 Q If there is no room in the trailer then it has to
6 move separately; is that correct?

7 A That's correct.

8 Q Now, for the accessories you don't require, what
9 has been referred to in this hearing as a heavy hauler; is
10 that correct?

11 A It depends on the amount of accessories, but
12 normally, no.

13 Q So are your accessories usually transported in a
14 separate load?

15 A Yes.

16 Q And would it be your desire to be able to use the
17 same carrier to handle accessories on a separate load that
18 transports the main commodity?

19 A Yes, it would.

20 Q And that would be the most convenient and the
21 best service to you; is that correct?

22 A Yes.

23 Q And if you didn't have a carrier that could provide
24 that kind of service, that wouldn't suit your needs; isn't
25 that correct?

1 (Pause.)

2 Q. Basically?

3 A. Basically, that's correct.

4 MR. NURICK: May I beg your indulgence for a second,
5 Your Honor?

6 (Pause.)

7 BY MR. NURICK:

8 Q. If a 48 foot trailer were provided to you but it
9 wasn't necessarily a stretch trailer, that would satisfy your
10 needs; isn't that correct?

11 A. It could at times, yes.

12 Q. Well, you're interested in -- so the answer to
13 my question is yes?

14 A. Yes.

15 Q. Now, let's look in the middle of page two of
16 your statement there. You say that, "The following is a
17 brief listing of Pennsylvania points to which we have had
18 heavy hauling shipments."

19 Based on your testimony would it be correct to assume
20 that those shipments so far have moved on flatbed trailers?

21 A. Yes.

22 Q. Loaded and unloaded as you described before; is
23 that correct?

24 A. Yes.

25 Q. Now, does what I just described to you mean to

1 you that that is a heavy hauling shipment?

2 A. No.

3 Q. Then would you want to correct that to say that you
4 just had shipments to those places?

5 A. Yes.

6 Q. As opposed to heavy hauling; correct?

7 A. Yes.

8 Q. And based on what you testified before, I gather
9 you don't have heavy hauling inbound shipments; correct?

10 A. No, I don't.

11 Q. The answer to my question is you don't; correct?

12 A. Correct.

13 MR. PATTERSON: His answer was, "No, I don't," which
14 seems to me to be completely responsive to your question.

15 BY MR. NURICK:

16 Q. You don't have heavy hauling inbound shipments;
17 is that correct?

18 A. That is correct.

19 Q. Would it not also be correct to state that no
20 matter what type of trailer, be it a stretch or a regular
21 flatbed trailer, that it's the rare occasion when you're
22 going to need the 48 foot trailer; is that correct?

23 A. No.

24 Q. That's not correct?

25 A. No.

1 Q What is the size of the trailers you have been
2 using so far?

3 A Forties and 42 footers.

4 Q When did you decide to support this application?
5 Do you remember?

6 A I decided to support this application, I'd say,
7 approximately a month ago.

8 Q And did someone from Lomma ask you to support it?

9 A Yes.

10 Q Who was that?

11 A Mr. James Ranker, R-A-N-K-E-R.

12 Q Now, would it also be correct to say that you don't
13 always need a 48 foot trailer but you may need something
14 bigger than a 40 or 42 footer; is that correct?

15 A That would be correct.

16 Q So, again, I said it's fair to say that you
17 needed a 48 would that be correct?

18 MR. PATTERSON: Objected to as asked and answered.
19 I don't know why we have to keep going back to the same
20 question.

21 MR. NURICK: I'm trying to explain it on the basis of
22 different footage.

23 MR. PATTERSON: You've gotten an answer on the 48
24 already. It's clear in the record. I've got witnesses
25 waiting to get on planes and you're asking the same questions

1 two and three times.

2 MR. NURICK: I'm trying to clarify this just as you
3 wanted to clarify some of your questions.

4 I will let the Judge rule.

5 JUDGE KLOVEKORN: Would you answer the question,
6 please?

7 A. No.

8 ((Pause.))

9 A. The question was I'm using 40 or 42 footers;
10 would it also be a rare occasion that I would need the 48
11 footer, and my answer was no.

12 BY MR. NURICK:

13 Q. Now, if you will look at the origins and destina-
14 tions -- we have already established that there is a single
15 origin -- if you look at the destinations given on page two,
16 did you ship to those points named there in 1984, any of those
17 points?

18 A. Yes, I have.

19 Q. Do you recall the last time you shipped to, for
20 example, University Park in --

21 MR. PATTERSON: Your Honor, I am going to object.
22 This is --

23 JUDGE KLOVEKORN: I don't recall any of this on
24 redirect examination.

25 MR. NURICK: Well, the reason it wasn't, Your Honor,

1 was because we felt the case was over with the flatbeds.

2 JUDGE KLOVEKORN: But it wasn't brought out on redirect.

3 MR. NURICK: But what happened, Your Honor, on redirect
4 the whole case shifted around to something other than we
5 thought we had stopped on the cross-examination.

6 MR. PATTERSON: Well, that was your problem, not the
7 witness's.

8 MR. NURICK: On cross-examination, Your Honor, we
9 thought the case was over on the basis of the equipment he
10 was using. Mr. Patterson was allowed to elaborate on that
11 and that is what opened up this -- as I thought it would
12 happen -- opened up the whole case again on the type of
13 equipment he intends to use.

14 MR. PATTERSON: Your Honor, because the questions
15 were perhaps not quite probing enough on cross, that's not
16 my problem and it's not a matter of someone having done a
17 favor for me to allow me to reopen.

18 I can't imagine that we are going to sit here for
19 another half-hour and go through when the last shipment to
20 some point was and when the one before that one was, if he
21 can remember the first one.

22 MR. NURICK: Your Honor, if I may, I just want to say
23 the reason we didn't probe further on cross was because we
24 thought the case was over at that point with regard to what
25 type of equipment was needed. It's not unusual in any of

1 these cases-- and I don't have to tell you -- to go over and
2 test to see how much of the traffic is really moving.

3 JUDGE KLOVEKORN: This should have been done, I
4 believe, on cross-examination.

5 MR. KAHN: Well, if Your Honor please, the witness
6 testified as clearly as I've heard any answer that he is a
7 flatbed shipper. Now, that seemed to be sufficient. I see
8 nothing left unsaid with an answer like that.

9 MR. PATTERSON: And the witness testified --

10 MR. KAHN: We were probing enough as far as I'm
11 concerned.

12 MR. PATTERSON: And the witness testified in direct
13 that he shipped 152 shipments to Pennsylvania points and
14 then goes on to tell them. They chose not to cross-examine
15 on those points because of their interpretation of his
16 answers. I think this goes overboard.

17 MR. NURICK: What I'm afraid is going to happen, Your
18 Honor, if that's going to be the case, then we are going to
19 have to probe the complete thing even though it might not be
20 relevant to the type of equipment required in this case.
21 That's what happened in this series of questions, in this
22 back and forth. On cross we thought that the case on
23 equipment was over and there was no need to go further, just
24 as Mr. Kahn expressed.

25 Other than that, even though it may not be relevant

1 based on the equipment needed, we would have to go into every
2 nook and cranny for that reason alone. That's exactly what
3 happened in this situation here.

4 JUDGE KLOVEKORN: I sustain the objection.

5 MR. NURICK: I have no further questions.

6 MR. WALSH: I have no further questions, Your Honor.

7 MR. PATTERSON: I have nothing further, Your Honor.

8 JUDGE KLOVEKORN: If there is nothing further, the
9 witness is excused. Thank you very much, sir.

10 (Witness excused.)

11 MR. PATTERSON: I call Mr. McCann, Your Honor.

12 Whereupon,

13 PAUL F. McCANN

14 having been duly sworn, testified as follows:

15 MR. PATTERSON: Your Honor, I have previously
16 distributed a document headed, "Prepared Testimony of Paul
17 F. McCann;" to the parties, to yourself and to the reporter,
18 and would ask that that document be marked as Applicant's
19 Exhibit 15.

20 JUDGE KLOVEKORN: Without objection it will be so
21 identified.

22 (Whereupon, the document was
23 marked as Applicant's Exhibit
24 No. 15 for identification.)

25

DIRECT EXAMINATION

1
2 BY MR. PATTERSON:

3 Q Mr. McCann, do you have a copy of that document in
4 front of you?

5 A I do.

6 Q Are you familiar with it?

7 A Yes.

8 Q Did you participate in its preparation?

9 A Yes.

10 Q If I were to ask you the questions set forth in
11 the document that has been marked as Exhibit A-15 would your
12 answers under oath be the same as are set forth therein?

13 A Yes.

14 Q And do you wish to adopt the document as your
15 basic testimony in this proceeding?

16 A Yes.

17 Q Do you have any corrections in the document?

18 A No.

19 Q Turn, if you would -- just a couple of supple-
20 mental questions -- to the second page, and to the second
21 question on that page, involving the volume of your heavy
22 hauling traffic.

23 The first part of that answer indicates that you have
24 ten outbound shipments per month, four of them moving to
25 points in Pennsylvania. Is the origin of those shipments

1 that you speak about in that answer the Neville Island
2 address given on the first page?

3 A. Yes.

4 Q. And is the destination of the inbound shipments
5 which you speak about in the next paragraph of that same
6 answer also Neville Island, Pennsylvania?

7 A. Yes.

8 Q. Other than commodities or shipments -- and I'm
9 speaking only now about heavy hauling shipments, size and
10 weight commodities -- other than those moving to and from
11 your Neville Island facility, does your company have other
12 shipments moving within the state of Pennsylvania in the heavy
13 hauling category?

14 A. Yes.

15 Q. Where do they move, sir?

16 A. They move from job site to job site.

17 Q. What is the nature of the product or commodity
18 being moved?

19 A. Most of the time it's on heavy loads is cranes.

20 Q. So you're --

21 A. From job site to job site.

22 Q. From year to year do you know where your job
23 sites are going to be within Pennsylvania?

24 A. No.

25 Q. What controls that?

1 A. Sales.

2 Q And does your company employ salemen who attempt
3 to sell your product to Pennsylvania-based customers?

4 A. Oh, yes.

5 MR. PATTERSON: Thank you, Mr. McCann.

6 I tender the witness for cross-examination, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. KAHN:

9 Q Do any of your Pennsylvania shipments originate
10 at Neville Island for outbound shipments?

11 A. No. We have equipment coming out of Neville
12 Island, which is the toolhouse, which tools up jobs. Say,
13 like, four loads could be regular or they could be oil
14 haulers. They have to self-unload. But then there would
15 be one with a crane. Sometimes it's a cherry picker; it's
16 not heavy load. A cherry picker will go on a flatbed. But
17 if we have heavier cranes, depending on the size of the
18 tank then it takes drop-decks, double drops, and they go
19 move from -- we can have a job site in one place in
20 Pennsylvania and the crew moves to the other and we don't
21 bring it back to Neville Island. We move it from that point
22 to the other point.

23 Q I understand. Well, am I correct in my understand-
24 ing, then, that the materials, the steel, moves from Warren
25 and the tools or the equipment moves from Neville Island?

1 A. Right. And the materials move from Warren. That's
2 a fabricating plant. Neville Island is just the toolhouse
3 now but we are anticipating opening up Neville Island because
4 of purchases within the state of Pennsylvania. We've already
5 got one job for Neville Island already, and it's not a bridge.
6 It happens to be a job in Tennessee; but then we are
7 anticipating that and it looks fairly good.

8 Q Well, the inbound traffic, then, would that be
9 inbound materials into Warren?

10 A. That's correct.

11 Q And I assume some return of tools to Neville
12 Island?

13 A. Right, and there could be some interchange of
14 materials between Warren and Neville Island too, but not a
15 great amount.

16 Q Does your company do the steel erection for all
17 the jobs that you ship in Pennsylvania?

18 A. About 99 and 90/100ths percent. There could be
19 a rare occasion, but not very often.

20 Q Speaking of the outbound shipments, of the four
21 that you say move on average -- I assume that is -- to
22 Pennsylvania points per month, how many of those in the last
23 year have moved on regular flatbed trailers?

24 A. When we tool up a job we will usually need five
25 loads of equipment. One of those would be a heavy load. The

1 others would be welders, and that doesn't require heavy
2 loads. We do use oil field floats so that we can winch them
3 off ourselves, but that's still a flatbed.

4 Q. That's the shipment of the equipment?

5 A. The shipment of the equipment.

6 Q. How about the shipment of the materials?

7 A. We can have -- we have had large built-up tanks.
8 We are getting more and more into that business, where you
9 have large built-up tanks because it's cheaper to fabricate
10 and make it in the plant than erect it in the field. We are
11 going more and more into that line, something like 16 foot
12 O.D., 18 foot O.D., 71 foot long, 84 tons.

13 Q. What type of trailers do you use for these large
14 tanks?

15 A. We have used commercial trailers. We have used
16 Moore-Flesher.

17 Q. I don't mean the names of the carriers. What
18 types of trailer equipment?

19 A. Well, drop-deck, double drop. We could get into
20 trailers where you have to use pole trailers, they are that
21 large.

22 Q. Well, my question is -- and I hope I made it
23 clear -- regarding your outbound shipments of materials
24 for a job -- not your equipment, but materials for a job --
25 does that traffic move on both flats and special trailers?

1 A. If it is a KD'd tank, knocked down tank, it would
2 move mostly on flatbed trailers. There are exceptions:
3 columns, riser sections, columns that could be 60 foot long,
4 maybe longer depending on the size of the tank, a riser
5 section that could be 8 foot 8; you're going to be overheight.

6 But in a general -- most materials that are KD'd
7 will move on flatbed trailers out of the plant, yes.

8 Q. And by "KD'd" you mean knocked down?

9 A. Knocked down, right.

10 Q. So of the shipments of materials what part moves
11 on regular flats as opposed to the special highway trailers?

12 A. I would say it would be as of this time 80/20,
13 80 for flatbed trailers, 20 for built-up tanks. It's going
14 more towards the other direction, though.

15 Q. And from what I understand your testimony to be,
16 the shipment of equipment from Neville Island is about the
17 same ratio, 80/20?

18 A. Right.

19 Q. Eighty flatbeds and 20 percent special trailers?

20 A. Right.

21 Q. And your volume in your statement of four shipments
22 a month in Pennsylvania, that includes both equipment
23 shipments and materials shipments?

24 A. No. I'm not including outbound shipments from
25 Warren on materials. This is from Neville Island.

1 Q So this is all from Neville Island?

2 A Right.

3 Q Now, coming to the inbound traffic, it appears from
4 the origins that you've given us that it all comes from
5 steel mills.

6 A That's correct. And that 45 tons per month on
7 inbound tonnage is to the plant, is to Warren.

8 Q That's to Warren?

9 A That's right.

10 Q And does most of the steel mill traffic move on
11 regular flat trailers?

12 A Yes.

13 Q And do not the steel mills select the carriers
14 on those movements normally?

15 A We buy the steel collect, prepaid and invoiced
16 for the freight. But we enter into it when they are not
17 getting the material there properly. I do that quite often
18 because if we are not getting materials we will jump in and
19 tell them, hey, you use this carrier; and we will get a
20 cheaper rate.

21 Q But do ordinarily the steel mills pick the carrier
22 who is going to move the material?--

23 A A large part of the time.

24 Q -- To your place of business or facility?

25 A We do write general letters telling them who to

1 use at times.

2 Q I don't see that you have told us in your state-
3 ment what carrier you're using at the present time for
4 Pennsylvania intrastate traffic, Mr. McCann.

5 A I could very easily tell you that. We use
6 Moore-Flesher; no problem with them. We have used Daily.
7 We have used generally, the bigger share of all of them.
8 One of the points I'm making in this application is we are
9 getting into the bridge jobs where you could have girders
10 that are 101 foot long and weigh 40 tons, and I don't think
11 that all the carriers that we use now, if we get into these
12 bridge things -- and there's all kinds of bridges coming up --
13 that we are going to have enough special equipment to haul
14 it all. There's no trouble with any of the other truck
15 lines at all.

16 Q There's no problem with the ones that are serving
17 you now?

18 A No.

19 Q But you think there may be a bigger demand in
20 the future for special trailers?

21 A That's correct.

22 Q And have you used the services of Frank W. Hake?

23 A Yes, we have.

24 Q You know that carrier?

25 A Sure.

1 Q Have you used the services of David Graham Company?

2 A I'm not familiar with them, no.

3 MR. KAHN: That's all I have.

4 CROSS-EXAMINATION

5 BY MR. WALSH:

6 Q Mr. McCann, am I correct in reviewing your
7 statement and coming to the conclusion that you actually have
8 very little to do with routing the traffic into and out of
9 Warren?

10 A I do, yes. I have something to do, yes, in fact,
11 with Moore-Flesher going in there, yes I do. Number one,
12 I'm kind of like a corporate traffic manager and I don't
13 tell people -- I would be very foolish to sit with all the
14 plants we have and say, hey, each one of your use this truck.
15 I expect them to use a little of their imagination. When I
16 see problems, yes, I do.

17 Q And I take it you're using Moore-Flesher inbound
18 to Warren, then?

19 A We are.

20 Q And I guess that is flatbed trailer equipment from
21 what you've said before primarily?

22 A The only thing I did want to say is if we get
23 into the bridge business we are going to have to have special
24 equipment to go into Warren and other places because we will
25 have bridge girders that can be huge.

1 Q And you are familiar with the fact, of course,
2 that Moore-Flesher offers special trailer equipment?

3 A Yes, I am. I know them all well.

4 Q How long has the Neville Island plant been shut
5 down?

6 A Two years, about two to three years.

7 Q And is there any definite date for reopening?

8 A No, but they are really having a push on the
9 bridges. We have a barge facility at Neville Island which is
10 very advantageous for bridges too.

11 Q I notice that most of the destination points
12 listed on page two of your statement appear to be located in
13 the western part of the state if I remember my state
14 geography correctly.

15 A You're right, and that is just where jobs hit.
16 This list is in 1984 and this is where the jobs hit. Now,
17 that doesn't say that it couldn't move to eastern Pennsylvania
18 overnight. It just depends on where we sell the job.

19 Q Has Moore-Flesher handled many of the shipments
20 to those points?

21 A I believe they have. I believe they have.

22 Q And based on your past testimony I take it that
23 they have handled those satisfactorily?

24 A I have no problem with Moore-Flesher.

25 MR. WALSH: That's all the questions I have, Your

1 Honor.

2 CROSS-EXAMINATION

3 BY MR. NURICK:

4 Q So, Mr. McCann, when Mr. Patterson asked you if
5 your origins on page two involve Neville Island, we are
6 talking about the toolhouse; is that correct?

7 A That's correct as of now. But if the Neville
8 Island plant opens up, it will be materials. In fact, we
9 are getting the first material this week on the one job we
10 have.

11 Q So would it be a correct way to conclude your
12 testimony that if you get some bridge orders then it's your
13 opinion that you may need some more heavy hauler carriers?

14 A This is why I'm here, exactly. That is exactly
15 why I'm here, more for large pole trailers, drop-deck,
16 double deck. Business is picking up and that's the reason
17 I'm here.

18 MR. NURICK: Those are all the questions I have.

19 JUDGE KLOVEKORN: Thank you.

20 REDIRECT EXAMINATION

21 BY MR. PATTERSON:

22 Q Mr. McCann, are you familiar with the Moore-
23 Flesher equipment?

24 A Yes, I am.

25 Q Do they operate the kind of specialized equipment

1 that will become necessary in connection with the movement of
2 the bridge sections, for example, that you mentioned?

3 A. I have been more involved right now from Des
4 Moines on bridge sections. I have talked to Denny Moore, but
5 until we get a bridge job I haven't got into the equipment.
6 But I know they have equipment. I'm not certain of all of
7 their equipment, no, to be very honest.

8 MR. PATTERSON: That's all I have.

9 MR. KAHN: That's all, Your Honor.

10 JUDGE KLOVEKORN: The witness may be excused.

11 (Witness excused.)

12 MR. PATTERSON: I would move the admission of A-15,
13 Your Honor.

14 JUDGE KLOVEKORN: Without objection it will be
15 received in evidence.

16 (Whereupon, the document marked
17 as Applicant's Exhibit No. 15
was received in evidence.)

18 MR. PATTERSON: May we go off the record, Your Honor?

19 JUDGE KLOVEKORN: Off the record.

20 (Discussion off the record.)

21 JUDGE KLOVEKORN: Back on the record.

22 MR. PATTERSON: If I didn't do so prior to this, Your
23 Honor, I would now move the admission of A-14 and all the
24 other exhibits that we put in today.

25 JUDGE KLOVEKORN: Without objection, they will be

1 received in evidence.

2 (Whereupon, the document marked
3 as Applicant's Exhibit No. 14
was received in evidence.)

4 MR. PATTERSON: We are closing our case in chief.

5 MR. KAHN: You're closing it today?

6 MR. PATTERSON: Yes. I don't remember whether we are
7 set for another day or not.

8 (Discussion off the record.)

9 JUDGE KLOVEKORN: Back on the record.

10 MR. PATTERSON: Your Honor, because of the unavail-
11 ability of the last witness we had intended to call, being
12 taken away by other business commitments, we, the Applicant,
13 wishes to close its case in chief and would hope that a
14 day can be set in the fairly near future consistent with the
15 Protestants' need to prepare for the presentation of
16 Protestants' cases.

17 JUDGE KLOVEKORN: Fine.

18 If there is nothing further, this hearing will be
19 adjourned to a time and place to be set later.

20 Thank you very much.

21 (Whereupon, at 2:55 p.m., the hearing was adjourned,
22 to be reconvened at a time and place to be established by
23 the Commission.)
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C E R T I F I C A T E

I hereby certify, as the stenographic reporter,
that the foregoing proceedings were taken stenographically
by me and thereafter reduced to typewriting by me or under
my direction; and that this transcript is a true and accurate
record to the best of my ability.

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