

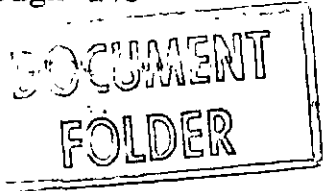
COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

----- X
 Application of Tri-County Transportation :
 & Leasing, Inc. Amendment so as to : Docket No.
 permit the transportation of persons, : A-00107235
 in group and party service, from points : F001, Am-A
 in that part of the county of Cambria :
 lying on and north of U.S. Highway :
 Route 22 to points in Pennsylvania. :
 Initial hearing. - :
 ----- X

Pages 1 through 143

Room 1103
 State Office Building
 300 Liberty Avenue
 Pittsburgh, Pennsylvania



Tuesday, May 21, 1991

Met, pursuant to notice at 10:05 a.m.

BEFORE:

KY NGUYEN, Administrative Law Judge

~~COMPLETED~~

JUN 25 1991

APPEARANCES:

LAWRENCE L. DAVIS, Esquire
 Davis & Davis
 103 South Center Street
 Ebensburg, Pennsylvania 15931-0064
 (For Tri-County Transportation
 & Leasing, Inc.)

RECEIVED

JUN 12 1991

SECRETARY OF
 Public Utility Commission

CHRISTIAN V. GRAF, Esquire
 Graf, Andrews & Radcliff
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 (For Fullington Bus Company)

Reporter: Cathy R. Mull

Commonwealth Reporting Company, Inc.

700 Lisburn Road
 Camp Hill, Pennsylvania 17011

C O N T E N T S

	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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2					
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4	Frank Cammarata	18	24		
5	Jerry Brant	29	30	34	
6	Elanor Lantzy	35	39	41	
7	Ann Barber	43	46		
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10	John Jubas	54	55		
11	Thomas Buck	58	60		
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APPLICANT'S

10			
11	✓ No. 1 (Map)	8	18
12	✓ No. 2 (Map)	8	18
13	✓ No. 3 (List of Passengers	9	18
14	and pickup points)		
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18			
19	✓ No. 1 (A-00009329 F19	125	135
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P R O C E E D I N G S

1
2 JUDGE NGUYEN: We open the record for a
3 hearing on the Application of Tri-County Transportation &
4 Leasing, Inc., at Docket No. A-00107235 F001, Amendment A.
5 My name is Ky Nguyen, I am Administrative Law Judge assigned
6 by the Commission to hear this application.

7 I would ask the parties to identify
8 themselves for the record. Mr. Davis.

9 MR. DAVIS: Lawrence L. Davis, attorney for
10 Tri-County, the applicant.

11 JUDGE NGUYEN: Mr. Graf.

12 MR. GRAF: Christian V. Graf, I am the
13 attorney for Fullington Auto Bus Company, the protestant.

14 JUDGE NGUYEN: Mr. Davis, you may present
15 your case.

16 MR. DAVIS: Mr. Tibbott. Where do you want
17 the witness to sit?

18 JUDGE NGUYEN: Over there. Raise your right
19 hand, please.

20 Whereupon,

21 WILLIAM M. TIBBOTT

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. DAVIS:

25 Q Your name, please.

1 A William M. Tibbott, T-i-b-b-o-t-t.

2 Q Where do you live, Mr. Tibbott?

3 A 404 19th Street, Barnesboro, Pa., 15714.

4 Q What's your occupation?

5 A School bus contractor and tour bus operator.

6 Q What is your affiliation with Tri-County, the
7 applicant here?

8 A I am the President.

9 Q And are you familiar with the operations of
10 Tri-County?

11 A Yes.

12 Q Have you been affiliated with the company since it was
13 incorporated?

14 A Yes, I have.

15 Q Approximately when was it incorporated, how many years
16 ago?

17 A Oh, about ten years ago.

18 Q You presently have rights granted by certificate of
19 the Public Utility Commission covering certain operations?

20 A Yes, I do.

21 Q What are those?

22 A Group and party for pickup area of Barnesboro in
23 Cambria County and Cherry Tree in Indiana County.

24 Q And are those the only two locations for pickup?

25 A They are.

1 Q Do you have any other rights?

2 A I have ICC rights.

3 Q And what are the extent of those rights?

4 A They are for 48 states.

5 Q Do you use those rights?

6 A I use them, but not for the full 48 states.

7 Q And do you use the group and party rights that you
8 have been granted by the Public Utility Commission?

9 A Yes, I do.

10 Q And have you prepared any lists or documents relative
11 to the use of those rights?

12 A Yes, we have. We prepared some maps and some of our
13 typical trips and some names of the people that have
14 traveled on them.

15 Q I would show you what we had marked for identification
16 purposes as the Applicant's Exhibit 1 and ask you what that
17 represents?

18 JUDGE NGUYEN: Do you have copies for the
19 reporter?

20 MR. DAVIS: I only brought three. He doesn't
21 need --

22 JUDGE NGUYEN: I need two more. After that
23 you give the reporter two copies.

24 MR. DAVIS: I brought two copies. You need
25 extra copies beyond what I have submitted here?

1 JUDGE NGUYEN: You have to file two copies of
2 all hearing exhibits for the Court Reporter and one copy for
3 me.

4 MR. DAVIS: Okay. Those are the three that I
5 have here.

6 JUDGE NGUYEN: So, I think you need two more
7 -- one more.

8 MR. DAVIS: Okay.

9 BY MR. DAVIS:

10 Q Would you tell me what that exhibit represents?

11 A Well, the -- marked in the red is the present area of
12 our pickup and what we applied for on our application is
13 north of Route 22 in Cambria County, which includes these
14 boroughs that are marked in the yellow where a lot of our
15 people that come to Barnesboro to get on the trips, to get
16 on our tours, they drive from these different locations.

17 Q Route 22, which is the southern border of your
18 request, does that intersect Cambria County from east to
19 west almost in the middle of the county?

20 A Yes, it does.

21 Q And that is designated on this official map of the
22 county?

23 A Yes.

24 Q That map that we have offered in evidence there, is
25 that -- where did you receive that map, from whom did you

1 get the map?

2 A Well, I got the maps from the State Map Bureau in
3 Harrisburg.

4 Q Okay. I show you what we have marked as No. 3 and ask
5 you what that represents?

6 MR. GRAF: No. 3 or No. 2?

7 MR. DAVIS: No. 2. I'm sorry. I'm sorry. I
8 have not marked those. . . I thought maybe the stenographer had
9 special stamps.

10 JUDGE NGUYEN: Okay. The first exhibit will
11 be marked as Exhibit A1 and this exhibit will be marked as
12 Exhibit A2.

13 (Whereupon, the documents were marked
14 as Applicant's Exhibit A1 and A2
for identification.)

15 BY MR. DAVIS:

16 Q What does that exhibit again represent, Mr. Tibbott?

17 A This represents the -- first of all, the red on there
18 at the Barnesboro is the pickup area for these three typical
19 trips. The red dot is the Somerset Mall and where the
20 people came from that went to Barnesboro to get on the bus.
21 There was nine from Spangler, twelve from Hastings, one from
22 Carrolltown, seven from Patton, and twelve from Nicktown.

23 The next, the blue dots, we went to Christmas
24 Village in Harrisburg, and again the people that came on the
25 bus to get to Barnesboro to board the bus, six from

1 Spangler, fifteen from Hastings, two from Carrolltown, four
2 from Patton, one from St. Benedict and six from Nicktown.

3 The green dot is the Johnstown Ice Capades.
4 We had three from Spangler, eleven from Hastings, two from
5 Carrolltown, seventeen from Patton, and five from St.
6 Benedict, and four from Nicktown.

7 Q The people that were not residents then of your
8 allowed pickup points had to --

9 A They had to come there by automobile to board the bus.

10 Q They had to find some other type of transportation to
11 get there for the trip?

12 A Yes.

13 Q And were these three typical trips?

14 A Yes, these were tree typical trips

15 (Whereupon, the document was marked
16 as Applicant's Exhibit A3 for
identification.)

17 BY MR. DAVIS:

18 Q I show you what we have marked as Applicant's Exhibit
19 3 and ask you what that listing represents?

20 A Well, this is the places that these -- the people came
21 to board our bus from on average trips.

22 Q And what does that list represent, over what period of
23 time?

24 A Well, we had our PUC since 1985, but we just had a
25 school bus and we never ran any tours. Now, last May I

1 bought a tour bus and this started in, I would say, in about
2 October, when we got into running these particular kind of
3 tours.

4 Q And does that represent the total amount of people who
5 were required to come from outside the area?

6 A Well --

7 Q Outside the pickup area?

8 A ... Yes... This was about the total amount. We had a few
9 Atlantic City trips and such that they -- that we could
10 pickup in their area because it was going out of state.

11 Q In other words, you were operating it by virtue of
12 your ICC?

13 A ICC.

14 Q The addresses as listed on that list, are those
15 addresses Pennsylvania -- all Pennsylvania addresses?

16 A Yes.

17 Q And where would -- are those towns all within Cambria
18 County or surrounding counties?

19 A They are all within Cambria County.

20 Q And are those people all within the area as requested
21 in this application?

22 A Yes, they are, to the best of my knowledge. Now, here
23 is one from Mahaffey, which is in Clearfield County. Here
24 are a couple from Heilwood, which is in Indiana County.

25 Q Would you say that the vast majority of those people

1 are from within the area you are now requesting?

2 A The vast majority are from the neighboring towns of
3 Barnesboro.

4 Q Now, would you tell the Judge the purpose of your
5 request in this application.

6 A The purpose is to expand the tour business to give
7 these people in these other areas an opportunity to board
8 the bus in their own community instead of driving to
9 Barnesboro to get on. Most of our clientele are senior
10 citizens and a lot of them can't drive and other ones, they
11 have to get somebody else to bring them, and it is quite
12 inconvenient for them. And it is pretty hard for them to
13 understand, we can pick them up to go to Atlantic City but
14 we can't pick them up to go to Johnstown.

15 Q Where is Johnstown located?

16 A It is south of Route 22 in Cambria County. The War
17 Memorial down there, they have quite a few shows and such
18 that people want to go, but they have to come to Barnesboro
19 to do it.

20 Q Is Johnstown the largest metropolitan area in Cambria
21 County?

22 A Yes, it is.

23 Q Is it the only city, designated city in Cambria?

24 A It's the only city in Cambria County.

25 Q And you referred to one trip there to Somerset, where

1 is Somerset County located with regard to the --

2 A Somerset County is south of Cambria County, roughly 65
3 miles from Barnesboro.

4 Q And where is Clearfield County in reference to the
5 exhibit?

6 A Well, Clearfield County from -- Clearfield itself is
7 north of Cambria County. Clearfield itself is about 45
8 miles from Cambria County, from Barnesboro.

9 Q And how about DuBois?

10 A DuBois is roughly the same distance.

11 Q From Barnesboro, let's say?

12 A From Barnesboro.

13 Q How about State College in Center County?

14 A That's about 75 miles from Barnesboro.

15 Q And Center County is -- how is it located, what
16 direction?

17 A It's northeast of -- well, it's east of Clearfield
18 County, northeast of Cambria County.

19 Q Clearfield County would be directly north of Cambria
20 County and Center County directly east of Clearfield --

21 A Approximately.

22 Q -- give or take a few rivers and mountains and what
23 have you that may designate the borders, but they are
24 adjacent counties?

25 A Right.

1 MR. DAVIS: Cross-examine.

2 CROSS-EXAMINATION

3 BY MR. GRAF:

4 Q Let's look at your Exhibit 3 for a moment, the list.

5 A Yes.

6 Q I see on here a point known as Indiana. That is in
7 Indiana County, isn't it?

8 A Yes. I mentioned some from Indiana.

9 Q Johnstown is in Cambria County, but not within this
10 area?

11 A Yes. Right.

12 Q Are there other points on this area -- on this exhibit
13 which are not in the authorized area other than the ones you
14 named?

15 A I don't know. Starford is in -- that is in Indiana
16 County.

17 Q But is it in the area?

18 A It is not in the area that we have applied for.

19 Q Okay. Any others?

20 A Alverda, which is right at the Indiana, Cambria County
21 line.

22 Q Okay.

23 A Heilwood is in Indiana County and Westover is in
24 Clearfield County.

25 Q Now, were these trips tours or were they group trips

1 that you took?

2 A Well, these were tours.

3 Q And how many of these were interstate tours?

4 A None of these were interstate.

5 Q All right. So have you taken any group trips from
6 this area?

7 A Yes, we have. We have had some senior citizens and we
8 have had some Girl Scouts and we have had baseball, Polish
9 Legion had a baseball game we took.

10 The other day we had a group that went to New
11 Castle to a wedding that they came to Barnesboro. Most of
12 those people were from the Hastings area and they came to
13 Barnesboro to board the bus.

14 Q Now, let's look at Exhibit 2 for a minute, the second
15 map with the red dots. What is the significance of the
16 placement of those dots; what's Somerset Mall mean?

17 A That was a trip to Somerset Mall.

18 Q Oh. I see. That's a destination?

19 A Yes. And the red dot is the people that were on the
20 bus from -- the different areas they were from.

21 Q I see. Okay. I got it. And the blue dot is a trip
22 that went to Harrisburg and the green dot is a trip that
23 went to Johnstown?

24 A Yes, sir.

25 Q Do you have any financial information with you?

1 A Any what, please?

2 Q Financial information.

3 A No.

4 THE WITNESS: Larry, do you have the
5 financial --

6 MR. DAVIS: We have the same information that
7 was submitted with the application, of course, and also
8 that.

9 BY MR. GRAF:

10 Q Your financial exhibit shows equipment. What type of
11 equipment do you have?

12 A As far as the tour bus goes, it's a 1980 Eagle and
13 mostly equipment is school buses.

14 Q That is the only bus, cruiser bus that you have?

15 A Cruiser bus that we have, yes, sir.

16 Q How many of the school buses are licensed for group
17 trips?

18 A Three.

19 Q And what are they?

20 A A 1985 International school bus, a 1989 International
21 school bus and a 1989 GMC. It's a mini bus.

22 Q All right. The others are regular school buses?

23 A They are 72 passenger, 48 passenger for adults.

24 Q When did you acquire the Eagle?

25 A In May of last year.

1 Q May, 1990?

2 A Yes. And after we acquired it, we overhauled the
3 engine. It took a little while to get it in the condition
4 we wanted it to be in to go on the road.

5 Q Now, on your ICC trips, most of those go to the
6 casinos in Atlantic City?

7 A Yes, most of them.

8 Q And where did they originate?

9 A In Barnesboro.

10 Q So you could have picked them up anywhere, couldn't
11 you?

12 A Yes. Yes. The Atlantic City, like we pickup in
13 Barnesboro, Hastings, Patton, Carrolltown and Ebensburg.

14 Q So you make stop offs in transit to pickup?

15 A Yes.

16 Q How many drivers do you have?

17 A For the coach?

18 Q For the coach operation.

19 A Two.

20 Q How do you maintain your equipment?

21 A We have our own garage.

22 Q How many mechanics do you have?

23 A Three.

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

25 JUDGE NGUYEN: I have a question for you.

1 What is the population of the county of Cambria?

2 THE WITNESS: Cambria, I think now is
3 probably around 180,000.

4 JUDGE NGUYEN: How many --

5 THE WITNESS: Maybe it's not quite that much
6 because we have lost a lot of population in the last --

7 JUDGE NGUYEN: Just give me an approximate
8 number.

9 THE WITNESS: Maybe 180,000.

10 JUDGE NGUYEN: How many calls a day do you
11 receive from people outside of your authorized operation
12 territory?

13 THE WITNESS: We receive -- like if we send
14 out a flier or there is a trip that interests them,
15 sometimes we will get 20 calls a day, sometimes two or
16 none.

17 JUDGE NGUYEN: Outside the authorized area?

18 THE WITNESS: Yes.

19 JUDGE NGUYEN: I don't have any questions.
20 Thank you.

21 MR. DAVIS: Would those maps that he was
22 using there be sufficient or is there some reason they
23 wouldn't be?

24 JUDGE NGUYEN: I think it's not -- she needs
25 one copy of that.

1 MR. DAVIS: Okay. Does she need the one that
2 you have?

3 JUDGE NGUYEN: No. This is a copy for me.

4 MR. DAVIS: Okay. Then she needs two more.

5 MR. GRAF: Here is your copy of your Exhibit
6 3.

7 JUDGE NGUYEN: Do you move for the admission
8 now?

9 MR. DAVIS: I do, yes. I would move for the
10 admission of our exhibits.

11 JUDGE NGUYEN: Do you have any objections?

12 MR. GRAF: No objections.

13 JUDGE NGUYEN: Exhibits A-1, 2, 3 are
14 admitted.

15 (Whereupon, the documents marked
16 as Applicant's Exhibit Nos. 1, 2 and 3 for
identification were admitted into evidence.)

17 MR. DAVIS: Mr. Cammarata.

18 JUDGE NGUYEN: Raise your right hand,
19 please.

20 Whereupon,

21 FRANK CAMMARATA

22 having been duly sworn, testified as follows:

23 DIRECT TESTIMONY

24 BY MR. DAVIS:

25 Q Your name, please.

1 A Frank Cammarata, C-a-m-m-a-r-a-t-a.

2 Q Where do you live?

3 A In Patton.

4 Q Pennsylvania?

5 A Yes, sir.

6 Q Are you within the area of the proposed request here?

7 A Yes.

8 Q What is your occupation?

9 A I own a weekly newspaper publication called the Union
10 Press Courier, approximately 5500 circulation in the
11 northern Cambria Clearfield Township -- Clearfield County
12 area.

13 Q How long have you been involved in that operation?

14 A Since I was a child. My father formerly owned it.

15 Q And you are familiar with the request for group and
16 party and tours and the advertising and the -- in the area,
17 what happens in the area?

18 A Yes. Fairly familiar.

19 Q Do you try to keep up with that type of thing?

20 A Well, I try to keep up with all advertising. It's all
21 important to me, but of recent, you know, Mr. Tibbott has
22 done some promotion in the bus field that is relatively new.

23 MR. DAVIS: I don't have enough copies of
24 these, I guess.

25 (Whereupon, the documents were marked
as Applicant's Exhibit A4 and A5

1 for identification.)

2 BY MR. DAVIS:

3 Q I would show you what is marked as Exhibit 4, I
4 believe, and ask you if that is a -- here is 4 and 5, I'm
5 sorry. Exhibits 4 and 5 -- if those are examples of what
6 you are talking about?

7 A Yes. Mr. Tibbott, I think, last May was the first
8 that Mr. Tibbott and Tri-County Transportation -- I have
9 known Bill for a number of years and he was in the school
10 bus business --

11 JUDGE NGUYEN: First, would you identify
12 Exhibit A4 first and then Exhibit A5, identify them for the
13 record.

14 THE WITNESS: Both of these publications are
15 Mr. Tibbott's publications to promote his travel business.

16 JUDGE NGUYEN: Okay.

17 BY MR. DAVIS:

18 Q Are you active in travel, tours, things like that?

19 A I'm a member of the Cambria County Tourist Council,
20 the Prince Gallatzin Tourism Trade Association and have been
21 active, you know, in the Cambria County development of
22 tourism, America's Industrial Heritage Program and so on and
23 so forth, quit active I would say.

24 Q I might ask you to look at one of these maps. I think
25 they are pretty much the same, and ask you to identify --

1 Patton Borough is on that map, it is in the north central;
2 is that right?

3 A That is correct.

4 Q Where you live and where your operations are?

5 A Yes.

6 Q And the Prince Gallitzin State Park is --

7 A It's to the right of Patton Borough on the map, and
8 it's a 1760 acre lake that has a lot of tourists and a lot
9 of activity in the summertime, that has over a million
10 visitors a year.

11 Q Are you familiar with the advertising and promotional
12 activities of other operators, bus operators in this area?

13 A Yes. We don't get a lot of advertising from other bus
14 operators, you know, no one promotes extensively, at least
15 in our publication, and I have a competitive publication
16 that I watch closely, which is the Barnesboro Star, that is
17 published in Mr. Tibbott's hometown I don't think anybody
18 really goes out after the business as he has.

19 Q And do you have any specific reasons why you feel that
20 the application here should be granted?

21 MR. GRAF: Objection, unless it is confined
22 to his own personal experience.

23 MR. DAVIS: Confine your answer to your own
24 personal experience, please.

25 A Repeat the question.

1 Q Knowledge relative to the necessity for the granting
2 of this application.

3 A Well, you know, if I were going -- my own personal
4 experience, if I have to limit it to that, if I were going
5 -- one of the trips -- a lot of the trips I don't have the
6 time that Bill would, you know, would take to -- like one of
7 the trips to Arizona or some place like that, but one of the
8 trips that he has had that interested me was to go to
9 Atlantic City. I have never been there. And, you know, if
10 I were going on a bus company or somebody was trying to
11 promote that in our region, I certainly would like to be
12 picked up in my hometown and I would like to go, you know,
13 to any event, personally, without taveling to Barnesboro to
14 board the bus. I think that is a great inconvenience. I
15 personally feel that.

16 Q What is the distance from Patton to Barnesboro?

17 A Twelve miles.

18 Q And are there any --

19 A Nine to 12, I am not certain.

20 Q Okay. In the north of the county, are there any four
21 lane highways?

22 A No.

23 Q We have a slight extension of 219 from Ebensburg
24 north, don't --

25 A Just recently built. That would be the only four lane

1 highway.

2 Q And that only goes several miles north of Ebensburg;
3 is that right?

4 A Leaves Carrolltown about two miles outside of
5 Carrolltown and travels another five miles, I think the
6 length of this road is, and it gets to Ebensburg.

7 Q And are there any towns, villages, what have you,
8 along that highway, along that four lane highway?

9 A No.

10 Q In other words, everybody that may have to travel into
11 Barnesboro would have to use secondary roads?

12 A Yes.

13 Q Do you have any other reasons why you feel that this
14 might be of a benefit?

15 A Well, to me financially. Just, you know, from the
16 standpoint Mr. Tibbott has done some promoting in the region
17 and where it has been nonexistent, at least for my company,
18 I have no idea whether competitors have direct mailed
19 people, you know, or what they have been doing to increase
20 their business from a competitive standpoint, but the region
21 itself is pretty much untapped from a competitive -- you
22 know, this tourism industry is continually growing and Mr.
23 Tibbott is very aggressive towards it and he has asked me to
24 help him and I certainly have tried to accommodate him and
25 it has helped my business. Because I believe in the

1 publication and printing business and I don't have anybody
2 else that I can sell, you know, that is in that business, in
3 our county.

4 Q You say you are not receiving any advertising from any
5 other operators?

6 A Not at the present. Recently I think that Fullington
7 four or five, six, seven years ago, it hasn't been recent,
8 but whenever they first got into the area, whether they had
9 received the PUC in the area and they tested the area for
10 its marketability and used our publication, but they had
11 been an advertiser.

12 Blue and White had been an advertiser in our
13 newspapers and, you know, of recent years, there has been --
14 it has been moot, there has been nothing that we have had.

15 MR. DAVIS: Cross-examine.

16 CROSS-EXAMINATION

17 BY MR. GRAF:

18 Q Did you publish these Exhibits 4 and 5?

19 A Yes, I did.

20 Q All right. Let's take a look at Exhibit 4 for a
21 minute. The first page shows a trip to Niagara Falls and
22 you realize that is an interstate trip, beyond Pennsylvania,
23 do you not?

24 A I know its out of state.

25 Q Yes. And Iowa is also out of state?

1 A That is correct.

2 Q And Baltimore, Maryland, is also out of state?

3 A That is correct.

4 Q Let's turn to the second page. Sea World is out of
5 state?

6 A It is in Ohio.

7 Q How about Belleville?

8 A I don't know. I am not real -- I used copy from Mr.
9 Tibbott. Belleville might be a shopping trip. I think in
10 the smaller print it might mention where it is at.

11 Q All right. New York City is certainly beyond
12 Pennsylvania?

13 A Yes.

14 Q Myrtle Beach is in the Carolina's, isn't it?

15 A Yes.

16 Q And Alabama is certainly not in Pennsylvania, is it?

17 A No, I wouldn't think so.

18 Q Atlantic City is not in Pennsylvania?

19 A True.

20 Q Is that correct?

21 A That is right.

22 Q And Potomac Mills is down near Washington, D.C., isn't
23 it?

24 A I think it is a shopping trip.

25 Q It's near Washington, D.C.?

1 A I think so.

2 Q New York City we have already covered.

3 A Yes.

4 Q How about Williamsburg, Virginia?

5 A That is out of state. Ogle Bay is out of state.
6 That's in West Virginia.

7 Q Okay. All right. That takes care of Exhibit 4.

8 Let's look at Exhibit 5. I presume the first page lists the
9 trips.

10 A Well, these were two -- I think this was the one that
11 was published first and he didn't have all the details on
12 pickup time and so on and so we listed this on the front
13 page and then this one here came out in July, this one came
14 out about January.

15 Q Well, let's look at it anyway if we may. Atlantic
16 City, the third one on the red block is beyond Pennsylvania?

17 A That is correct.

18 Q And Florida, Disney World, is beyond Pennsylvania?

19 A Right.

20 Q And Atlantic City is beyond Pennsylvania?

21 A Uh-huh.

22 Q And Norfolk Naval Base listed as a southern tour is
23 beyond Pennsylvania?

24 A Yes.

25 Q Atlantic City is beyond Pennsylvania?

- 1 A Uh-huh.
- 2 Q And Nashville, Tennessee, is beyond Pennsylvania?
- 3 A Correct.
- 4 Q And Deep South Alabama is beyond Pennsylvania?
- 5 A Correct.
- 6 Q I think that basically covers the Exhibit 5.
- 7 A Uh-huh.
- 8 Q Now, have you ever gone on a group trip by bus
9 anywhere?
- 10 A No. I have a family and I probably am not in the
11 market, you know, in that type of market. I think my mother
12 has gone on some trips, but I --
- 13 Q You are the witness. So you haven't gone on any?
- 14 A No, I haven't.
- 15 Q And you haven't gone on any tours, sight-seeing trips
16 where tickets are sold on an individual basis by bus?
- 17 A No, I have not.
- 18 Q And do you have any plans to go on either a group trip
19 or a tour and sight-seeing trip in the immediate future?
- 20 A I might go to a Pirate ball game.
- 21 Q You might?
- 22 A We talked about -- we used to do that whenever -- I
23 may -- wait a minute. I have done that. I have gone to
24 Pirate ball games.
- 25 Q With whom?

1 A Local softball team in the community.

2 Q What bus company did you use?

3 A I think we went Blue and White.

4 Q How many years ago was that?

5 A Whenever I was playing softball, that was probably
6 six, seven years ago.

7 Q I see. And since that time you haven't repeated that
8 trip, have you?

9 A No. I'm out of the softball circuit.

10 Q And you will be out of the softball circuit in the
11 future, too, won't you?

12 A Obviously I will be a senior citizen later.

13 Q So you are not going to play softball?

14 A I picked up the golf clubs.

15 MR. GRAF: All right. Thank you. That is
16 all I have.

17 JUDGE NGUYEN: Thank you very much.

18 THE WITNESS: Thank you.

19 MR. DAVIS: Mr. Brant.

20 JUDGE NGUYEN: Raise your right hand,
21 please.

22 Whereupon,

23 JERRY BRANT

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. DAVIS:

2 Q Your name, please.

3 A Jerry Brant, B-r-a-n-t.

4 Q Where do you live, Mr. Brant?

5 A Barnesboro, Pennsylvania.

6 Q What is your occupation?

7 A I am employed as President and Chief Operating Officer
8 of Northern Cambria Community Development Corporation.

9 Q What type of corporation is that; what is its
10 function?

11 A It's a nonprofit -- I think the title says it all --
12 community development. We are involved in a number of
13 programs, everything dealing with helping municipalities to
14 get grants and loans, infrastructure, employment training
15 programs, tourism, environmental concerns and a number of
16 other things.

17 Q You're familiar with the application request here?

18 A Yes, I am.

19 Q And what would you say are your reasons, to the best
20 of your personal knowledge, why this application should be
21 granted?

22 A I believe there are a number of different reasons.
23 One, of course, as I said, we are involved in doing things
24 with the local economy. I think it would be a benefit, as
25 it has been testified, there would be -- could be a need for

1 increased employment, which we can -- would very much
2 benefit from, the use of other services in the area, such as
3 advertising, et cetera.

4 The other thing, I look at it from the
5 environmental concern, I think that if we are making people
6 travel in order to use mass transportation, we are defeating
7 its purpose. The idea of mass transportation is to help
8 save gas and conserve our environment.

9 MR. DAVIS: Cross-examine.

10 CROSS-EXAMINATION

11 BY MR. GRAF:

12 Q You realize there is a difference between mass
13 transportation and group and party service, do you not?

14 A Maybe under your definition, but not under mine.

15 Q What is your definition of mass transit; what is your
16 definition of it?

17 A Mine would be being able to transport a large number
18 of people on a single vehicle as opposed to them using their
19 own personal vehicles.

20 Q Well, now in the industry, my understanding of mass
21 transportation is a local type of transportation, such as
22 buses and trolleys --

23 MR. DAVIS: Excuse me, Your Honor. If Mr.
24 Graf wants to be sworn in to testify, that would suit me
25 fine.

1 MR. GRAF: I haven't finished my question.

2 MR. DAVIS: But it seems to me you are
3 testifying. I would object to it.

4 MR. GRAF: I am not testifying.

5 JUDGE NGUYEN: Objection sustained.

6 MR. GRAF: All right.

7 BY MR. GRAF:

8 Q Do you realize that mass transit has a different
9 definition in the common understanding?

10 A Yes, I believe I said that.

11 Q All right. Now, have you ever taken any group trips
12 by bus?

13 A With any bus company?

14 Q With any bus company.

15 A Oh, yes, several years ago I went to a Pirate baseball
16 game.

17 Q What company took you?

18 A I believe it was McIlwain.

19 Q How many years ago was that?

20 A I am going to say probably about five or six years
21 ago, at least.

22 Q And is that the only group trip that you have been on?

23 A On a paid basis?

24 Q Yes. Of course.

25 A Yes. Going back to maybe my high school days or

1 something like that, but in the last ten years, that is
2 about the only trip that I have been on.

3 Q And you haven't gone on any tour or sight-seeing trips
4 where you paid an individual ticket basis rather than with a
5 group?

6 A No, I haven't. I have gone on sight-seeing tours on a
7 free basis by bus.

8 Q How did that happen?

9 A Because of my position, I am involved with America's
10 Industrial Heritage Program, Southwest Pennsylvania Heritage
11 Preservation Commission, and we have gone to both local and
12 out of state sites involved with that program.

13 Q And how did you happen to go free?

14 A The Commission paid for those trips.

15 Q I see. Some went out of state?

16 A One went to Washington, D. C., yes. The rest of them
17 were in Pennsylvania.

18 Q And where did they originate?

19 A Some originated in Cresent, some in Altoona, some in
20 Johnstown, some in Bedford.

21 Q And Altoona and Johnstown are beyond the scope of this
22 application, are they not?

23 A Yes, they are.

24 Q I don't know about Cresent, whether that is in Cambria
25 or Blair County.

1 A Cresent is in Cambria County.

2 Q Cresent is in Cambria County.

3 A Yes. Cresent is in Cambria County.

4 Q And these were paid for by someone else?

5 A Yes.

6 Q Where did they go; the Cresent trip, where did the
7 Cresent trip go?

8 A Oh, boy, I am trying to remember exactly.

9 Q How many years ago was it?

10 A This was within the last four years.

11 Q All right.

12 A Some of them were trips to -- one was a trip to
13 Washington, D. C. I believe that was the one that
14 originated in Altoona. We also went to -- the one from
15 Cresent, if I remember correctly, was a tour of Somerset
16 County, we also had a tour of the Fayette County, Uniontown
17 area.

18 Q From Cresent?

19 A No, not from Cresent. I believe that was the one that
20 departed from Johnstown.

21 Q All right. Do you have any trips planned as you are
22 here today?

23 A Do I --

24 Q Have any trips planned?

25 A No, I don't.

1 Q How many bus companies, to your knowledge, have
2 authority in the area of this application, other than
3 McIlwain?

4 A My understanding is Fullington and Blue and White.

5 Q Did Blue and White or Fullington provide any of the
6 service that you went on free; were they the bus company
7 used on the free trips?

8 A No, I don't believe so.

9 Q Was McIlwain?

10 A I believe they were. I couldn't say, sir, because I
11 wasn't involved in making the arrangements.

12 MR. GRAF: Okay. Thank you. That is all I
13 have.

14 MR. DAVIS: Mr. Brant -- I'm sorry.

15 JUDGE NGUYEN: Okay.

16 REDIRECT EXAMINATION

17 BY MR. DAVIS:

18 Q Were you ever involved on a trip with Fullington where
19 the pickup was in Cambria County?

20 A Not to my knowledge, no.

21 MR. DAVIS: That's all.

22 JUDGE NGUYEN: You may stand down. Thank
23 you.

24 MR. DAVIS: Ms. Lantzy.

25 JUDGE NGUYEN: Raise your right hand,

1 please.

2 Whereupon,

3 ELEANOR LANTZY

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. DAVIS:

7 Q Your name, please.

8 A Eleanor Lantzy, L-a-n-t-z-y.

9 Q Where do you live, Ms. Lantzy?

10 A I live in Spangler, Pennsylvania.

11 Q And Spangler is adjacent to Barnesboro; is that right?

12 A Yes. They are about a mile apart.

13 Q And what is your occupation?

14 A I am a homemaker.

15 Q And do you have any outside extracurricular
16 activities?

17 A I am a volunteer for the theater, locally, and also
18 for the library at times.

19 Q And with the theater, what theater is that?

20 A That is the Allegheny Highlands Regional Theater.

21 Q How long has that been in existence?

22 A Seventeen -- 18 years.

23 Q And you are very active in that; is that right?

24 A Yes, I have been.

25 Q And the theater group is composed of people from all

1 over the area?

2 A Yes, all over Cambria County, some in Blair and
3 Indiana as well.

4 Q And do they do things other than just go to the little
5 theater presentations?

6 A Yes. We often go to other community theaters or
7 nearby professional theaters.

8 Q And where would they be, just a couple examples of
9 what you might be doing?

10 A Well, we go to Jennerstown occasionally, which is on
11 the other side of Johnstown, sometimes to Penn State and
12 sometimes to Indiana.

13 Q And these are locations all within Pennsylvania?

14 A Yes.

15 Q They are in Pennsylvania?

16 A Yes.

17 Q And have you ever used any services -- have you ever
18 been involved with the use of services and contracting for
19 services?

20 A Yes, I have. Most of the time when we go to these
21 places, we have been going by car because there is no bus,
22 you know, to hire for the few people that we have and it is
23 too expensive to have someone dead head the whole way in and
24 dead head back, but we have hired buses to go to -- when we
25 did our New York trips, which was out of state, of course.

1 Q Okay.

2 A Yes.

3 Q Is there a need for the services as proposed here by
4 Mr. Tibbott and Tri-County?

5 A Definitely. Definitely. Most of us are older, don't
6 drive at night and we do need someone to pick us up and we
7 live in -- our audience area is in the small towns, Patton,
8 Barnesboro, Hastings, Spangler, Nicktown, and the people
9 can't go at night, so they will -- they really need some
10 kind of transportation that can pick us up at our homes.

11 Q Have you contracted with him for some services --

12 A Yes.

13 Q -- of any type?

14 A Yes.

15 Q What were they?

16 A We have him drive the people -- take the bus, the
17 people from our area up to the Play House ones for each
18 show, but we have to go down to Barnesboro to catch the bus,
19 and we have people from Spangler and Nicktown who then have
20 to go down to Barnesboro to get the bus.

21 Q And the Play House is in Cambria County; is that
22 right?

23 A Yes.

24 Q You have a couple different locations where you may be
25 moved depending on winter or summer; is that right?

1 A Right. We are in Ebsensburg for the winter and the
2 fall, fall and spring, and in the summertime we are out at
3 the Cresent Lake Play House Barn, which is still in Cambria
4 County.

5 Q And you have used him for those services?

6 A Yes. Yes. We have used Bill.

7 Q And has it been satisfactory?

8 A Absolutely.

9 Q And you have suggested the reasons why you feel his
10 services should be expanded, because of the driving at night
11 and elderly people and so forth.

12 A Yes. And I think sometimes when we take our cars to
13 these places, we may have a bus, if there was one that could
14 pick us up in these small towns.

15 Q Rather than driving into Barnesboro and then driving
16 back out and then coming back and driving back home again?

17 A Right.

18 Q Considerable duplication of transportation.

19 A Yes.

20 Q Do you have any other reasons that you feel personally
21 why you would like to see the services in existence?

22 A Well, I think it would be a little more economical, it
23 would seem to me, to have the bus that can start in
24 Barnesboro and take us places, because it's like a loop
25 where these small towns are located, than it is to have a

1 bus come from farther away to dead head in and then have to
2 go back. It seems it ought to be more economical. I don't
3 know. I assume it is.

4 MR. DAVIS: You may cross-examine, Mr. Graf.

5 CROSS-EXAMINATION

6 BY MR. GRAF:

7 Q When you mentioned going to Jennerstown, was that by
8 car?

9 A Yes, we went by car.

10 Q And where did that trip originate?

11 A Well, different ones of us would drive from Barnesboro
12 or Spangler. There are a group of us who are attached to
13 the theater who join together to go to other places.

14 Q I see. And how about Penn State?

15 A The same thing.

16 Q By car?

17 A Yes, by car.

18 Q Was it one car or more than one?

19 A More than one.

20 Q And Indiana was also by car?

21 A Yes.

22 Q And the trips that you did use the bus went from
23 Barnesboro to Ebensburg --

24 A Ebensburg.

25 Q -- and to Crescent Lake?

1 A Yes.

2 Q And that was within the applicant's present authority?

3 A Oh, yes, but he wasn't able to stop, we had to go to
4 him.

5 Q I understood that.

6 A Okay. Excuse me.

7 Q Now, how many people were on that bus that went to
8 Ebensburg?

9 A I think we have 16 to 20, it depends on the show.

10 Q Would the same amount have gone to Crescent Lake?

11 A In cars?

12 Q No, in bus, from Barnesboro.

13 A I'm sorry, I don't understand.

14 Q Well, how many people went to the Crescent Lake trip
15 that you used the applicant for?

16 A Between 16 and 20.

17 Q And what type of bus was used?

18 A The motor coach.

19 Q The coach?

20 A Uh-huh.

21 Q Now, when were these trips that went to Ebensburg and
22 Crescent Lake?

23 A We have a show -- one show in the spring, one show in
24 June, July and August, each month, and one in the fall.

25 Q So it would be four a year?

1 A Five.

2 Q Five. All right.

3 A And this year I think there is a Christmas show.

4 Q And they would be at the same locations, Ebensburg and
5 Crescent Lake?

6 A Yes.

7 Q And how did you get to Barnesboro?

8 A I drove and picked up other ladies.

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

10 REDIRECT EXAMINATION

11 BY MR. DAVIS:

12 Q Mrs. Lantzy, on the trips to Ebensburg and Crescent
13 Lakes and even on the other trips where you went outside the
14 area, do you feel that you would have more people if the bus
15 were able to make individual pickups through the various
16 little towns and so forth as Mr. Tibbott has proposed?

17 MR. GRAF: I object. That is conjecture. No
18 basis for that.

19 JUDGE NGUYEN: Objection sustained.

20 MR. DAVIS: That's all.

21 JUDGE NGUYEN: You may step down. Thank
22 you.

23 MR. DAVIS: Ms. Barber.

24 MR. GRAF: By the way, I didn't find this
25 witness' name on your list.

1 MR. DAVIS: I noticed that myself. I thought
2 maybe she was on the other list.

3 MR. GRAF: I don't know. This was the list
4 you sent me.

5 MR. DAVIS: I thought maybe she was on -- I
6 sent you several different lists.

7 MR. GRAF: Yes, but you sent me a revised
8 list of proposed witnesses and I didn't find her name.

9 JUDGE NGUYEN: Raise your right hand,
10 please.

11 Whereupon,

12 ANN BARBER

13 having been duly sworn, testified as follows:

14 MR. DAVIS: She is No. 3 on the first list I
15 sent you.

16 MR. GRAF: Yes, but what I can't understand
17 is when you sent me a revised list of proposed witnesses --

18 MR. DAVIS: Do you want to make a motion to
19 strike her testimony?

20 MR. GRAF: No, I don't. I just want to
21 clarify what you meant by a revised list of proposed
22 witnesses. I would assume --

23 MR. DAVIS: There is some additional --

24 MR. GRAF: It didn't say additional, it said
25 revised.

1 MR. DAVIS: I realize that.

2 MR. GRAF: And I would assume that was the
3 final list. Are we going to have any more people that
4 aren't on the list?

5 MR. DAVIS: I guess we can cross that bridge
6 when we come to it. I don't think we do.

7 MR. GRAF: All right.

8 MR. DAVIS: She was on the original list. I
9 am very sorry that for some reason someone left her off that
10 list. I would hate to inconvenience you in any matter.

11 DIRECT EXAMINATION

12 BY MR. DAVIS:

13 Q Mrs. Barber, your name, please, your full name.

14 A Ann Barber, B-a-r-b-e-r.

15 Q And where do you live?

16 A 210 West Horner Street, Ebensburg.

17 Q And what is your occupation?

18 A Well, I'm a housewife. I work part-time for my
19 husband.

20 Q And are you involved in any extracurricular activities
21 in particular which may make use of travel bus services?

22 A Yes, I am. Yes.

23 Q And what would they be?

24 A Catholic Daughters of America, I belong to Women's
25 Club, VFW Auxiliary.

1 Q Do these organizations go on trips and use hired bus
2 services?

3 A Yes, they do.

4 Q And have you been on trips with them?

5 A Yes, I have.

6 Q And are you familiar with the extent of the
7 application being requested here?

8 A Yes, I am.

9 Q And could you tell us your reasons why you feel that
10 this would be a benefit?

11 MR. GRAF: Just a moment. She hasn't been
12 qualified yet to speak for these organizations, and I wonder
13 if we could get her capacity and authorization from these
14 groups that she is purporting to represent.

15 JUDGE NGUYEN: She is a housewife. She
16 didn't represent herself --

17 MR. GRAF: Yes, but she wants to talk about
18 two organizations, and my question is, is she authorized,
19 first, to appear for them and to testify for them?

20 MR. DAVIS: I did not suggest that she was a
21 representative. I asked her if she belonged and it was more
22 than two that she named.

23 JUDGE NGUYEN: Yes.

24 MR. DAVIS: That was just to show the extent
25 of her experience in the community.

1 MR. GRAF: Yes, but if she is going to
2 support for those organizations --

3 MR. DAVIS: No, she is not speaking for
4 them.

5 MR. GRAF: All right. Fine. As long as that
6 is understood.

7 MR. DAVIS: She is speaking as an individual
8 who resides in the area.

9 MR. GRAF: All right. Fine.

10 BY MR. DAVIS:

11 Q Now, do you want to proceed, Mrs. Barber.

12 A As an individual?

13 Q From your personal experience --

14 A From my personal experience.

15 Q -- why you would --

16 A Well, from my own personal experience, I was listening
17 to the list that was in the paper there and they were all
18 from out of state. I, myself, as a resident of Ebensburg,
19 would not -- Mr. Tibbott would be wasting his time
20 advertising because I would not drive 20 miles to go to
21 Barnesboro to be picked up to go on one of those trips.

22 Now, I have gone to Strausburg four times and
23 I know our trip -- a trip went, I did not go to that, to the
24 Ebensburg ballet. Speaking as an individual, I know that
25 the clubs are now starting to use trips as fund raisers, and

1 so, therefore, there isn't any competition, you have to go
2 with whoever has the PUC if you want to go on any trips.

3 So, if you are a fund raiser, you want to --
4 you are trying to get the cheapest way to go. So if you
5 only have one route, that is the route you have to take.

6 Q And do you feel that your comments would be the
7 general sentiment as far as not wanting to travel to
8 Barnesboro to pickup a trip?

9 A I can only speak for myself.

10 Q Okay.

11 A I would not. I would not. They are all secondary
12 roads, as we all pointed out, and to drive 20 miles to leave
13 my car down there, no, I would not do that.

14 MR. DAVIS: Okay. Cross-examine.

15 CROSS-EXAMINATION

16 BY MR. GRAF:

17 Q Do you know of how many bus companies have authority
18 to serve Ebensburg, for example?

19 A I'm not sure. I'm not sure. I know Blue and White.
20 I heard another name mentioned who I think -- what is it --

21 Q McIlwain.

22 A I think McIlwain. I cannot say for sure that they do.

23 Q How about Manns and North?

24 A I am not familiar with that.

25 Q Have you ever called either Blue and White or McIlwain

1 for service?

2 A No, because -- no. No.

3 Q In fact, you haven't even called the applicant for
4 service, have you?

5 A No, because I know he can't service me.

6 Q Okay. He can service you if you went to Barnesboro.

7 A Right. But I would not choose to do that.

8 Q You want something who has authority out of Ebensburg?

9 A Right. Right.

10 Q And what trips have you gone on other than Strausburg,
11 I believe you mentioned?

12 A I have gone to New York, I have gone to --

13 Q In Pennsylvania.

14 A In Pennsylvania, Strausburg is the only -- I went down
15 four times.

16 Q Four times?

17 A Yes.

18 Q And do you know what bus company went?

19 A Blue and White.

20 Q Blue and White. Okay.

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

22 MR. DAVIS: That is all. Bonita Adams.

23 JUDGE NGUYEN: Raise your right hand,

24 please.

25 Whereupon,

1 BONITA ADAMS

2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. DAVIS:

5 Q Your name, please.

6 A Bonita, B-o-n-i-t-a, Adams.

7 Q Where do you live?

8 A RD 1, Mineral Point.

9 Q And what is your occupation?

10 A Housewife.

11 Q Are you familiar with the request for extension of
12 rights as requested here in this present application?

13 A Yes, I am.

14 Q And you live near the Route 22 area, is where you
15 would live?

16 A Yes. Yes.

17 Q Can you tell us what your experience would be and what
18 your request would be for bus service?

19 A Well, I have never been contacted really by any bus
20 company, but I do want to travel. And I know if I wouldn't
21 have to go to Barnesboro, I just wouldn't do it. I would
22 let my car somewhere else and I am able now to take trips.

23 My children are gone and I do want to travel,
24 but like Jamesway, Ebensburg; fine, it's a nice place to
25 park and it would be a simple place to go to to park and

1 travel by bus. I, myself, can't drive at night. I'm night
2 blind.

3 MR. DAVIS: Okay. Cross-examine.

4 CROSS-EXAMINATION

5 BY MR. GRAF:

6 Q I take it from what you have said that you have not
7 taken any bus trips in the past?

8 A No, I have not.

9 Q And what you want is someone who will pick you up at
10 Mineral Point?

11 A Not necessarily. Mineral Point is a very long route.
12 I live in a -- it's a rural route. I live, oh, maybe seven
13 miles from Ebersburg. And it's all Route 22, it's four lane
14 highway.

15 Q Where would you want to be picked up then?

16 A Well, Ebersburg is close enough. Ebersburg is fine.

17 Q And I understand you haven't called any bus company to
18 find out --

19 A No, I had an ill husband. Right now I am able to
20 travel. Before this I was not.

21 Q I say you haven't called any bus company --

22 A No, I have not.

23 Q -- to see what they offer?

24 A No, I have not.

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

1 JUDGE NGUYEN: Thank you.

2 MR. DAVIS: Ms. Bakajza.

3 JUDGE NGUYEN: Raise your right hand,
4 please.

5 Whereupon,

6 MARY BAKAJZA

7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. DAVIS:

10 Q Your name, please.

11 A Mary Bakajza, B-a-k-a-j-z-a.

12 Q And where do you live, Ms. Bakajza?

13 A Hastings.

14 Q And what is your occupation?

15 A I am a retired nurse and a housewife.

16 Q Do you have any extracurricular activities that you're
17 involved in?

18 A Yes. Several. I am President of the Hastings Borough
19 Council, I belong to the Catholic Daughters, the Hastings
20 Fire Auxilary and Hastings -- St. Bernard's choir, various
21 little smaller groups.

22 Q And how far is Hastings from Barnesboro?

23 A Five miles.

24 Q Are you familiar with the content of the application
25 here for extension of rights?

1 A Yes.

2 Q You understand what Mr. Tibbott's asking for?

3 A Yes.

4 Q Could you tell us what you feel would be of benefit to
5 you personally by an extension of rights.

6 A Well, personally, I would like to go on some trips,
7 but there is no way that -- I do not have the extra time or
8 money to prolong these trips. I want to be able to walk
9 uptown, a block away, and get on that bus. I will not leave
10 my car anywhere and worry about it. I don't have anybody
11 who can come to pick me up at strange hours and so
12 personally, that is why I would like to see it.

13 I don't think that we need any added expense
14 and it would be added expense to try to provide yourself
15 with some other transportation or hire someone.

16 MR. DAVIS: Okay. Thank you. That is all.
17 Cross-examine.

18 CROSS-EXAMINATION

19 BY MR. GRAF:

20 Q How many trips have you taken by bus in the past?

21 A In the past?

22 Q In the past.

23 A Not too many. I have to be selective because of my
24 time. Most of them have been out of state.

25 Q Where does the bus originate from?

1 A Some in Ebensburg, some in Altoona. None in Hastings.

2 Q None in Hastings?

3 A Nothing.

4 Q How far is it from Hastings to Altoona?

5 A About 21 miles.

6 Q And to Ebensburg?

7 A Twelve, 13.

8 Q And how did you get to Altoona and Ebensburg on those
9 past trips that you took?

10 A Somebody who worked in Altoona was kind enough to drop
11 me off.

12 Q And how did you --

13 A Same as in Ebensburg.

14 Q And where did those trips go, beyond Pennsylvania?

15 A All out of state.

16 Q And you have not taken any trips anywhere in
17 Pennsylvania by bus?

18 A Probably will not until it is easier. I mean, I can't
19 -- I might as well get in my car and drive to Somerset.

20 Q How far is that?

21 A Well, 40 miles, 45, or anywhere else in Pennsylvania.

22 Q When were these trips that you took beyond
23 Pennsylvania?

24 A Well, there was one last year to -- in Baltimore,
25 whatever that tourist area is.

1 Q Baltimore, Maryland?

2 A The one up to Massachusetts to the vacation island or
3 whatever it is. That was two years ago. The other one was
4 a year ago.

5 Q Prior to that did you take any trips?

6 A I have, but --

7 Q Pardon?

8 A Yes, I have.

9 Q By bus?

10 A By bus. Oh, Washington, D.C., several times.

11 Q Where did that trip originate?

12 A Once in Altoona, once in Ebensburg.

13 Q I presume Blue and White was the bus company that you
14 used out of Altoona?

15 A I don't remember. It was with Mrs. Stankus, but I
16 don't know -- she has different buses at different times.

17 Q You didn't arrange the trip, you just went?

18 A No. No. I just went.

19 Q Did you pay for your passage as an individual ticket
20 basis?

21 A Yes.

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

23 MR. DAVIS: That is all. Thank you.

24 JUDGE NGUYEN: Thank you.

25 MR. DAVIS: Mr. Jubas.

1 JUDGE NGUYEN: Raise your right hand,
2 please.

3 Whereupon,

4 JOHN JUBAS

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. DAVIS:

8 Q Your name, please.

9 A John Jubas, J-u-b-a-s.

10 Q Where do you live, Mr. Jubas?

11 A I live in Spangler.

12 Q And what is your occupation?

13 A I'm retired.

14 Q In your retirement, are you involved in
15 extracurricular activities?

16 A Yes, I am. I'm the Chairman of the Senior Activity
17 Center of the Northern Cambria Activity Center.

18 Q And as that Chairman, what type of activities do you
19 get involved in?

20 A Well, mostly extracurricular and we don't arrange any
21 trips, they are mostly advertised, and the people would like
22 to go on the trips, and if the people have to go to
23 Barnesboro to get picked up, it makes it very inconvenient
24 because we have a lot of older people that don't drive and
25 we have no taxi service in our community which they could

1 take a taxi.

2 And if you do take your car down, you have to
3 park it in either the Giant Eagle parking lot, and they
4 wouldn't -- if they got crowded, they wouldn't like it too
5 good, and you might get it towed out of there, and you can't
6 park it on the street because they have marking meters, so
7 it's a little inconvenient to take your car.

8 We can walk -- I can leave my car home in a
9 locked garage and walk to where I get picked up.

10 Q That ticketing people for parking and hauling cars
11 away, is that what you used to do before you retired?

12 A No.

13 Q Were you a policeman?

14 A I was a policeman at one time, yes.

15 Q Okay. You're familiar with this application and what
16 you are telling us is the reasons you feel it would be
17 convenient and necessary for the general public to have the
18 grant of this application, is that what you are saying?

19 A Yes, sir.

20 MR. DAVIS: Cross-examine, please.

21 CROSS-EXAMINATION

22 BY MR. GRAF:

23 Q How many group trips by bus have you taken in the
24 past?

25 A In the past?

1 Q Yes. To Pennsylvania points.

2 A Pennsylvania points, we have been to Reading
3 approximately three times, we have been to MOM's Shopping
4 Center, that is up at Reading, too.

5 Q That's Morgantown.

6 A No, it's right up in Reading, Pa.

7 Q All right.

8 A There is a big thing, it's called MOM's.

9 Q I know, I drove by it last Friday in Morgantown
10 interchange.

11 A Well, it's right-off of 22.

12 Q All right. Okay. What bus company did you use?

13 A Blue and White. We have been to Cookstown two years
14 in a row to the fair down there.

15 Q Where did they pick you up?

16 A We got picked up at Barnesboro Giant Eagle parking
17 lot, which like I say, we parked way in the back, and if you
18 park out towards the street, you are letting your car in
19 danger there.

20 Q Nothing happened to your car on these trips, did it?

21 A Not these trips, no.

22 Q And did all of these trips originate in Barnesboro?

23 A No. The one time we had to drive to Ebensburg and get
24 picked up.

25 Q Were the buses okay?

1 A Yes, the buses were okay.

2 Q Do you have any trips planned for the future?

3 A Yes.

4 Q Where are you going?

5 A Well, we didn't look at the flier yet, but we are
6 going to be going.

7 Q And that trip might -- if you take it, you would leave
8 from Barnesboro?

9 A Yes, we would have to get picked up in Barnesboro.

10 Q Did you drive your car?

11 A I drive my car, yes.

12 MR. GRAF: All right. Thank you. That is
13 all I have.

14 THE WITNESS: But if I might add, I am
15 speaking for --

16 MR. GRAF: No. No question is in front of
17 you.

18 THE WITNESS: Okay.

19 JUDGE NGUYEN: Thank you.

20 THE WITNESS: Yes, sir.

21 MR. DAVIS: Tom Buck, please.

22 JUDGE NGUYEN: Raise your right hand,
23 please.

24 Whereupon,

25 THOMAS BUCK

1 having been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. DAVIS:

4 Q Your name, please.

5 A Thomas Buck.

6 Q And where did you live, Mr. Buck?

7 A Carrolltown.

8 Q What is your occupation?

9 A Retired.

10 Q And do you have any extracurricular activities that
11 you get involved with?

12 A Well, volunteer fire company.

13 Q And are you in a position where you take advantage or
14 use any bus, tour bus services?

15 A I use lots of them.

16 Q Are you familiar with the application as here
17 submitted by Tri-County for the extension beyond Barnesboro
18 and Cherry Tree through northern Cambria County?

19 A Yes, I am.

20 Q How would that affect you, how would that benefit you?

21 A Well, I would sooner get picked up in town because I
22 have to drive down about six, approximately six miles, and I
23 don't like to leave my car there, I have to have somebody
24 come down and pick it up and have them come down and pick me
25 up.

1 Q Do you agree with the other witnesses that testified
2 that there aren't any decent roads out north of the county,
3 they are all secondary roads?

4 A They are all crooked roads, very dangerous roads.

5 Q There is no four lane highway whatever?

6 A No, no four lane.

7 Q Beyond a few miles north of Ebensburg?

8 A That is right.

9 Q Do you have any other reasons other than what you just
10 suggested as to why you feel the application should be
11 granted?

12 A Well, we are senior citizens and we like to be picked
13 up in our hometown, naturally.

14 Q And you say you go on quite a few tours?

15 A Right.

16 Q Are these Pennsylvania type tours?

17 A Quite a few were Pennsylvania tours.

18 Q And are these pre-scheduled tours that other companies
19 run or that Mr. Tibbott runs, whatever?

20 A Yes, they are pre --

21 Q They are already scheduled, you don't make private
22 arrangements to have a tour?

23 A No, they are all pre.

24 Q Do you know of anybody who has had a pickup on a tour
25 in Carrolltown?

1 MR. GRAF: Objection.

2 MR. DAVIS: To your knowledge.

3 MR. GRAF: How would he know that?

4 MR. DAVIS: He has lived in Carrolltown.

5 MR. GRAF: Well, that doesn't make any
6 difference. He has lived there. There are other people who
7 live there, and I am sure he doesn't live their lives.

8 MR. DAVIS: I am not saying that.

9 JUDGE NGUYEN: Sustained.

10 MR. DAVIS: Is the objection sustained?

11 JUDGE NGUYEN: Sustained.

12 MR. DAVIS: Cross-examine.

13 CROSS-EXAMINATION

14 BY MR. GRAF:

15 Q Sir, what bus companies have you used on these past
16 tours?

17 A Blue and White, Happy Time, and one out of Johnstown.
18 I can't think of the name right now.

19 Q And where did these trips originate?

20 A The Happy Time in Barnesboro, we had to go down to
21 Barnesboro for that.

22 Q How about Blue and White?

23 A Blue and White we were picked up in Hastings,
24 Carrolltown, Ebensburg.

25 Q So you did have a trip that originated in Carrolltown?

- 1 A Yes, with Blue and White.
- 2 Q Where did that go?
- 3 A I have had some many, I just can't think right now,
- 4 but --
- 5 Q It was some --
- 6 A I believe one went to the Cairo Turkey Farm.
- 7 Q Where is that?
- 8 A That is down over the hill below Hollidaysburg, some
- 9 place down in there.
- 10 Q Blair County anyway?
- 11 A Yes, it was in Blair County.
- 12 Q And where did Happy Time's trip go?
- 13 A Philadelphia.
- 14 Q Are those the only two that you can recall that you
- 15 have gone on in Pennsylvania?
- 16 A Oh, no, we were up Lancaster.
- 17 Q Who took that trip?
- 18 A Blue and White.
- 19 Q Did they pick you up at Carrolltown?
- 20 A Yes.
- 21 Q How was their service, bus was all right, wasn't it?
- 22 A Yeah, I have no objection.
- 23 Q Have you used any other bus company, other than the
- 24 one you couldn't remember the name of in Johnstown?
- 25 A No, just them three.

1 MR. GRAF: Okay. Thank you. That is all I
2 have.

3 JUDGE NGUYEN: Thank you.

4 MR. DAVIS: Mary Buck.

5 JUDGE NGUYEN: Raise your right hand,
6 please.

7 Whereupon,

8 MARY BUCK

9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. DAVIS:

12 Q Your name, please.

13 A Mary Buck.

14 Q Where do you live, Mrs. Buck?

15 A Carrolltown.

16 Q Are you the wife of Tom Buck?

17 A Yes, I am.

18 Q And do you have an occupation?

19 A I'm retired.

20 Q And do you travel with your husband?

21 A Oh, yes.

22 Q Did you hear his testimony here this morning?

23 A Not all of it.

24 Q Okay. You couldn't hear it too well?

25 A No.

1 Q Are you familiar with the application that is here for
2 Tri-County?

3 A Yes, I am.

4 Q And you know what the purpose of that application is,
5 to extend their pickup points?

6 A Yes.

7 Q Now, could you tell us from your personal knowledge
8 what benefit that would be to you?

9 A A lot because we don't have to walk but about ten
10 minutes uptown to pickup a -- to get picked up if we would
11 stop in Carrolltown. The other way we have to run to
12 Barnesboro, then we come back through and go to Barnesboro
13 and then we have to travel back home and my husband
14 doesn't like to drive much in the night, the lights, they
15 bother his eyes, so it would help us a lot because we like
16 to travel.

17 Q You travel a good bit your husband said, you like to
18 travel the buses?

19 A Yes. Last year we took the two little girls to the
20 Christmas Village and we had to go to Barnesboro, we come
21 home at 1:00 o'clock in the morning. We had to go to
22 Carrolltown to Barnesboro, get off the bus and bring these
23 two little girls back to Carrolltown and put them to bed,
24 which was crazy, I think.

25 Q That is the type of thing you want to try to avoid?

1 A Yes. Yes, because it's hard, we go through
2 Carrolltown, clear to Barnesboro, then we have to get in our
3 car and come back home and it was after 1:00 and Tom doesn't
4 like to drive in the dark.

5 MR. DAVIS: Okay. Thank you.

6 Cross-examine.

7 CROSS-EXAMINATION

8 BY MR. GRAF:

9 Q Did you hear your husband indicate that Blue and White
10 did pick you up in Carrolltown?

11 A Yes, when we went on Blue and White, we were picked up
12 at the bank in Carrolltown, which is about maybe five
13 minutes, ten from our home.

14 Q That is what you would like in the future?

15 A Yes. We have always traveled.

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

17 JUDGE NGUYEN: Thank you.

18 MR. DAVIS: If it please the Court, most of
19 these are cumulative, the rest of these witnesses. If you
20 wish, I can just call them as they are seated, have them
21 identify --

22 JUDGE NGUYEN: Okay. Thank you.

23 MR. DAVIS: -- and ask them if they agree
24 with the other witnesses. Mr. Graf, how did you --

25 MR. GRAF: Well, there are some of them that

1 could not agree with the prior witnesses, for instance, they
2 are not all newspaper reporters.

3 MR. DAVIS: Okay. I will call them.
4 Kathleen Quevy.

5 MR. GRAF: You don't have to call them if we
6 can work out some arrangement, but I don't want them saying
7 they agree with all the prior witnesses.

8 MR. DAVIS: Well, then let me call them. Go
9 ahead, please. I really couldn't think of any arrangement
10 we might work out.

11 MR. GRAF: Well, without talking about it,
12 it's hard to figure it out.

13 JUDGE NGUYEN: Raise your right-hand,
14 please. Whereupon,

15 KATHLEEN QUEVY
16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. DAVIS:

19 Q Your name, please.

20 A Kathleen, K-a-t-h-l-e-e-n, Q-u-e-v-y.

21 Q Where do you live, Ms. Quevy?

22 A In Patton, Pa.

23 Q What is your occupation?

24 A I was a housewife.

25 Q And are you involved in extracurricular activities,

1 particularly any bus travel?

2 A Senior citizens and the ICB who goes on bus trips and
3 that's about it, I guess.

4 Q Now, you know the extent of the application here
5 today?

6 A Yes, I do.

7 Q And would you tell the Judge what you feel would be
8 the benefit to you from the granting of this application.

9 A Well, I am speaking for myself and the senior citizens,
10 I am real active in the senior citizens and I know an awful
11 lot of them would go on a bus trip.

12 MR. GRAF: Just a moment. I don't object to
13 her testifying for herself, but when she attempts to speak
14 for the senior citizens without having been qualified, I do
15 object to that.

16 JUDGE NGUYEN: Speak from your personal
17 experience.

18 A (Continuing) Okay. Well, I know that for me to drive
19 over to Barnesboro, I can't drive at night and I know I
20 could get a lot of other people if -- you know, a lot more
21 would go if they had a way. I know that there would be a
22 lot more to go. Because I could get a carload and I know
23 there would be more than that go if they had a way.

24 Q Have you ever been on a tour that originated -- had a
25 pickup point, let's say, in Patton?

1 A Maybe a couple.

2 Q Do you recall what they were, where they went?

3 A I don't recall where they went. One was -- I don't
4 recall. I went on so many, but most of my trips are with
5 Tilley and she makes up the trips and then we go with her.

6 Q Tilley being an employee of Tri-County?

7 A Yes.

8 MR. DAVIS: Cross-examine.

9 CROSS-EXAMINATION

10 BY MR. GRAF:

11 Q Do you remember what bus company picked you up in
12 Patton?

13 A I think it was Blue and White.

14 Q And that went to a Pennsylvania point?

15 A Uh-huh.

16 Q But you can't remember where?

17 A Huh-huh. I went on so many of them, I can't
18 remember. I go on almost all their trips.

19 Q When you go on almost all their trips you are
20 referring to Tri-County's trips?

21 A Uh-huh.

22 Q And they leave from Barnesboro?

23 A Yes.

24 Q Did they ever pick you up at Patton?

25 A I don't believe so.

1 Q Were those trips on an individual ticket basis or --

2 A She always had our tickets.

3 Q She?

4 A Tilley Link always had our tickets.

5 Q But you paid for -- each individual paid his or her
6 own fare; is that right?

7 A They were in groups, we paid for them in groups. You
8 pay -- we paid the whole group. We paid her and then she
9 bought all the tickets.

10 Q So it was a group trip?

11 A Uh-huh. Yes, sir.

12 Q And who sponsored that group trip?

13 A Usually Tilley, Tilley Link.

14 Q Does she have a broker's license, do you know?

15 A I don't know, really I don't.

16 MR. GRAF: All right. That is all I have.
17 Thank you.

18 JUDGE NGUYEN: I have a question. How far do
19 you have to drive to get to the bus station?

20 THE WITNESS: From Patton to Barnesboro you
21 mean? It is about 12 -- about 12 miles, I think.

22 JUDGE NGUYEN: Thank you.

23 MR. DAVIS: Eva Lechene, please.

24 JUDGE NGUYEN: Raise your right hand,
25 please.

1 Whereupon,

2 EVA LECHENE

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. DAVIS:

6 Q Your name, please.

7 A Eva L-e-c-h-e-n-e.

8 Q -And where do you live, Ms. Lechene?

9 A Hastings.

10 Q What is your occupation?

11 A Housewife.

12 Q Are you involved in extracurricular activities which
13 may use tour buses?

14 A I just go with Tilley and them.

15 Q Okay. You go on tours, tour buses?

16 A Yes.

17 Q You are familiar with the application as presented
18 here?

19 A Yes.

20 Q And could you tell us from your personal experience
21 what it would mean to you to have the granting of this
22 application.

23 A Well, it would make it a lot easier to go downtown, to
24 just walk down instead of driving to Barnesboro, because I
25 don't like to drive at night.

1 Q And have you ever had any bad experiences as a result
2 of having to travel?

3 A No.

4 Q Okay. Have you ever had -- gone on a tour where the
5 pickup was in Hastings?

6 A Yes.

7 Q Do you recall who picked you up then, what bus
8 company?

9 A We went to Atlantic City.

10 Q Any trips within Pennsylvania where you were picked up
11 in Hastings?

12 A I haven't gone lately. It's been about two years. My
13 husband took sick and I haven't been going. But I always
14 went before. So I --

15 Q Okay. How far is Hastings from Barnesboro?

16 A Five, six miles.

17 Q What kind of roads?

18 A Curvy.

19 MR. DAVIS: Okay. Cross-examine.

20 CROSS-EXAMINATION

21 BY MR. GRAF:

22 Q What bus company picked you up in Hastings?

23 A Well, before it was Blue and White. That has been
24 quite awhile ago.

25 Q How long has it been since you have gone on any group

1 trips?

2 A I'm not sure. It's been quite awhile.

3 Q How many years?

4 A One or two.

5 Q And you said you go with Tilley, and I assume that
6 that is an individual who works with or for Tri-County?

7 A Yes.

8 Q And this person arranges trips and calls around and
9 gets people to go; is that right?

10 A Yes.

11 Q And all those trips have gone from Barnesboro?

12 A Yes.

13 Q How many years did you go on this arrangement where
14 you drove to Barnesboro?

15 A I haven't been going too much.

16 Q For the last couple years?

17 A Yes.

18 Q How many trips have you taken in the last three years?

19 A I can't say. I can't remember that.

20 MR. GRAF: All right. That is all I have.

21 Thank you.

22 JUDGE NGUYEN: What is your address?

23 THE WITNESS: Hastings, Pa.

24 JUDGE NGUYEN: Thank you.

25 MR. DAVIS: Frances Sgro.

1 JUDGE NGUYEN: Raise your right hand,
2 please.

3 Whereupon,

4 FRANCES SGRO

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. DAVIS:

8 Q Your name, please.

9 A Frances Sgro, S-g-r-o.

10 Q And where do you live?

11 A I live in Barnesboro.

12 Q What is your occupation?

13 A I am retired.

14 Q And do you have any extracurricular activities in
15 which you use the tour buses?

16 A Yes. Church work and region for Catholic Daughters.

17 Q And the application as presented here, are you
18 familiar with that?

19 A Yes.

20 Q And you understand what the extent of it would be?

21 A Yes, sir.

22 Q And how would that make a difference to you, Mrs.
23 Sgro?

24 A Personally, I can walk to catch the bus because I live
25 right in Barnesboro, but some of our members are complaining

1 because they have to drive from Spangler or Patton or
2 Hastings.

3 Am I permitted to talk about our --

4 Q Well, whatever.

5 A The activities that we have sometimes are located in
6 Altoona and in Johnstown, and we have to have a bus to take
7 all of our members, and I am involved in getting that worked
8 up.

9 MR. DAVIS: That is all. Cross-examine.

10 CROSS-EXAMINATION

11 BY MR. GRAF:

12 Q So far as you are concerned, you live in Barnesboro?

13 A Yes.

14 Q And the applicant has authority now in Barnesboro to
15 take you to Altoona --

16 A Yes.

17 Q -- or Johnstown or wherever else you want to go?

18 A For myself personally, but not for the rest of our
19 members.

20 Q Well, you're not authorized to speak for --

21 A I am region of the Court, yes, I am.

22 Q Have you been authorized specifically to come here and
23 talk for the organization?

24 A I am authorized to handle all the business of the
25 Court.

1 Q All right. And what does the Court consist of, how
2 many members?

3 A We have 269 members right now.

4 Q And do they all live in northern Cambria County?

5 A Yes. Patton, Hastings, Carrolltown, Nicktown,
6 Spangler.

7 Q How many trips does your organization take in the
8 course of a year?

9 A At least one.

10 Q And where have they gone in the past?

11 A Well, the one trip was to Altoona.

12 Q All right.

13 A And last year's trip was to Canada.

14 Q Canada?

15 A Canada.

16 Q Well, that doesn't involve this.

17 A No, it was a tour. But the others are concerning
18 Court business and that was to Altoona and Johnstown and we
19 go to rallies and things.

20 Q Altoona and Johnstown would be the destination?

21 A Right.

22 Q And you have used the applicant for those trips,
23 haven't you?

24 A No, because we haven't had a trip since I have become
25 associated with them. I have gone on personal trips with

1 them, but not -- we had Blue and White.

2 Q You had Blue and White?

3 A Yes.

4 Q For both Altoona and Johnstown?

5 A Uh-huh.

6 Q Have you ever called on any other bus company?

7 A No.

8 Q Other than Blue and White and the applicant?

9 A No.

10 Q Do you know that there are other bus companies?

11 A What?

12 Q Do you know there are other bus companies?

13 A Oh, yes.

14 Q That could serve you?

15 A Uh-huh. It is just that I worked in Altoona and I was
16 familiar with Blue and White.

17 MR. GRAF: Thank you very much. That is all
18 I have.

19 JUDGE NGUYEN: Thank you.

20 MR. DAVIS: Joseph Rogal.

21 JUDGE NGUYEN: Raise your right hand,
22 please.

23 Whereupon,

24 JOSEPH ROGAL

25 having been duly sworn, testified as follows:

DIRECT EXAMINATION

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BY MR. DAVIS:

Q Your name, please.

A Joseph Rogal, R-o-g-a-l.

Q Where do you live, Mr. Rogal?

A Hastings.

Q What is your occupation?

A Radio TV technician.

Q And are you familiar with the application as submitted here on behalf of Tri-County?

A Yes, I am.

Q And do you have any personal reasons why this would benefit you?

A I wouldn't have to travel to Barnesboro to go somewhere. Can I give you an example?

Q Certainly, sir.

A I booked the bus to go to a wedding this past weekend. Half the people were from Hastings. We had to travel to Barnesboro. When you go to the average Polack wedding, you don't come back sober. That is why we took the bus. It was very inconvenient for us to come back at midnight and, fortunately, we had designated drivers even for off the bus to get us home. The people in Barnesboro, it's convenient, but for me, no.

MR. DAVIS: Cross-examine.

CROSS-EXAMINATION

1
2 BY MR. GRAF:

3 Q Where was the wedding?

4 A New Castle.

5 Q And you chartered the bus?

6 A Yes.

7 Q And whose bus did you use?

8 A Tri-County Happy Time.

9 Q And how many other trips have you arranged for in the
10 past?

11 A Myself, none.

12 Q None. This was a one shot deal?

13 A In this particular case, yes.

14 Q How many other group trips have you gone on by bus in
15 the past other than the New Castle trip?

16 A Outside of the -- out of state, the rest are with the
17 school, and I don't think they -- we had a pickup in
18 Ebensburg.

19 Q Who took you?

20 A Landish, McIlwain.

21 Q And they were school trips that you happened to go on?

22 A Right. Yes.

23 Q You personally haven't gone on anything other than the
24 school trips and the wedding?

25 A Right.

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

2 JUDGE NGUYEN: I have a question. How far do
3 you have to drive to get the bus at the bus station?

4 THE WITNESS: About six miles.

5 JUDGE NGUYEN: Thank you.

6 THE WITNESS: You're welcome.

7 MR. DAVIS: Ruby Yeager.

8 JUDGE NGUYEN: Raise your right hand,
9 please.

10 Whereupon,

11 RUBY YEAGER

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. DAVIS:

15 Q Your name, please.

16 A Ruby Yeager.

17 Q And where do you live, Ms. Yeager?

18 A Hastings, Pennsylvania.

19 Q What is your occupation?

20 A I'm a housewife.

21 Q Now, in your extracurricular activities or whatever,
22 do you have reason to use tour bus service?

23 A Well, I go on trips.

24 Q Okay. Are you familiar with this application?

25 A Yes, I am.

1 Q That the purpose of this application is to extend
2 service?

3 A Yes, I am.

4 Q How would that affect you personally?

5 A Well, it would help a lot because now I do go on a lot
6 of trips with Tri-County, but I have to drive to Barnesboro,
7 unless it is out of state, and I don't -- I can't see to
8 drive at night and in the wintertime when it's icy, I really
9 don't -- I don't drive, so its either get somebody to take
10 you to Barnesboro or stay home.

11 Q Now, on these out of state trips, just for a moment,
12 you say within Pennsylvania you have to drive to Barnesboro
13 and then you get on the bus and come home and then you have
14 to drive back home?

15 A Yes.

16 Q How far is that drive?

17 A It is about six miles to Barnesboro from my house.

18 Q And I think some other witnesses here have said it is
19 not too good a road. Would you agree?

20 A I would agree to that. It is crooked.

21 Q Now, on the out of state trips, where do you get
22 picked up?

23 A In Hastings.

24 Q And that is the same Tri-County, the Happy Time trips?

25 A Uh-huh.

1 Q Do they charge you extra for that?

2 A No, they don't.

3 MR. DAVIS: Cross-examine.

4 CROSS-EXAMINATION

5 BY MR. GRAF:

6 Q How long have you been using the applicant for these
7 trips?

8 A Since he started last year I started going with him.

9 Q Last year. How many trips did you go on beyond
10 Pennsylvania?

11 A Beyond Pennsylvania?

12 Q Yes.

13 A I went twice to Atlantic City. I think those are the
14 only ones I went on out of state.

15 Q Where did you go in Pennsylvania?

16 A To Strasburg last year.

17 Q Strasburg or Stroudsburg?

18 A Strausburg or whatever.

19 Q All right.

20 A We went on the Gateway Clipper, Pittsburgh.

21 Q Pittsburgh. All right.

22 A I went to, not too long ago, I went to the opery show
23 in Altoona or to the -- that western -- I really can't
24 think. I go pretty much with them. I can't think of where
25 else I went.

1 Q And these were all where you bought a ticket,
2 individual ticket?

3 A Yes, I did.

4 Q Have you ever called on any other bus company to give
5 you service or to find out what kind of tours they run?

6 A No, sir.

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

8 MR. DAVIS: Thank you, Mrs. Yeager.

9 JUDGE NGUYEN: Thank you.

10 MR. DAVIS: Elizabeth Conrad.

11 JUDGE NGUYEN: Raise your right hand,
12 please.

13 Whereupon,

14 ELIZABETH CONRAD

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. DAVIS:

18 Q Your name, please.

19 A Elizabeth Conrad.

20 Q Where did you live, Mrs. Conrad?

21 A Patton.

22 Q And what is your occupation?

23 A Housewife.

24 Q Are you familiar with the content of the application
25 here, what the purpose is?

1 A Yes, I am. Yes.

2 Q Would you tell us how that would affect you personally
3 if the application was granted.

4 A There are more trips I would sign up to go on because
5 I would not have to have a way to Barnesboro, especially
6 when I would be getting home late at night in Barnesboro or
7 in the wintertime when you are not sure how the roads would
8 be.

9 Q How far do you live from Barnesboro, approximately?

10 A Approximately, twelve miles.

11 Q And you have gone on trips with the Happy Time?

12 A A couple trips with them. A couple weeks ago we went
13 to Pittsburgh on the trip and we didn't get to Barnesboro
14 until 12:30 that night. Fortunately, I got transportation
15 to Barnesboro with another couple that I knew, so otherwise
16 I wouldn't have been able to go because I don't see to drive
17 at night.

18 MR. DAVIS: Cross-examine.

19 CROSS-EXAMINATION

20 BY MR. GRAF:

21 Q Other than Pittsburgh, how many other trips have you
22 used the applicant for?

23 A I am signed up now to go to Lancaster with them in
24 August to see a show.

25 Q How many have you --

1 A And I have gone to the Ice Capades with them.

2 Q Where were the Ice Capades?

3 A Johnstown. There are more shows at Johnstown. When
4 they are available, I would sign up to go on them if I
5 didn't have to drive to Barnesboro.

6 Q Did you drive to Barnesboro on all of these other
7 trips?

8 A If it's all daytime driving, I do. If I have to drive
9 at night, no, or in the wintertime when I am not sure of the
10 roads conditions.

11 Q These are individually ticketed tours where you pay an
12 individual fare and get on the bus?

13 A Well, we sign up for the bus and we send our money in
14 to the bus company and get our ticket, yes.

15 Q For an individual ticket?

16 A Right.

17 Q Have you ever used any other bus company?

18 A Oh, in the past, after my husband retired, we did a
19 lot of traveling on the Blue and White bus and we were
20 picked up at Patton. We went to California, we went to
21 Alaska, Florida, Michigan, Nashville.

22 Q You were picked up right in Patton?

23 A We were picked up in Patton.

24 MR. GRAF: Thank you.

25 JUDGE NGUYEN: I have a question.

1 THE WITNESS: I'm sorry.

2 JUDGE NGUYEN: How far do you have to drive
3 to get to the bus station?

4 THE WITNESS: Ten to twelve miles.

5 JUDGE NGUYEN: Thank you.

6 MR. DAVIS: Eleanor Dubyak.

7 JUDGE NGUYEN: Raise your right hand,
8 please.

9 Whereupon,

10 ELEANOR DUBYAK

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. DAVIS:

14 Q Your name, please.

15 A Eleanor Dubyak, D-u-b-y-a-k.

16 Q Where do you live, Ms. Dubyak?

17 A Patton, Pennsylvania.

18 Q And what's your occupation?

19 A Housewife.

20 Q Are you familiar with the application here and what
21 the purpose of this hearing is?

22 A Yes. Yes, I am.

23 Q Could you tell us how granting this application would
24 affect you personally.

25 A It would be very convenient for me to be picked up at

1 Patton than to drive the miles over to Barnesboro.

2 Q How many miles is that?

3 A It's about twelve.

4 Q And have you been on trips with Happy Time?

5 A Yes. Oh, yes. Uh-huh.

6 Q And have you always had to drive to Barnesboro?

7 A If it's in Pennsylvania.

8 Q You understand the difference between the ICC and the
9 PUC rights, at least that limited --

10 A One is for out of state, I guess, and one is for
11 Pennsylvania.

12 Q Okay. Now, you have been picked up at Patton then you
13 have on the out of state trips?

14 A Yes. When we went to Atlantic City or a mystery tour
15 would take us into Ohio. You never knew where you were
16 going, but you went out of state.

17 Q Now, did they charge you any extra for the pickup in
18 Patton?

19 A Oh, no.

20 MR. DAVIS: Okay. Cross-examine.

21 CROSS-EXAMINATION

22 BY MR. GRAF:

23 Q How many trips have you gone with the applicant from
24 Barnesboro to Pennsylvania points?

25 A Well, we have -- I couldn't say just how many, but we

1 went to Johnstown, to Pittsburgh a couple times and usually
2 either Johnstown or Pittsburgh or Lancaster to see a movie
3 or a stage show, you have to go over to be picked up.

4 Q What time of the year was this?

5 A In the -- it wasn't in the winter.

6 Q It was the summertime?

7 A Yes. I don't drive in the winter. I am afraid.

8 Q Do you know of any other bus companies that could
9 provide you with this service?

10 A I have never tried any other bus companies. We know
11 all our people that are on the bus and --

12 Q Well, that doesn't mean that -- you would still know
13 them if you went on another bus.

14 A I don't know any other group on any other bus.

15 Q If you went on another bus company and the same people
16 went you would still know everybody, wouldn't you?

17 A Yes, but I don't know any other bus.

18 Q You don't know who to call, is that it?

19 A I know who to call here.

20 Q But other than Tri-County, other than Tri-County you
21 don't know who to call?

22 A No. No, I really wouldn't.

23 MR. GRAF: Thank you. That is all.

24 MR. DAVIS: Thank you.

25 MR. DAVIS: Vivien Ceschini.

1 JUDGE NGUYEN: Raise your right hand,
2 please.

3 Whereupon,

4 VIVIEN CESCHINI
5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. DAVIS:

8 Q Your name, please.

9 A Vivien Ceschini, C-e-s-c-h-i-n-i.

10 Q Where do you live, Ms. Ceschini?

11 A I live in Patton.

12 Q What is your occupation?

13 A I'm a housewife.

14 Q Are you familiar with the application as presented
15 here for extension of rights?

16 A Yes, I am.

17 Q And would you tell us how that extension would benefit
18 you in any way.

19 A I would get to go on more trips if I didn't have to
20 drive to Barnesboro, I would get to go on a lot more trips,
21 and I really enjoy them, and because I live alone, and I
22 enjoy going on trips.

23 Q How would you get to go to more, the expense or the
24 weather or what? Would you explain a little further.

25 A The weather and I don't like to drive too well at

1 night when it's late when we come home, but when its icy or
2 snowy I am afraid to go.

3 Q Approximately how far do you live from Barnesboro?

4 A About twelve miles, I think, nine to twelve miles.

5 Q And your opinion of the highways between Patton and
6 Barnesboro?

7 A Terrible, yes. They are bad at times.

8 MR. DAVIS: Cross-examine.

9 CROSS-EXAMINATION

10 BY MR. GRAF:

11 Q How many trips have you actually gone on to
12 Pennsylvania points?

13 A I have gone to Lancaster and Harrisburg and --

14 Q Where?

15 A Harrisburg.

16 Q All right.

17 A And Lancaster and I have been to -- well, Johnstown
18 and you know those little trips, Johnstown, and we have come
19 down here to Pittsburgh. I try to get on as many trips as I
20 can.

21 Q Were all these summertime?

22 A Mostly. I don't go too much in the winter because I
23 am afraid, you know. But then Lancaster I like because
24 Lancaster in the winter, they have those Christmas plays,
25 but I don't go too much in the winter.

1 Q When you went to Lancaster, was that for the Christmas
2 play?

3 A Yes.

4 Q And you did drive to Barnesboro to get that bus?

5 A Yes, I had to, but then if my son is there, he will
6 take me, but he isn't always home. I live alone.

7 Q Have you ever called on any other bus company for
8 service?

9 A No. They would come if you had enough people, like
10 that Mary's Little Lamb, that bus company could come and
11 pick you up, but they had to have, you know, so many people
12 or they wouldn't pick you up. But that was long ago. And
13 then I used to go on Blue and White when they came, you
14 know.

15 Q You haven't called Blue and White, though, to see what
16 they have available?

17 A No.

18 MR. GRAF: Okay. Thank you. That is all I
19 have.

20 JUDGE NGUYEN: How many witnesses do you have
21 left?

22 MR. DAVIS: One, two, three, four, five, six,
23 seven.

24 JUDGE NGUYEN: Seven. Go ahead.

25 MR. DAVIS: Mary Ellen Cunningham.

1 JUDGE NGUYEN: Are they all living in
2 Patton?

3 MR. DAVIS: No, no more from Patton.

4 JUDGE NGUYEN: Raise your right hand,
5 please.

6 Whereupon,

7 MARY ELLEN CUNNINGHAM

8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. DAVIS:

11 Q Your name, please.

12 A Mary Ellen Cunningham.

13 Q Where do you live, Ms. Cunningham?

14 A Carrolltown.

15 Q And are you familiar with the purpose of this
16 application?

17 A Yes, I am.

18 Q Would you tell us how it would affect you personally
19 if it were granted.

20 A It would be more convenient, wouldn't have to drive to
21 Barnesboro and that would be about the biggest thing, the
22 convenience.

23 Q And have you been going on the tours?

24 A I haven't with this company yet, no.

25 Q Do you go on tours; have you gone on tours?

1 A Yes. Yes.

2 Q What is your reason for not going on these?

3 A I just haven't had a chance yet. I expect to this
4 summer, or this fall.

5 MR. DAVIS: Okay. Thank you.

6 Cross-examine.

7 CROSS-EXAMINATION

8 BY MR. GRAF:

9 Q Do I understand that you have not taken any trips with
10 the applicant yet?

11 A Not yet, no.

12 Q Have you taken any trips by any other bus company?

13 A Yes.

14 Q What bus companies?

15 A Blue and White, if you have ten people, they will come
16 to your town and pick you up.

17 Q And they came to Carrolltown and picked you up?

18 A That time, yes. But if you don't have enough, you
19 have to go either to Ebensburg or Johnstown.

20 Q All right. So the only time you went, they did stop
21 at Carrolltown?

22 A One time, but we have to go to Johnstown and
23 Ebensburg.

24 Q You did go to Johnstown and Ebensburg?

25 A Yes. Yes.

1 Q How far is it from Carrolltown to Johnstown?

2 A About, I believe, say seventeen, twenty miles.

3 Q And how far is it to Ebensburg?

4 A Nine.

5 Q And from Carrolltown to Barnesboro is how far?

6 A Nine.

7 Q So you didn't drive any further to go to Ebensburg or
8 to go to Barnesboro?

9 A I don't remember if I drove or somebody took us, but
10 we had to go there to take -- get the bus.

11 Q The distance would have been the same regardless?

12 A Yes.

13 Q And those are the only trips you have taken to
14 Pennsylvania points?

15 A No, I have gone to Reading.

16 Q With whom?

17 A Fullington a few times, I have gone there four or five
18 times.

19 Q And they picked you up at Carrolltown?

20 A Yes. Yes, they did.

21 Q And they have had the same type of buses that you
22 want?

23 A Well, not really.

24 Q They didn't?

25 A We went one time that the window -- it was in the

1 wintertime and the window was open, so we bought tape to
2 tape the window shut so it wouldn't be cold on the way home.

3 Q It was stuck?

4 A No, it just wouldn't close.

5 Q Well, if it wouldn't close it must have been stuck.

6 A Well, it just -- I don't know, but it was open and the
7 rain came in on the packages that the girls bought.

8 Q When was this?

9 A It's a couple years ago. It was in the wintertime.

10 Q All right. And how many trips did you use Fullington
11 for?

12 A Quite a few. I don't know. I couldn't say for sure.
13 Probably about most times we went to Reading we went on
14 their buses, which was at least four times.

15 Q Four times?

16 A At least four or five in the past two or three years.
17 I don't know of any other times. I went on McIlwain already
18 and you had to have ten people or they wouldn't come up and
19 pick you up.

20 Q That was with McIlwain?

21 A Yes.

22 Q Fullington didn't have that requirement?

23 A No. We always had that many, I guess, so they didn't
24 specify.

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

1 JUDGE NGUYEN: Thank you.

2 MR. DAVIS: Mary Lou Gray.

3 JUDGE NGUYEN: Raise your right hand,
4 please.

5 Whereupon,

6 MARY LOU GRAY

7 having been duly sworn, testified as follows:.

8 DIRECT EXAMINATION

9 BY MR. DAVIS:

10 Q Ms. Gray?

11 A Right.

12 Q Where do you live, Ms. Gray?

13 A In Carrolltown.

14 Q And what is your occupation?

15 A I am a housewife. I also am involved in 4H,
16 Carrolltown Little League. In my 4H I have used bus
17 companies but not in the Little League.

18 Q Now, you are familiar with the application for the
19 purpose of this hearing?

20 A Yes, I am.

21 Q Could you tell us how that would affect you
22 personally.

23 A Well, my 4H and prior to that I had Girl Scouts, and
24 to say we are going to Kennywood, which is what I used his
25 bus for several times, you have girls from -- anywhere from

1 12 years down to a mother who is bringing a three-year-old,
2 and if you -- we use at least five chaperons to the bus, and
3 when you have to transport all of those different ages --
4 now, we never left cars in Barnesboro because it was too
5 many of us. Then they would have to come there and pick us
6 up and we -- I go to Kennywood every year and have for, oh,
7 I would say the last eight or nine years.

8 We go to Story Book Forest, we have went to
9 the park in Tyrone, I try to go to two places, some place in
10 Pennsylvania, every year and to -- for the inconvenience of
11 -- I mean even though we try to fill the cars up, for the
12 inconvenience and that, it's hard. It's hard to transport
13 everybody and then you are not sure what time the bus is
14 coming in and like Kennywood, we say, well, we are leaving
15 Kennywood at 6:30. Well, I have never been to Kennywood in
16 ten years that somebody didn't come to the bus. So you have
17 to go and you have got to find where they are at, so maybe
18 you are a half hour late getting back.

19 And if we had a stop in Carrolltown it would
20 be much more convenient.

21 Q Well, on these other stops that you talked about,
22 where were you stopping?

23 A You mean when we went --

24 Q Well, Kennywood you said about being home so late.

25 A Story Book Forest is another place that is hard to get

1 the kids out of.

2 Q What bus line was this?

3 A I went with him and went to Barnesboro to pickup and
4 to bring back, so that what happens -- the only other bus
5 company I have used is Blue and White, and in the years that
6 I have been in scouting and 4H, we have been to quite a few
7 places, Niagara Falls, we have been to Philadelphia, we have
8 been to New Jersey, Ocean City, New Jersey, every other year
9 for, I would say about eight years, we went to some place
10 nice. We went to Gettysburg.

11 Q Where was Blue and White picking you up?

12 A Blue and White was picking us up at the church.

13 Q In Carrolltown?

14 A Right.

15 Q Were they making a charge for that?

16 A I have no idea because what you do -- when you call
17 them, they don't breakdown what we are being charged for.
18 Understand what I am saying?

19 Q These weren't regular tours, they were group and party
20 trips that were previously arranged for?

21 A I took the tour, yes. They did not organize the tour.

22 MR. DAVIS: Okay. That's all I would have.

23 Cross-examine, please.

24 CROSS-EXAMINATION

25 BY MR. GRAF:

1 Q The trips that you went with Blue and White were the
2 ones to Philadelphia and Gettysburg and out of state?

3 A Yes. I have never used his company for out of state,
4 but in the last --

5 Q Now, wait a minute, when you say his company, who are
6 you talking about?

7 A Well, the Barnesboro company. I have never used them
8 for --

9 Q Tri-County?

10 A Tri-County. Because in the last five years, I really
11 am getting too old to take 50 or 60 kids on a bus, so that I
12 have been sticking to Sea World -- not Sea World, down at
13 Tyrone we go, we go to Kennywood, like I say, every year, we
14 go to Story Book Forest.

15 Q Where is Story Book Forest?

16 A It's right outside of Latrobe. I think Kennywood now
17 owns that, too.

18 Q Well now, let me understand, you used the Tri-County
19 service --

20 A Right.

21 Q -- from Barnesboro for how long?

22 A I would say six -- at least six years.

23 Q And in that six year period --

24 A I only had interstate. I never went out of state.

25 Q To Kennywood, how long have you used the applicant

1 there?

2 A I would say six years, about that.

3 Q And they used school buses, didn't they?

4 A No. Now, they may have when we first started, but the
5 last couple of years the bus -- well, wait a minute. Yes,
6 they were school buses.

7 Q I understood he just bought the coach bus.

8 A The last one we went on was very nice. We have never
9 had any mechanical problems coming home or anything.

10 Q And Story Book Forest was also school buses?

11 A Yes. I only went there once. That was last year.

12 Q And Tyrone, school buses?

13 A Right.

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

15 JUDGE NGUYEN: Thank you.

16 MR. DAVIS: Ruby Holsopple.

17 JUDGE NGUYEN: Raise your right hand, please.

18 THE WITNESS: That is against my religion. I
19 say aye aye or nay nay.

20 JUDGE NGUYEN: What do you think about that?

21 MR. DAVIS: He is just asking you to affirm,
22 he is not asking you to swear before God, as I understand.
23 I noticed before he wasn't asking for that.

24 THE WITNESS: Not to swear before God, just
25 affirm.

1 JUDGE NGUYEN: To swear.

2 THE WITNESS: No, not swear.

3 JUDGE NGUYEN: Affirm.

4 THE WITNESS: Affirm.

5 Whereupon,

6 RUBY HOLSOPPLE

7 having been duly affirmed, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. DAVIS:

10 Q Your name, please.

11 A Ruby Holsopple.

12 Q And where do you live, Ms. Holsopple?

13 A I live in Mineral Point, RD 1.

14 Q That's in Cambria County?

15 A Yes.

16 A I am close to Route 22.

17 Q Now, are you familiar with the application here, what
18 we are talking about?

19 A Right.

20 Q And this application covers all northern Cambria
21 County, extension of rights north of 22?

22 A Right.

23 Q Now, what is your occupation?

24 A I'm a housewife.

25 Q And what would your personal benefit be from the

1 granting of this type of application, this application?

2 A Likewise of not having to drive home at night. I am
3 getting older and the night lights bother me in driving. I
4 am a widow, I have no children to drive me, so I have to go
5 on my own to get to and from. I am -- my husband died in
6 February.

7 I am able to go on these trips now because I
8 live alone, but I have to be able to get to where the bus
9 is, so I prefer being able to get some place like the
10 Jamesway Plaza or some place such as that.

11 Q Where is Jamesway, is that located right on 22?

12 A Yes.

13 Q Now, we said 22 bisects Cambria County east to west.
14 Is that a four lane highway the whole length?

15 A Not completely, no.

16 Q There is a little bit on the west end that isn't; is
17 that right?

18 A Yes. That is right.

19 Q But most of it is four lane highway?

20 A Yes.

21 Q How about from where you get on 22 going east then to
22 Jamesway, that is all four lane?

23 A That is four lane, yes.

24 Q Have you used the services of Happy Time?

25 A Not yet. I hadn't been familiar with it. It's only

1 through a friend telling me about it that I will be able to
2 now go on tours with Happy Way.

3 MR. DAVIS: That is all I have. Thank you.

4 Cross-examine.

5 CROSS-EXAMINATION

6 BY MR. GRAF:

7 Q You haven't gone on any trips with them in the past,
8 with the applicant?

9 A No. I have gone on a lot of trips, I have been to
10 Florida, I have been to Lancaster, I have been to Lancaster
11 about four times down to their shows that they have down
12 there, I have been with the Handicap Association down into
13 Virginia to the horse racing, and places such as that where
14 I had an opportunity that I had a way to go.

15 Q Which bus company took you beyond Pennsylvania?

16 A McIlwain and Schraders and Blue and White. I was also
17 to Washington, D.C.

18 Q The same companies?

19 A Yes, because I wasn't aware of this company, who is a
20 little bit north of me.

21 Q Who took you to Lancaster?

22 A Lancaster, McIlwain. That is down to Sight and Sound,
23 which is a religious play.

24 Q And how long ago did you go to Lancaster?

25 A Last year, the year before and I am booked to go in

1 August again.

2 Q By McIlwain?

3 A I'm not sure who the bus is. My aunt called me and
4 told me there is two seats available, do you want them and I
5 said, yes, I will take my daughter and we will go.

6 Q And they pick you up at Mineral Point or Jamesway?

7 A Jamesway they're going to pick us up, so I can let my
8 car there and then I will have to drive home in the
9 evening.

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

12 JUDGE NGUYEN: I have a question. How far do
13 you have to drive to get to the bus station?

14 THE WITNESS: You mean to Ebensburg?

15 JUDGE NGUYEN: Yes.

16 THE WITNESS: It must be about six miles.

17 JUDGE NGUYEN: Thank you.

18 REDIRECT EXAMINATION

19 BY MR. DAVIS:

20 Q How far would you have to drive to get to Barnesboro?

21 A Oh, very far. I wouldn't even know the way to get to
22 Barnesboro. I've been there, but I wouldn't know how to get
23 there.

24 MR. DAVIS: Okay.

25 JUDGE NGUYEN: Thank you.

1 THE WITNESS: You're welcome.

2 MR. DAVIS: Laurie Abrams.

3 JUDGE NGUYEN: Raise your right hand,
4 please.

5 Whereupon,

6 LAURIE ABRAMS

7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. DAVIS:

10 Q Your name, please.

11 A Laurie Abrams.

12 Q Where do you live, Laurie?

13 A Spangler.

14 Q What is your occupation?

15 A I am retired.

16 Q You know the purpose of this hearing today?

17 A Yes, I do.

18 Q How would the granting of these extended rights
19 benefit you?

20 A Well, it would be more convenient for me because I
21 could go down and stay with my son and then I would only
22 have a block to walk to the bus.

23 Q If they would pickup --

24 A Right in Spangler.

25 Q -- right in Spangler?

1 A Yes.

2 Q How far are you from the pickup now in Barnesboro?

3 A About three miles.

4 Q And have you gone on trips with them before?

5 A Yes, I have.

6 Q Have you had any problems at all?

7 A No, none at all.

8 - - - - - MR. DAVIS: Cross-examine.

9 CROSS-EXAMINATION

10 BY MR. GRAF:

11 Q Where did you go with the applicant?

12 A I went to Atlantic City, New Jersey and the Crescent
13 Lake Play House.

14 Q And where is the Play House?

15 A It is in Crescent and Ebensburg.

16 Q And they are both in Cambria County?

17 A Right.

18 Q Are those the only two trips you went with them on
19 Pennsylvania points?

20 A Right.

21 Q When were they?

22 A To Atlantic City --

23 Q No, forget Atlantic City, just the Pennsylvania one.

24 A To Crescent.

25 Q Yes.

1 A Last year.

2 Q 1990?

3 A Right.

4 Q That was from Barnesboro?

5 A Yes.

6 Q You never called any other bus company to know --

7 A Not in Cambria County, no.

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

10 JUDGE NGUYEN: Thank you.

11 MR. DAVIS: Verna Kapeluch.

12 JUDGE NGUYEN: Raise your right hand,
13 please.

14 Whereupon,

15 VERNA KAPELUCH

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. DAVIS:

19 Q Your name, please.

20 A Verna Kapeluch, K-a-p-e-l-u-c-h, Verna, V-e-r-n-a.

21 Q Where do you live, Ms. Kapeluch?

22 A I live in Spangler.

23 Q And what do you do?

24 A I'm retired.

25 Q Are you familiar with this application, the purpose of

1 this hearing?

2 A Yes, I am.

3 Q Would you tell us how the granting of this application
4 would benefit you personally?

5 A Well, the pickup in Spangler, if there was one, is
6 four blocks from my house. I could walk there any time. To
7 go to Barnesboro, it is a three mile drive, you have to
8 leave your car there, and you never know what it's going to
9 be, it has to be in the shopping center and if you can't
10 park there, it has to be on the street, and you can't do
11 that.

12 Q Have you gone on trips with Happy Time before?

13 A Yes, I have.

14 Q Are you satisfied with their service?

15 A Oh, yes.

16 MR. DAVIS: Cross-examine.

17 CROSS-EXAMINATION

18 BY MR. GRAF:

19 Q Where did you go with them?

20 A I went to the Cresent Lake Play House twice. It was
21 in Ebensburg that time, once last fall and again in the
22 spring, and I went to Atlantic City with them.

23 Q And you drove your car three miles?

24 A Well, three miles, yes. But I could walk if it was in
25 Spangler.

1 Q I understand that. But did you have any trouble with
2 your car while it was parked either in the parking lot --

3 A No. I always made sure it was under a lamp post.

4 Q Did you have to park in the street at any time?

5 A No, I didn't.

6 Q And these were in the summertime, were they?

7 A I think it was last fall was the first time I went to
8 Cresent Lake Play House and spring, the first show they had
9 in spring.

10 Q And you never called on anybody else for any service,
11 did you?

12 A No. I believe in using like a hometown people instead
13 of someone from one of the big ones. I prefer small home --
14 hometown. I was born and raised in Barnesboro.

15 Q Now, on that subject, how many buses does the
16 applicant have?

17 A Well, he has the one coach.

18 Q The one coach?

19 A But --

20 Q And if that is busy, then what?

21 A If that is busy, I don't know or, you know, unless
22 there is other --

23 Q And neither does anybody else, right?

24 A But still he has enough trips, you can't go on a trip
25 every day and he does have enough trips that you can take

1 the trips.

2 Q Do you know how many trips other bus companies have?

3 A I believe so.

4 Q You do?

5 A Well, they have a lot of them, yes. But why -- I
6 mean, I used to -- we used to have -- we used them to go to
7 Atlantic City, we have used Fullerton, McIlwain, we have
8 used Mary's Little Lamb.

9 Q And they always had buses, didn't they?

10 A Yes. And they --

11 Q And they picked you up in Spangler, didn't they?

12 A I have been picked up in Spangler.

13 Q But you prefer to deal with locals?

14 A I prefer to leave the local money in the local place.
15 I am funny that way.

16 MR. GRAF: Okay. Thank you.

17 JUDGE NGUYEN: Thank you.

18 MR. DAVIS: Mary Margaret Flanagan.

19 JUDGE NGUYEN: Raise your right hand,
20 please.

21 Whereupon,

22 MARY MARGARET FLANAGAN

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. DAVIS:

1 Q Your name, please.

2 A Mary Margaret Flanagan, F-l-a-n-a-g-a-n.

3 Q Where do you live?

4 A I live on Bigler Avenue in Spangler, Pennsylvania.

5 Q What's your occupation?

6 A I am a retired school teacher.

7 Q Are you familiar with the purpose of this hearing and
8 the extent of the applications?

9 A Yes, sir.

10 Q Would you tell us how the granting of the application
11 would benefit you, how it would affect you?

12 A Well, I went on a trip that left Barnesboro at 7:00
13 o'clock in the morning. I drove down to Barnesboro, it was
14 raining and foggy. I left the car in the parking lot and we
15 got home late back to Barnesboro, late at night, and I had
16 to get in my car and it was still raining and still foggy.

17 And it would certainly be more convenient, it
18 would be easier. If you have ever driven on those northern
19 Cambria roads, you would be happy to have anything other
20 than have to drive there.

21 I would go on more trips, but I am afraid
22 from October until April, you can't depend on the weather in
23 the mountains and it would just be much nicer.

24 MR. DAVIS: Thank you. Cross-examine.

25 CROSS-EXAMINATION

1 BY MR. GRAF:

2 Q It's three miles to Barnesboro, isn't it?

3 A Maybe two and a half, sir.

4 Q And I presume when it's raining in Barnesboro it's
5 also raining in Spangler?

6 A Well, believe it or not, not always.

7 Q Well, at the time you were talking about it was?

8 A It was, yes, sir.

9 Q And if it snows in Barnesboro --

10 A I don't go.

11 Q You don't go?

12 A Never. I won't take the car out of the garage.

13 Q All right. And where did you park in Barnesboro?

14 A At the Giant Eagle parking lot, and like the witness
15 ahead of me, I made sure it was under a lamp and I pushed on
16 the brake and I locked all the doors.

17 Q That is very wise of you.

18 A Well --

19 Q Where did you go on the trips that you took with
20 Tri-County?

21 A Well, the first time I went, other than the Crescent
22 Lake Play House and the Ebensburg School, was to the Sight
23 and Sound at Strasburg. The bus left Barnesboro at 7:00
24 o'clock in the morning and I got up, got the car out, drove
25 down there and then we came back up 219 and passed my front

1 door within 10 or 12 feet.

2 Q Did you ask them to let you out there?

3 A No, I didn't. And when I came back, we go right by my
4 front door again and I have to go all the way to Barnesboro
5 and then I have to drive back in the fog and the rain.

6 Q Where else did you go, other than Crescent Lake and
7 Strasburg?

8 A Well, I planned some trips but then I didn't like the
9 weather and I wouldn't go.

10 Q I see. Did you ever use any other bus company?

11 A No, sir. I have always been interested in traveling,
12 but I could always go in my own car, but now I am getting
13 that I prefer to leave the driving to the bus driver.

14 Q You haven't used any other bus company?

15 A No, sir.

16 Q You haven't called on any of them?

17 A No, sir.

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

19 JUDGE NGUYEN: Thank you.

20 MR. DAVIS: Helen Jones.

21 (Recess.)

22 JUDGE NGUYEN: What is your objection?

23 MR. GRAF: The objection is that we are
24 supposed to have the names and addresses of witnesses. The
25 first time I didn't object, but this is the way that this

1 list came to me and there is no No. 25 on it.

2 JUDGE NGUYEN: What is your --

3 THE WITNESS: I know I was contacted.

4 MR. DAVIS: That is the list. It would
5 probably take more time arguing than it would to have the
6 witness testify.

7 MR. GRAF: Well, I don't care about her
8 testimony, but I do care about your misrepresentation that I
9 crossed off the name. That's ridiculous.

10 BY MR. DAVIS:

11 Q Your name, please.

12 A Helen Jones.

13 Q Where did you live, Ms. Jones?

14 A Spangler.

15 JUDGE NGUYEN: I have not sworn her in.

16 MR. DAVIS: I'm sorry.

17 JUDGE NGUYEN: Raise your right hand,
18 please.

19 Whereupon,

20 HELEN JONES

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. DAVIS:

24 Q Where do you live now, Ms. Jones?

25 A Spangler, Bigler Avenue.

1 Q What's your occupation?

2 A Retired public school teacher and also retired case
3 worker for the Department of Welfare, State of Pennsylvania.

4 Q You are familiar with the application here and the
5 content of the application?

6 A Very much so.

7 Q Can you tell us how the granting of this application
8 would affect you?

9 A I most certainly can.

10 Q Please do.

11 A I have emphysema and chronic bronchitis which makes it
12 almost impossible for me to walk. Now, you could say that
13 you can walk from Spangler to Barnesboro, but you have to be
14 a good walker. Mine is confined to about two and a half
15 blocks.

16 I am not permitted to drive my car because
17 with emphysema you have a certain nervous tension, you also
18 have a terrific cough that causes you at times, you know, to
19 throw your arms out, so the specialist, pulmonary
20 specialist, said I was a detriment to myself, to people on
21 the highway, stay off, give my car away, and that is what I
22 did.

23 So, now, I am a prisoner in my own house
24 because I don't feel like calling all my friends and saying,
25 will you take me here and will you take me there, and I am

1 also a retired travel bug. I did a great deal of it when I
2 could and I would like to continue going back to a lot of
3 the places in this country and take with me a lot of
4 friends, but they are also practically in the same
5 situation, nobody will drive at night, for one thing.

6 At one time we belonged to the Johnstown
7 Symphony Orchestra and loved going down for their programs.
8 They discontinued the bus, therefore, we discontinued our
9 membership and this is happening with everything. We get to
10 see nothing. Everything that comes our way is in
11 Johnstown. The highlights from the entertainment world are
12 there, sports figures. Right now they are selling tickets
13 for the Oak Ridge Boys, and this is going on all the time,
14 but we can't get there. Nobody wants to drive at night, I'm
15 not allowed to drive, and I have a good many friends that
16 are in the same boat. That's my reason.

17 MR. DAVIS: Thank you. Cross-examine.

18 THE WITNESS: I hope you will give it
19 consideration for the simple reason that we have an awful
20 lot of elderly people who are, through disability or
21 inability to drive, they simply have no way of getting out
22 of -- and seeing -- you save, you work, you save, get your
23 children educated and think that you are going to use your
24 retirement years to see things for yourself, but if you
25 can't take a tour bus, how are you going to see anything?

CROSS-EXAMINATION

1
2 BY MR. GRAF:

3 Q I would like to ask you a few questions.

4 A Yes. Certainly.

5 Q You have traveled by bus quite a few times, haven't
6 you?

7 A Oh, yes.

8 Q And you --

9 A In fact, I traveled -- the only way I get to
10 Barnesboro is at noon on -- well, every day we have what is
11 called a Shoppers Cart that circles around and picks up
12 people in all of these small towns that we are talking about
13 here this morning.

14 Q Yes.

15 A Now, that will take us to Barnesboro. We are there
16 for approximately 45 minutes and back again.

17 Q Now, you have taken trips by bus to Pennsylvania
18 points in the past, have you not?

19 A Oh, yes.

20 Q And they did leave from Spangler?

21 A Well, I will tell you, most of mine have been Blue and
22 White and I have gone to Altoona.

23 Q Yes.

24 A They have certain points, Hess' parking lot, for
25 instance, Jamesway in Ebensburg.

1 Q Yes.

2 A But I have only had the chance to travel with Mr.
3 Tibbott on one time.

4 Q Where did you go?

5 A Because when we signed up for a trip to Bedford, we
6 were not aware that he could not pick us up. Now, my
7 traveling companion lives in Patton and she is disabled also
8 and unable to drive, but he was kind enough to send somebody
9 in a car to pick us both up, but I wouldn't put him to that.

10 Q Yes. I see. And you did go on that trip?

11 A Yes.

12 Q Now, didn't you use some other bus companies other
13 than Blue and White?

14 A Well, Tilley Link from Hastings, I don't know whether
15 you are familiar with her or not.

16 Q She has been mentioned here several times.

17 A Yes, I have gone on trips to New York City at
18 Christmas time.

19 Q I am talking about bus companies. She is not a bus
20 company. She just make up the trips.

21 A I don't really think so. Most of them have been Blue
22 and White.

23 Q All right.

24 A That is out of Altoona.

25 Q Haven't you used Fullington on some of your trips?

1 A Have I what?

2 Q Gone with Fullington on some of your trips?

3 A Yes, I went to Canada with Fullington.

4 Q Didn't you go to Philadelphia or something like that
5 with Fullington?

6 A I go to Philadelphia, but what I did there I had to
7 get to Ebensberg to get a bus to Philadelphia.

8 Q That wasn't a group trip, though, that was a regular
9 bus?

10 A Oh, no, that was a regular bus. That was regular.

11 Q That was a regular bus?

12 A Uh-huh.

13 Q But I thought you took Fullington to Philadelphia?

14 A No. The only trip I had in a Fullington bus was to
15 Canada.

16 Q To Canada?

17 A For the EXPO '67, I think it was.

18 MR. GRAF: Thank you very much. That is all
19 I have.

20 THE WITNESS: Certainly.

21 JUDGE NGUYEN: Thank you.

22 THE WITNESS: Thank you.

23 MR. DAVIS: Recall William Tibbott.

24 JUDGE NGUYEN: Mr. Tibbott, you are still
25 under oath.

1 THE WITNESS: Yes, sir.

2 Whereupon,

3 WILLIAM TIBBOTT

4 having previously been duly sworn, testified further as
5 follows:

6 REDIRECT EXAMINATION

7 BY MR. DAVIS:

8 Q Mr. Tibbott, there have been several times we have
9 referred to a Tilley or a Ms. Tilley, I think even her last
10 name was used, Tilley Link. Would you explain for us, for
11 the Judge, who Tilley is.

12 A Tilley Link is my Tour Director now. At one time she
13 had worked for Blue and White and they had some sort of a
14 problem and she is no longer with them and she has been with
15 me for the last oh, I don't know, since last August or
16 whenever we started our trips.

17 Q And some of the references then made to Tilley would
18 have been when she was working with Blue and White --

19 A Yes, definitely.

20 Q -- because it wouldn't be with you prior to last
21 August?

22 A Yes. Before I even did tours.

23 Q Now, there have been some references to whether there
24 were or were not pickup charges or minimum amounts of people
25 that would be required.

1 Do you have any of these pickup charges or
2 minimum requirements?

3 A We have no pickup charges or no minimum. Of course,
4 we don't have a very big pickup area, either. On our out of
5 state trips, we don't charge a -- we don't have a minimum
6 pickup or any extra charges for that.

7 Q How about any dead head miles?

8 A ... Of course, we don't have dead head miles because we
9 don't, you know, we don't have any dead heading to do
10 because of the -- we are right there and the people have to
11 come to Barnesboro to get on.

12 Q Is your intention to charge any dead head if this
13 application is granted?

14 A No. Not for this application, no.

15 MR. DAVIS: Cross-examine.

16 RE-CROSS-EXAMINATION

17 BY MR. GRAF:

18 Q When you were planning a tour and if this application
19 was approved, and the trip would start at Barnesboro and go
20 to oh, let's say Ebensburg and go through Spangler and
21 Carrolltown to get there, and it was an individual ticketed
22 tour going to Philadelphia, how would you calculate what the
23 charges would be from each point?

24 A An individual ticketed tour?

25 Q Yes. Yes.

1 A Our tours are just sold on the X number of dollars to
2 do the trip.

3 Q Well, would the price then from Ebensburg and
4 Barnesboro --

5 A Ebensburg or Barnesboro --

6 Q -- would they all be the same?

7 A They would all be the same.

8 Q Even though a shorter distance would apply?

9 A Well, sometimes it would be -- depends on which
10 direction we are going. Sometimes it would be shorter and
11 sometimes it would be longer.

12 Q Yes, of course. But I said going to Philadelphia.

13 A Okay. Well, if you didn't -- say there was nobody
14 that called for a ticket from Ebensburg and you went down
15 through Altoona and go through Hastings and Patton and go
16 through Hastings, Carrolltown and Patton, and it would be
17 there closer than going to Ebensburg but, of course, if
18 somebody called from Ebensburg, under your rights, you would
19 pick them up there.

20 Q Okay. So you would have the same fare on group or on
21 individual ticketed tours from any point in this northern
22 area?

23 A Yes. Right.

24 Q What would you do on group trips where a group orders
25 a bus on a charter basis?

1 A It would be the same thing.

2 Q The same charge would apply regardless of where?

3 A Yes. Right. Because the area there isn't more than
4 probably 15 miles from our base. That's about as far as you
5 have to travel to get almost any place in the area that we
6 applied for. So there really isn't that much money involved
7 to charge them extra.

8 Q So the group trip would be the same price?

9 A Yes.

10 Q And for that reason you wouldn't have any dead head
11 charges?

12 A Right.

13 Q So you wouldn't have to specify any equipment point?

14 A Please.

15 Q You would not have to specify any equipment point? Do
16 you know what I mean?

17 A Barnesboro would be our equipment point.

18 Q Okay. Now, I didn't -- I thought you said you
19 acquired your Eagle bus last year; is that correct?

20 A About this time last year, some time in May, I believe
21 it was.

22 MR. GRAF: Okay. Thank you. That is all I
23 have.

24 MR. DAVIS: Those are ours. I will give them
25 to her and we will get straighten out somewhere.

1 That is all. That is all we would have.

2 JUDGE NGUYEN: I have A4 and A5.

3 MR. DAVIS: Yes. I want to ask the admission
4 of all the exhibits.

5 JUDGE NGUYEN: Any objection?

6 MR. GRAF: No.

7 JUDGE NGUYEN: A4 and A5 are admitted.

8 (Whereupon, the documents marked
9 as Applicant Exhibit A4 and A5 were
received into evidence.)

10 JUDGE NGUYEN: We take a recess for -- do you
11 have any witnesses?

12 MR. GRAF: Yes, I have a witness this
13 afternoon.

14 JUDGE NGUYEN: How many?

15 MR. GRAF: Probably only one.

16 JUDGE NGUYEN: Can we go on? Can we continue
17 now?

18 MR. GRAF: I would like to stop for lunch at
19 least.

20 JUDGE NGUYEN: Okay.

21 MR. GRAF: I did not anticipate that we would
22 be finished so soon.

23 JUDGE NGUYEN: So we take a recess until
24 1:30.

25 MR. GRAF: That will be fine.

1 JUDGE NGUYEN: Thank you.

2 (Whereupon, at 12:30 p.m. the hearing was
3 adjourned, to be reconvened at 1:30 p.m. this same day.)
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AFTERNOON--SESSION

(1:30 p.m.)

1
2
3 JUDGE NGUYEN: We resume the hearing. Mr
4 Graf.

5 MR. GRAF: I call Mr. Fullington.

6 Whereupon,

7 JOHN RICHARD FULLINGTON

8 having been duly sworn, testified as follows:

DIRECT EXAMINATION

9
10 BY MR. GRAF:

11 Q Give us your name.

12 A John Richard Fullington.

13 Q And your home address?

14 A 6 Northwest Fourth Avenue, Clearfield, Pennsylvania.

15 Q With what company are you connected?

16 A Fullington Auto Bus Company.

17 Q What is its address?

18 A 316 Cherry Street, Clearfield, Pennsylvania.

19 Q What is your capacity with the company?

20 A I am President of the company.

21 Q And as such, are you familiar with its authorities,
22 facilities and operations?

23 A Yes, I am.

24 Q And by virtue of your title, are you the proper person
25 to give evidence in this proceeding?

1 A Yes, I am.

2 Q Does your company possess authority from this
3 Commission at Docket A-00009329?

4 A Yes.

5 Q And is Folder 19, Amendment R the one that is
6 pertinent to this case?

7 A It is.

8 MR. GRAF: I request that copies of the
9 Folder 19, Amendment R be marked --

10 JUDGE NGUYEN: That will be marked as Exhibit
11 Pl.

12 MR. GRAF: Thank you.

13 (Whereupon, the document was marked
14 as Protestant Exhibit No. 1 for
identification.)

15 BY MR. GRAF:

16 Q Mr. Fullington, turn to the last page of Exhibit P-1
17 and tell us what portions of that authority are applicable
18 to this case.

19 A It says to transport, as a common carrier, groups and
20 parties of persons and persons on special excursions and
21 tours or sight-seeing trips from points in the counties of
22 Cambria and Blair --

23 Q Cambria is the one that is important?

24 A Right.

25 Q So you can serve all points north and south of U.S.

1 22?

2 A Yes.

3 Q And you had this authority since June 28th, 1984?

4 A Yes. That is when it was entered.

5 Q Where do you maintain your terminals?

6 A One is in Marion Center, one in DuBois, one in
7 Clearfield, Philipsburg, and State College, all in
8 Pennsylvania.

9 Q And what -- which is your home terminal?

10 A Clearfield, Pennsylvania.

11 Q And which one is the closest to Cambria County?

12 A I would say it's kind of a toss-up between DuBois and
13 Clearfield, depending on what part of Cambria County.

14 Q And is the Clearfield terminal a full terminal?

15 A Yes. We do all the major overhauling and body work in
16 the Clearfield terminal.

17 Q Is there parking facilities there?

18 A Yes.

19 Q How many total drivers do you employ?

20 A Oh, there is 75 or more, including the school drivers.

21 Q And how many normally do you have available for group
22 and party and tour work?

23 A Fifty.

24 Q Have you caused to have prepared a list of your
25 company's charter equipment?

1 A Yes.

2 MR. GRAF: I request that the exhibit be
3 marked for identification as Exhibit P2.

4 JUDGE NGUYEN: It will be so marked.

5 (Whereupon, the document was marked
6 as Protestant Exhibit No. 2 for
7 identification.)

8 BY MR. GRAF:

9 Q Referring, Mr. Fullington, to Exhibit P2, it would
10 appear that you have 29 charter buses; is that correct?

11 A Yes. Yes.

12 Q Now, how many of these are air conditioned?

13 A All of them.

14 Q How many of them have other facilities such as under
15 bus storage?

16 A They all have that.

17 Q How many are lavatory equipped?

18 A All of them.

19 Q And how many of them have VCR's?

20 A Nine of them.

21 Q How many of them have broadcast facilities?

22 A Two-way radios, let's see. They all have. They all
23 have two-way radios that we have on our own frequency.

24 They're not CB's.

25 Q How many of them have interior communications, that is
loud speakers?

1 A All of them.

2 Q For what purpose do you have that interior
3 communication?

4 A So that on the tours that the guide can speak into it
5 and the people can hear him all over the bus, because there
6 is speakers all through the bus.

7 Q How many of your buses have reclining seats?

8 A All of them.

9 Q Are there any other amenities that I have missed in my
10 questions?

11 A No, I believe you have covered them pretty well there,
12 Chris.

13 Q Now, in addition to having group and party authority,
14 do you also operate a limousine service?

15 A Yes.

16 Q And is that under authority of this Commission?

17 A Yes.

18 Q And do you have limousine authority in all of Cambria
19 County as well?

20 A Yes, we do.

21 Q Do you operate scheduled routes?

22 A Yes. We have it through Cambria County.

23 Q And do you have interstate commerce charter and
24 special operations?

25 A Yes, we do.

1 Q And are they both nation-wide?

2 A Yes, origin and destination.

3 Q Now, what amounts of insurance for the protection of
4 the public do you carry?

5 A \$5 million.

6 Q Have you paid your general assessments to this
7 Commission?

8 A Yes, we have.

9 Q And do you have tariffs on file covering the authority
10 set forth on Exhibit P-1?

11 A Yes, we do.

12 Q Now, you were present while the Applicant's case was
13 being presented?

14 A Yes.

15 Q And did you hear witness Jones indicate that she had
16 taken your bus to Canada?

17 A Yes.

18 Q Will you confirm that that is correct?

19 A Yes. That is right.

20 Q And witness Brant testified as to ICC trips that he
21 had taken on a group basis where he did not pay for the
22 trip.

23 A Yes. That is right. That was a charter bus.

24 Q And witness Cunningham indicated you had taken her
25 from -- on four trips to Reading and on one of them a window

1 got stuck.

2 A Yes. Sometimes they will. The felt around the window
3 seems to stick and then you have to force them and they must
4 not have tried hard enough, afraid they was going to break
5 it.

6 Q Now, could you service any of the witnesses who
7 appeared here in group and party service with pickups at
8 Carrolltown, Spangler, Patton, Barnesboro, Ebensburg,
9 Hastings and Mineral Point?

10 A Yes, we would pick them up anywhere in Cambria County.

11 Q Now, on tours, there is a difference between a group
12 trip and a tour.

13 A Right.

14 Q On tour and sight-seeing trips, are you willing to
15 pickup any of these witnesses and take them on tours?

16 A Yes. As long as there is -- ten is a minimum. If
17 they have more than ten, we will come and pick them up and
18 take them to the origin of the tour.

19 Q How will you pick them up?

20 A With -- well, limousine type or if there is more than
21 ten, we will pick them up with a bus.

22 Q And take them to wherever the trip is normally
23 scheduled to leave from?

24 A Right. Clearfield or DuBois.

25 Q Now, do you advertise your tours?

1 A Yes.

2 Q And how do you do so?

3 A With these tour books which we have, we have about --
4 well, we have 20,000 of them that we send out every year.

5 MR. GRAF: I request that the tour brochure
6 be marked for identification as Exhibit P3.

7 JUDGE NGUYEN: It will be so marked.

8 MR. DAVIS: We have one, thanks.

9 MR. GRAF: You have one.

10 (Whereupon, the document was marked
11 as Protestant Exhibit No. 3 for
12 identification.)

12 BY MR. GRAF:

13 Q Now, with respect to Exhibit P3, Mr. Fullington, would
14 you open it, please, to page 7.

15 A Okay.

16 Q On page 7 and succeeding pages, 8, 9 and 10, there are
17 tours listed for each month of 1991; is that correct?

18 A That is right. And some on '92 there that you see at
19 the bottom of page 10.

20 Q And are there Pennsylvania tours advertised in each
21 month of the year?

22 A Yes, there are. There are additional trips also
23 scheduled whenever we find out about them that we cannot put
24 them in the book here, as this is printed in November and we
25 don't know, such as Civic Arena, something there that is

1 just coming in for a few days or in Philadelphia or other
2 areas of the state, then they're also operated, but they're
3 not in the book.

4 Q All right. Now, following page 10 the length of the
5 tours are in descending order from that page on?

6 A Yes. That is right.

7 Q And the longer tours are at the beginning and then
8 they go on back to two days and one day tours?

9 A Shorter tours is in the back.

10 Q And even shopping tours?

11 A Yes.

12 Q Now, if you turn to page 24, please, of the tour
13 brochure, this refers to your VIP limousine service?

14 A Yes.

15 Q And is that name registered?

16 A Yes.

17 Q I think you said it did cover all of Cambria County?

18 A Yes.

19 Q And on page 25 gives you some information on the group
20 tours?

21 A Yes.

22 Q Do you have any competitors in Cambria County in the
23 group and party and tour and sight-seeing business?

24 A Yes.

25 Q Could you name them?

1 A One is Load Star from Johnstown, Wilkinson Bus Company
2 from Cresent, McIlwain Bus Company from Johnstown, Blue and
3 White Bus Company from Altoona, and Manson North, which is
4 in Bellefonte. They're all in Pennsylvania.

5 Q And do you -- what is your feeling as to whether you
6 need any additional competition?

7 MR. DAVIS: Excuse me, I object to the use of
8 the feeling term.

9 MR. GRAF: What?

10 MR. DAVIS: You asked him what his feeling
11 was.

12 MR. GRAF: What's his opinion?

13 A My opinion is being in the bus business all my life --
14 I am now 73 years old -- that we don't need any more
15 transportation in this area, but we have supplied it for
16 years, Blue and White has, so have some of these others, but
17 I know us two have been around for a long time and we are
18 available at all times whenever needed.

19 Q When was your company actually formed?

20 A In 1915.

21 Q And have you been in continuous operation ever since?

22 A Ever since. Right.

23 Q What affect would approval of this application have on
24 your business?

25 A Well, No. 1, it will affect our line service, of which

1 we have a considerable amount of regular route service and
2 it takes revenue away from that as they need to be
3 subsidized.

4 It also hurts the charter service that we
5 have set up over the years because it will be taking away
6 something that we have had to survive with over -- in the
7 past as our regular route service, which is not, let's say,
8 a money maker, but this helps to subsidize it.

9 Q And what affect would approval have on the public, in
10 your view?

11 A That I would say that we do have some things that I
12 think would help the public, makes it good because we have
13 been in the business a long time, we provide them with
14 service all over the United States and Canada, we have
15 really fine equipment which other folks have also, but it --
16 there are some things that we know, being in the business
17 for so many years, that some of the other operators don't
18 know that would help to make a better tour when we take them
19 because of the past experience.

20 MR. GRAF: Tender the witness for
21 cross-examination and offer Exhibits P1, 2 and 3.

22 MR. DAVIS: No objections.

23 JUDGE NGUYEN: Mr. Davis. No objections?

24 MR. DAVIS: No objections.

25 JUDGE NGUYEN: P1, P2 and P3 are admitted.

1 Cross-examine.

2 (Whereupon, the document marked as
3 Protestant Exhibit Nos. 1, 2 and 3 were
4 admitted into evidence.)

4 CROSS-EXAMINATION

5 BY MR. DAVIS:

6 Q Mr. Fullington, you have no terminals in Cambria
7 County; is that right?

8 A No.

9 Q And then according to what you were saying in your
10 testimony then, unless you had more than ten people at one
11 point, you would charge extra?

12 A No. We will come and get them for free. We will not
13 pick them up unless they do have ten people or more, then we
14 will originate it in this area.

15 Q Now you are going to do all free pickups?

16 A We are going to do a pickup -- if they have more than
17 ten people, then we will come and pick them up for free. If
18 they don't have ten people, then they will have to get to
19 our closest origin.

20 Q What do you mean you would pick them up for free; if
21 it is under ten people, how do they get picked up for free?

22 A They have to get there themselves, if they have under
23 ten.

24 Q Right. Okay. That's my question.

25 A If they have under ten, they have to get to our

1 closest terminal. If they have over ten, we will come and
2 pick them up in this area.

3 Q And in your brochure quite a few of your terminals of
4 origin here are listed at State College and various places,
5 aren't they?

6 A That isn't where the origin is lots of times. They
7 may be originated in St. Marys. But it won't show it on
8 here. That's where we will go and pick them up with a
9 limousine or a bus, a small bus, to take them to the origin
10 of which then they will put them on a bus in State College,
11 Clearfield, DuBois, whichever is the closest.

12 Q Is there an extra charge for that?

13 A No.

14 Q If there is less than ten people?

15 A If there is more than ten people.

16 Q Okay. If there is more than ten?

17 A I said before if there is anything under ten, they
18 have to get to our port of origin, that is DuBois,
19 Clearfield, State College, whichever they prefer.

20 Q And this could be a lot of different places like you
21 said?

22 A Yes.

23 Q But none of which could be in Cambria County under
24 this brochure here marked as P3?

25 A It could be there if its over ten.

1 Q Do you want to show me the page; tell me what page it
2 is?

3 A It could be if its over ten.

4 Q No, I say under ten, please.

5 A I said it before, we will not pick them up under ten.

6 Q Right.

7 A Okay. We will not pick them up. They have to get to
8 the point of origin themselves, under ten. Over ten, we
9 will pick them up.

10 Q And then if we had people that were -- you had five
11 people in Patton and five people in Carrolltown, five people
12 in Ebensburg in all, and the trip originated in Clearfield
13 or State College or something, they would have to get there?

14 A That's 15 people, therefore, we will pick them up.

15 Q You are going to be to Patton and Ebensburg and --

16 A That are not very far apart. That's 15 people.

17 Q Is that the way your tariff reads?

18 A That isn't the way the tariff reads, but we can do it
19 because we have the right to. There is no charge for those
20 people. As long as we don't charge them, we can do anything
21 we want, and that is the way it is. There is no charge for
22 those people to get them to the point of origin, which is
23 Clearfield or State College or DuBois, whichever we feel is
24 the closest.

25 Q You can waive the charges in your tariff. Is that

1 what you are saying?

2 A No. We don't have to charge them for that because
3 that goes in with the tariff -- I mean the price of the
4 tour.

5 Q How about just a yes or no and then explain it. Can
6 you waive your tariff?

7 A Waive our tariff? You don't waive no tariff.

8 Q Your answer is no then?

9 A Right. There is no tariff charged. There is no
10 charge for that.

11 Q On your equipment, you list about a half dozen --
12 well, five, I guess, Eagles.

13 Are the Eagles pretty decent buses?

14 A I hope to tell you they're decent.

15 Q Do you have any reason to know there is anything wrong
16 with the Eagle that the applicant has?

17 A I don't know anything wrong with it. I haven't even
18 seen it.

19 Q Do you have telephones in any of your buses?

20 A We sure have, nine of them.

21 Q Why didn't you mention that when he asked you if there
22 was any extra equipment?

23 A That there isn't that important, therefore, because
24 you don't use it that much.

25 Q You don't think a telephone means anything?

1 A No. That isn't that important.

2 Q How would this hurt your line service? I don't quite
3 follow that.

4 A Because it takes the revenue away, which this
5 subsidizes -- all these charters and tours help to subsidize
6 our line service and we run a lot of miles on line service
7 to satisfy or help the public to move around in Western
8 Pennsylvania.

9 Q Now, some of these women that were here this morning
10 are driving from Patton to Barnesboro to pickup these tours
11 that Mr. Tibbott establishes through Tri-County. There is
12 nothing you can do about that, is there?

13 A No. No. That's okay. Nothing wrong with that.

14 Q Why do you want them to have to travel that distance?

15 A Well, that is up to them. That is their own
16 prerogative, we can't tell them what to do. They can do
17 whatever they want to do.

18 Q But you don't want them to have that service
19 available?

20 A We want to be able to come in here and transport them
21 because we are ready, willing and able to transport them.
22 If they need service, pickup at their door, we will do that,
23 if they have ten or more people.

24 Q Right. How about the dead head mileage as referred to
25 in your tariff?

1 A Dead head miles have nothing to do with this here
2 tour. That is on a charter. There is no dead head miles on
3 a tour.

4 Q Aren't we talking group and party here in this
5 application?

6 A No. You're talking about tours and group and party.

7 Q Are you sure?

8 A We're talking about tours and group and party, but we
9 are talking about picking this person up. That there is not
10 involved in the tour tariff. We have one price for a tour.
11 Right?

12 Q I'd just as soon you answer questions rather than ask
13 them.

14 A I'm tell you that, that we have one price for our
15 tour. Now if you are talking about group and party, then,
16 yes, we will charge dead head miles, and that's where we
17 will come up here to pick them up, so you are going to pay
18 the dead head miles to get to here to pick them up.

19 Q If you have to come to Barnesboro or any place you
20 charge dead head mileage on a --

21 A Make sure now we are getting the right apples for
22 apples. That's for a group charter.

23 Q For a charter.

24 A Right.

25 Q Why do you have to use the word group charter?

- 1 A I'm just telling you its a charter.
- 2 Q That's how I asked the question.
- 3 A Right.
- 4 Q You do charge dead head then?
- 5 A Right.
- 6 Q Now, if we are in Barnesboro and we ask for the bus,
7 would it depend on where that bus is located, we might have
8 to pay dead head from State College?
- 9 A No, you don't have to pay the dead head. We use the
10 closest equipment point.
- 11 Q Closest equipment point?
- 12 A Right.
- 13 Q The only dead head would be from Clearfield then?
- 14 A Whichever is the closest equipment point.
- 15 Q How close do you say that is?
- 16 A I don't know. Depending on where the group comes
17 from.
- 18 Q Barnesboro I said.
- 19 A I would have to check on the map, but I think right
20 now its Clearfield.
- 21 Q How much would you charge?
- 22 A Whatever our tariff is.
- 23 Q What mileage?
- 24 A Well, whatever our tariff is and what it is on the
25 map.

1 MR. DAVIS: That is all I have.

2 MR. GRAF: I have nothing further.

3 JUDGE NGUYEN: I don't have any questions.

4 You may step down. Thank you.

5 MR. GRAF: The protestant rests.

6 JUDGE NGUYEN: I would like to know if you
7 wish to submit briefs?

8 MR. DAVIS: I would just as soon submit a
9 memorandum, memorandum brief. What time?

10 JUDGE NGUYEN: I will establish a briefing
11 schedule for you. Okay?

12 MR. GRAF: All right.

13 JUDGE NGUYEN: We will close the record.

14 (Whereupon, at 2:15 p.m. the hearing was
15 concluded.)

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C E R T I F I C A T E

1
2 I hereby certify, as the stenographic reporter,
3 that the foregoing proceedings were taken stenographically
4 by me, and thereafter reduced to typewriting by me or under
5 my direction; and that this transcript is a true and
6 accurate record to the best of my ability.

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11 BY: Cathy R. Mull

12 Cathy R. Mull
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