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6 (For the Applicant)

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8 Caldwell & Kearns
9 3631 North Front Street
10 Harrisburg, Pennsylvania 17110
11 (For Fullington Auto Bus Company, Inc.)

12 REX W. McQUAIDE, Esquire
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17 (For McIlwain Charters, Inc.)

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C O N T E N T S

	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1					
2					
3	Gerard W. Tibbott				
	by Mr. Davis	4	-	-	-
4	by Mr. Campbell	-	19	-	-
	by Mr. McQuaide	-	25	-	-
5					
6	Philip Francis Butterbaugh				
	by Mr. Davis	41	-	53	-
	by Mr. Campbell	-	46	-	-
7	by Mr. McQuaide	-	51	-	53
8					
9	Robert A. Koban				
	by Mr. Davis	55	-	-	-
	by Mr. Campbell	-	58	-	-
10					
11	Linda Lee Baughn				
	by Mr. Davis	59	-	-	-
	by Mr. Campbell	-	61	-	-
12					
13	Margaret J. Price				
	by Mr. Davis	62	-	-	-
	by Mr. Campbell	-	64	-	-
14					
15	Mary Jane Boast				
	by Mr. Davis	65	-	-	-
	by Mr. Campbell	-	66	-	-
16					
17	Dorothy L. Farren				
	by Mr. Davis	67	-	-	-
	by Mr. Campbell	-	69	-	-
18					
19	Marcia Jean Packauski				
	by Mr. Davis	70	-	-	-
	by Mr. Campbell	-	72	-	-
20					
21	Regina Benden				
	by Mr. Davis	72	-	-	-
	by Mr. Campbell	-	74	-	-
22					
23	Tim A. McGarry				
	by Mr. Davis	75	-	-	-
	by Mr. Campbell	-	77	-	-
24					
25	Linda Joan Boyarsky Korlewitz				
	by Mr. Davis	78	-	-	-
	by Mr. Campbell	-	80	-	-

C O N T E N T S

	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1					
2	<u>WITNESSES</u>				
3	Carl Jeske, Jr.				
	by Mr. Davis	81	-	-	-
4	by Mr. Campbell	-	83	-	-
5	George Koontz				
	by Mr. Davis	84	-	-	-
6	by Mr. Campbell	-	86	-	-
	by Mr. McQuaide	-	87	-	-
7	Frances Koontz				
8	by Mr. Davis	88	-	-	-
	by Mr. Campbell	-	89	-	-
9	Janet Rito				
10	by Mr. Davis	89	-	-	-
	by Mr. Campbell	-	91	-	-
11	Susan Yakubchak				
12	by Mr. Davis	92	-	-	-
	by Mr. Campbell	-	93	-	-
13	Margaret Yakubchak				
14	by Mr. Davis	94	-	-	-
	by Mr. Campbell	-	95	-	-
15	Barbara Sturtz				
16	by Mr. Davis	96	-	-	-
	by Mr. Campbell	-	97	-	-
17	Anita Luciew				
18	by Mr. Davis	98	-	-	-
	by Mr. Campbell	-	99	-	-
19	Paulette A. Fedorko				
20	by Mr. Davis	100	-	-	-
	by Mr. Campbell	-	101	-	-
21	Margaret Vello				
22	by Mr. Davis	102	-	-	-
	by Mr. Campbell	-	103	-	-
23	Eufrasia Vello				
24	by Mr. Davis	104	-	-	-
	by Mr. Campbell	-	105	-	-
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C O N T E N T S

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Ann Hudak				
by Mr. Davis	106	-	-	-
by Mr. Campbell	-	107	-	-
Charles E. Schenck				
by Mr. Campbell	109	-	-	-
by Mr. Davis	-	118	-	-

E X H I B I T S

<u>NUMBER</u>		<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
<u>Applicant's</u>			
✓1	(Cambria County map)	5	18
✓2	(Tour brochures)	10	18
✓3	(Cable One ad billing 6-25-95)	12	18
✓4	(Ad in the Barnesboro Star 7-5-95)	12	18
✓5	(Ad in the Union Press Courier 7-6-95)	13	18
✓6	(Ad in the Tribune Democrat 7-2-95)	13	18
✓7	(Ad in the Mountaineer Herald 7-5-95)	14	18
✓8	(Income and balance sheets as of 12-31-94)	18	18
<u>Protestant's</u>			
✓A	(Fullington Trailway brochure)	110	118
✓B	(Folder 19, Am-R and Am-S)	111	118

FORM 1

C O N T E N T S

E X H I B I T S

3	<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
4	✓✓ C (Equipment record)	112	118
5	✓✓ D (Yellow Pages ad in Barnesboro telephone directory)	114	118
6	✓✓ E (Yellow Pages ad in Ebensburg telephone directory)	114	118
8	✓✓ F (Fullington's tour book)	114	118
9	✓✓ G (Charter Order 5-23-95)	116	118
10	✓✓ H (Charter Order 5-19-95)	116	118
11	✓✓ I (Charter Order 5-4-95)	116	118

FORM 1

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P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE MICHAEL A. NEMEC: Okay. We
3 will go on the record. This morning we have a Case that's
4 captioned Application of Tri-County Transportation,
5 Incorporated, trading and doing business as Happy Times
6 Charter, Incorporated. It is docketed at A-107235, Folder 1,
7 Amendment C.

8 Present this morning in the hearing room, counsel repre-
9 senting the Applicant, Lawrence Davis and Attorney Rex
10 McQuaide and James Campbell representing the Protestants.

11 My name is Michael NemeC. I am an Administrative Law
12 Judge with the Pennsylvania Public Utility Commission. I've
13 been assigned to conduct the initial hearing in this
14 Application proceedings.

15 Do counsel have any preliminary statements they wish
16 to make, comments or questions?

17 MR. DAVIS: If it please the Court, in the mail yester-
18 day we received a withdrawal of the protest on behalf of
19 Blue and White and Lincoln. I would assume that they may
20 be within the files of the Commission, but I wasn't sure
21 that that had been delivered to you.

22 JUDGE NEMEC: Yes, sir, I received a copy of that a
23 couple of days ago. I received it July 14th, from Attorney
24 William Gray. Well, I'm sorry. He was withdrawing Blue
25 and White and Lincoln. Is that what you are referring to?

1 MR. DAVIS: Yes.

2 JUDGE NEMEC: Okay.

3 MR. DAVIS: We received that yesterday. I wasn't sure
4 whether it had been timely filed or not.

5 JUDGE NEMEC: I believe so, sir.

6 Any other preliminary matters?

7 MR. DAVIS: The basis for those withdrawals is not
8 known to us. There were no agreements regarding restrictive
9 amendments or --

10 JUDGE NEMEC: He doesn't reference that in his letter.
11 So, I just assume that they just decided that they did not
12 want to be involved, which is their prerogative. But I'm
13 sure that it doesn't make you unhappy.

14 Any other preliminary matters?

15 (No response.)

16 JUDGE NEMEC: Okay. An initial question that I --
17 well, the way that I would like to proceed is have the
18 witnesses that you have sit here (indicating). So, we will
19 proceed to take testimony.

20

21 (Witness sworn.)

22 Whereupon,

23 GERARD W. TIBBOTT

24 having been duly sworn, testified as follows:

25

DIRECT EXAMINATION

1 BY MR. DAVIS:

2 Q Would you state your name, please?

3 A Gerard W. Tibbott.

4 Q And where do you live, Mr. Tibbott?

5 A In Barnesboro.

6 Q And what is your occupation?

7 A Self-employed bus contractor.

8 Q What is your affiliation with Tri-County
9 Transportation, Incorporated?

10 A I am President of the corporation.

11 Q Are you also a stockholder of the corporation?

12 A Yes, a 49 percent stock holder.

13 Q Has the Public Utility Commission issued
14 certificates that are presently held by the corporation?

15 A Yes.

16 Q I will show you what I would like to have marked
17 as Applicant's Exhibit 1.

18 MR. DAVIS: I believe that the Protestants have copies
19 of our maps.

20 (Whereupon, the document was marked as Applicant's
21 Exhibit No. 1 for identification.)

22 BY MR. DAVIS:

23 Q I ask you, if you can, from that map (indicating),
24 tell us what the present certificates encompass.

25 A Okay. All of the area in Cambria County, north

1 of Route 22, which separates through sort of the center of
2 the county, that is highlighted with pink highlighter is
3 our existing pickup area.

4 Q Route 22 runs in what direction through Cambria
5 County?

6 A I --

7 Q Is it north, south, east, west?

8 A West.

9 Q East to west, west to east?

10 A Yes.

11 Q Okay. And that is for group and party transpor-
12 tation?

13 A Yes.

14 Q That certificate?

15 A Yes.

16 Q Now also, you hold a certificate, which is the
17 basis of this Application, regarding the southern part of
18 the county, is that right?

19 A That is correct, but there are restrictions on
20 that.

21 Q And the purpose of this hearing is to determine
22 whether or not the Commission will grant the lifting of
23 those certain restrictions.

24 Now basically, what are the restrictions that you
25 want lifted, at this time, to be removed from the --

1 A Well, there is a limit to the number of
2 passengers that we can pick up, which is 15. We would like
3 to see that restriction removed and also be able to bring
4 school buses in there for pickups, also. That is another
5 restriction on that.

6 Q According to the Application, Tri-County also
7 holds ICC certification?

8 A That's correct.

9 Q And are these used?

10 A Yes.

11 Q Now, I wonder if you could explain for the Court,
12 for the record the map key that is part of this exhibit
13 (indicating)?

14 A Sure.

15 Q What that references.

16 A Okay. The towns that are highlighted in pink and
17 outlined in red, in the northern portion of the county, in
18 our pickup areas that we have now, are the major -- the
19 cities we do have stops in or through most of our tours and
20 a lot of charter pickups, such as our main base, located
21 in Barnesboro, which is in the northern, left-hand corner
22 of the Cambria County there, that we have highlighted. And
23 as from our base, where our first initial pickups are Barnes-
24 boro, Spangler, we move on down to Hastings, Patton, Carroll-
25 town, depending on the trip, over to Nicktown and back and

1 if there's no -- people in Belsano, Twin Rocks, Nanty Glo.
2 We head on 553, down to 219, into Ebensburg, where we can
3 go out and make a stop in Cresson. But depending on the
4 trips, if we have a great number of people, we also go into
5 the Ashville area, to Flinton for -- for a charter, you
6 know, we will pick up whichever location that the group is
7 located in, north of Route 22, in Cambria County.

8 Q Now, you say that the yellow routing shows the
9 most common routes?

10 A Right.

11 Q Is that self-explanatory, I guess, what you mean
12 by that?

13 A Yes, that is correct. Running like 219, which is
14 36 into Patton and back onto 219, 553 over into Nicktown
15 and if we go into Belsano, we take Route 271 down to Twin
16 Rocks and Nanty Glo and around into Ebensburg. If not, we
17 just come from Carrolltown and go straight on 219, into
18 Ebensburg.

19 Q Now, what do you propose to do in the southern
20 portion?

21 A Well, what we would like to do is be able to pick
22 up, obviously the cities that I have highlighted in yellow
23 and outlined in red. They would be some proposed initial
24 pickup sites, where we could follow through on a tour that
25 we would be picking up in Ebensburg, on down into Cresson.

1 We could follow through on Route -- well, let me see. Which
2 route number is this? Right -- down to Lilly, take 53 into
3 Lilly and on down into Portage and onto Summerhill. And
4 depending upon where our pickup location would be, on into
5 Johnstown area and take a different route into -- either
6 into the Richland area, 219 or we could also branch down
7 into Johnstown.

8 Q And those -- well, excuse me. Were you done?

9 A Well, I was just going to say that from there,
10 we would depart on our tours.

11 Q And what is marked on the map in blue would be,
12 as you say your proposed --

13 A Right.

14 Q -- (continuing) -- basic routes, as you would hope
15 to use?

16 A Basically we would test those, yes.

17 Q With your ICC permit and when you are running
18 charters that are under the ICC regulations, do you go into
19 this area now?

20 A Yes, we do.

21 Q And have you serviced that area for some period
22 of time?

23 A Yes.

24 Q Approximately since when?

25 A Four years now, five years.

1 Q Mr. Tibbott, have you distributed through the area
2 certain brochures?

3 A Yes.

4 MR. DAVIS: We would like to have these (indicating)
5 marked as Applicant's Exhibit 2.

6 (Whereupon, the document was marked as Applicant's
7 Exhibit No. 2 for identification.)

8 BY MR. DAVIS:

9 Q I show you one of those brochures. I believe they
10 have been supplied to the Protestants, also. I ask you what
11 that (indicating) represents?

12 A Well, this (indicating) represents a compilation
13 of our tours. We put them out twice a year, right now, in
14 our pickup areas mostly. We have been compiling the client
15 list and it compiles a list of tours that we have set up
16 in advance, for both interstate and out of state. We are
17 constantly adding trips to it, though. This (indicating)
18 is -- like I said, the trips are set up well in advance,
19 so that we can get out to the clients and let them have a
20 look at it, but we also put many things in the newspapers
21 throughout, adding into this.

22 Q Now, if you are granted permission to extend or,
23 by virtue of the elimination of the restrictions, would you
24 intend to provide services similar to what you advertise
25 here (indicating), through the southern part of the county?

1 A Yes. I would like to provide the services like
2 we advertise here (indicating), plus a greater variety of
3 tours, that I am unable to conduct, with the limited pickup
4 area that I do have here.

5 Q Now, with your present rights, you can go into
6 that area but you are restricted, with the 15-passenger
7 vehicles and you are not allowed to use school buses?

8 A Right. Right. That is correct.

9 Q Now, how would the extension of rights by
10 elimination of the restrictions be to the benefit of the
11 general public? In what way would you explain how that
12 would help?

13 A Well, we feel that it is a great inconvenience
14 to go in there with a 15-passenger or less and shuttle the
15 clients back to Ebensburg, per se, for a departure. If
16 there's 30 people, we have to make two trips. They are
17 shuttled in and out, with a small vehicle, to a larger
18 vehicle. And besides the fact of the sheer inconvenience
19 for the clients, it is a cost burden on us, which, in turn
20 fills in for the trip. Somewhere, somebody is going to have
21 to make up the difference somewhere.

22 Q Now, in addition to the brochure that you have
23 produced here, have you submitted and do you conduct tele-
24 vision advertising?

25 A Yes, we do.

1 I'd like to show you what we will have marked as
2 Applicant's Exhibit 3 and ask you to identify it.

3 (Whereupon, the document was marked as Applicant's
4 Exhibit No. 3 for identification.)

5 THE WITNESS: This (indicating) is our last billing
6 from Cable One advertising. It shows on here (indicating)
7 the stations and the dates on which our ads have been run
8 and if you go through, it does describe the different areas
9 in which the ads have been run. Currently we are running --
10 in the Barnesboro -- well actually, it is called the
11 Ebensburg area, which covers Ebensburg, Barnesboro,
12 Spangler, Patton, Carrolltown, Hastings, this whole area
13 of Cambria County and we are also in the Cresson area, which
14 jumps through to Cresson, Lilly Boro and we also hit the
15 Portage and Adams Township area with the advertising, which
16 would cover areas south of Route 22 in Cambria County.

BY MR. DAVIS :

17 Q Through this advertising, do you make the general
18 public aware of the services that you are offering?

19 A Yes.

20 Q I'd like to show you what we would like to have
21 marked as Applicant's Exhibit 4 and ask you to identify what
22 it represents.

23 (Whereupon, the document was marked as Applicant's
24 Exhibit No. 4 for identification.)

25 THE WITNESS: This (indicating) is our advertisement in

1 the Barnesboro Star, for Wednesday, July 5th. We update
2 this ad weekly in the paper, adding new trips and removing
3 old trips from that, which details the dates and the prices
4 of the trip and obviously gives them a phone number to call
5 for more information on the trips.

6 BY MR. DAVIS :

7 Q And I show you what we'd like to have marked as
8 Applicant's Exhibit 5 and ask you to identify it?

9 (Whereupon, the document was marked as Applicant's
10 Exhibit No. 5 for identification.)

11 THE WITNESS: This (indicating) is our weekly advertise-
12 ment from the Union Press Courier, this one (indicating)
13 being July 6th, 1995, which we update in the same manner
14 as the one from the Barnesboro Star.

15 BY MR. DAVIS:

16 Q I show you what I would like to have marked as
17 Applicant's Exhibit 6 and ask you to identify it?

18 (Whereupon, the document was marked as Applicant's
19 Exhibit No. 6 for identification.)

20 THE WITNESS: This (indicating) is our advertisement
21 in the Tribune Democrat paper. This (indicating) is Sunday,
22 July 2nd, which we put in -- right now, we put it in every
23 other Wednesday and every other Sunday. We are running
24 advertisements in there, which we were updating, at that
25 time.

26 BY MR. DAVIS:

1 Q I'd like to show you what I'd like to have marked
2 as Applicant's Exhibit 7 and ask you also to identify that
3 (indicating)?

4 (Whereupon, the document was marked as Applicant's
5 Exhibit No. 7 for identification.)

6 THE WITNESS: This (indicating) is once again a weekly
7 advertisement from the Mountaineer Herald in Ebensburg,
8 which is the same as the first two, the Barnesboro Star and
9 the Union Press Courier. It is updated weekly, stating the
10 price and dates of trips.

11 BY MR. DAVIS:

12 Q And are all of these advertisements and the
13 brochures and the television campaigns directed to inform
14 the public of the services available?

15 A Yes.

16 Q Do you advertise in any of these manners the
17 availability of the service you presently have, to pick up
18 with 15-passenger vehicles in that area?

19 A No, we do not.

20 Q And why -- why do you not do that? Why do you
21 not include that in your promotional stream information to
22 the public?

23 A We just don't feel that it would be worthwhile
24 for us right now to be taking a 15-passenger into that area,
25 for the -- for the sheer inconvenience to the customers and

1 the cost that it would incur to us to take the actual 15-
2 passenger into that area.

3 Q Do you have a major pickup anywhere along Route 22,
4 that you use now?

5 A Yes. Do you mean north of --

6 Q Right. Right north of the area that we are
7 talking about.

8 A Right. Ebensburg.

9 Q And do you have some areas there that you stop
10 and do pickups and have people park their cars and what have
11 you?

12 A Yes.

13 Q And does that service this area in some manner?

14 A Yes, it does. We do draw some customers from that
15 area, but we get lots of complaints from them, that they --
16 well, not so much complaints, they just don't like the
17 actual driving from that southern part of Cambria County
18 to Ebensburg or to Nanty Glo or to Cresson, depending upon
19 which would be closest for them, leaving their cars in
20 Ebensburg at our actual pickup location and such.

21 Q And you have requests from people for the
22 additional service that you are now talking about?

23 A Yes. Probably on a weekly basis, we get a call
24 or so for a charter or maybe for some pickup area that
25 they'd like to be picked up in Lilly, Portage or Richland

1 or the Johnstown area.

2 MR. CAMPBELL: I object, Your Honor, and I move to
3 strike. I think the public witnesses who are here can
4 testify, unless the requested testimony that is going to
5 be presented is something that complies with the
6 Commission's regulations. I don't think that it is
7 admissible.

8 JUDGE NEMEC: All right. Your objection is noted but
9 overruled, at this point. Let's see what else they have
10 to offer.

11 BY MR. DAVIS:

12 Q Mr. Tibbott; where do you have terminals for Tri-
13 County?

14 A In Barnesboro and Ebensburg.

15 Q Do you have your maintenance facilities there?

16 A Yes, in Barnesboro.

17 Q And what equipment do you have available?

18 A We are running three Eagle Coaches right now: an
19 '80, an '81 and an '87.

20 Q How are these equipped?

21 A Equipped with a TV, VCR, air conditioning, mike,
22 restroom, obviously the plush seating.

23 Q And are these used in all of your operations
24 presently?

25 A Yes.

1 Q Do you also use school buses?

2 A Yes, we do have school buses that we also offer
3 for the PUC.

4 Q Now, what do you do for maintenance? do you have
5 a maintenance crew?

6 A Yes, we have three mechanics on full time.

7 Q And how about drivers?

8 A Drivers, we have five drivers, two full time and
9 three part time, on call, depending upon -- that's just for
10 the motor coaches, themselves. We employ about 45 employees
11 for the school buses and the complete operation.

12 Q And you also do school busing?

13 A Yes.

14 Q Do you maintain the service and the safety levels,
15 as required by the Public Utility Commission and the Inter-
16 state Commerce Commission?

17 A Yes. Yes, we do.

18 Q And do you keep your drivers tested and informed
19 of those requirements?

20 A Yes.

21 Q Do you, in any of your operations or in your
22 proposed operation here charge deadhead charges?

23 A No.

24 Q In any of your operations or in the proposed
25 operation, do you intend to have minimum pickup requirements?

1 A No, we do not.

2 Q Now, I'd like to show you what we would like to
3 have marked as Applicant's Exhibit 8 and ask you to identify
4 what those documents (indicating) are?

5 (Whereupon, the documents were marked as Applicant's
6 Exhibit No. 8 for identification.)

7 THE WITNESS: This (indicating) is our income statement
8 and balance sheets as of December 31st, 1994.

9 MR. DAVIS: We would ask -- we would, at this time,
10 move for the admission of all the Applicant exhibits and
11 also ask that the 1994 annual report to the Commission be
12 incorporated by reference.

13 JUDGE NEMEC: Well, the annual report may be incor-
14 porated by reference. Exhibits 1 through 8 are admitted,
15 subject to later objection or motion by counsel and also
16 subject to this witness being cross-examined.

17 (Whereupon, the documents marked as Applicant's
18 Exhibits 1 through 8 for identification were received in
19 evidence.)

20 MR. DAVIS: That is all that we have of the witness.

21 JUDGE NEMEC: Sir, when did you receive your ICC
22 authority, approximately?

23 THE WITNESS: I --

24 JUDGE NEMEC: Is that in the Application? The docket
25 number is, I know.

1 MR. DAVIS: The docket number, right.

2 JUDGE NEMEC: Ten years? Five years?

3 THE WITNESS: More like five. It's four or five.
4 Five.

5 JUDGE NEMEC: Well, it doesn't matter. I was just --
6 you have given me a ballpark figure of four or five years.
7 Now, for whom do you provide school bus service?

8 THE WITNESS: Northern Cambria School District, mostly.
9 We have some other school contracts, too.

10 JUDGE NEMEC: Now, do you use the school buses for PUC
11 work, also?

12 THE WITNESS: Yes, sir.

13 JUDGE NEMEC: Are those placarded or how do you deal
14 with that? Do you use them both for school bus service and --

15 THE WITNESS: Yes, they are -- the PUC and the numbers
16 and such are on the side of the bus and different signs go
17 on and they are equipped for the PUC standards.

18 JUDGE NEMEC: All right. Who wants to go first?

19 MR. CAMPBELL: I will, Your Honor.

20 -----

21 CROSS-EXAMINATION

22 BY MR. CAMPBELL:

23 Q With respect to the last question from the
24 Administrative Law Judge, are some of your school buses then
25 equipped with SA plates, as opposed to BA plates?

1 A Yes.

2 Q How many?

3 A We have -- we have four vehicles with BA plates.
4 No, I'm sorry. That -- that's incorrect. We have four
5 school bus with BA plates and four vans with BA plates.

6 Q Did you bring with you and counsel may respond
7 to this, if he wishes, copies of your existing PUC
8 authority? In addition to the map, do you have the Orders,
9 themselves that -- are they available?

10 MR. DAVIS: We would have them -- we could have them
11 available there.

12 MR. CAMPBELL: May I just make a request on the record,
13 that you provide me with copies of those previous Orders?
14 It doesn't have to be today, but I'd like to have them at
15 some point before we conclude.

16 MR. DAVIS: Both counsel.

17 MR. CAMPBELL: The reason for my request is that the --
18 when the Application was advertised in the bulletin, it
19 wasn't quite clear what authority you had and what authority
20 was being sought. Your counsel did provide me with a copy
21 of the Application. And I'll let you view it, if you wish,
22 but basically what it says is that this Application seeks
23 to remove the conditions from existing authority, which is
24 described as "Group and party authority between points in
25 the County of Cambria and from points in the County of

1 Cambria, to all points in Pennsylvania and return."

2 BY MR. CAMPBELL:

3 Q Now, having said that, your testimony is, if I
4 understand it, that in the pink area on Exhibit 1, you are
5 not subject to any restrictions, in terms of equipment, the
6 type that may be used.

7 A That -- that is correct.

8 Q Was that the first operating authority that you
9 received from the PUC? Do you have two previous
10 certificates?

11 A Yes. Yes.

12 Q Folder 1, Amendment A and Folder 1, Amendment B?

13 A Right.

14 Q Do you know which is which?

15 A Not offhand, no.

16 Q Okay. This Application, when it was advertised
17 said that it was to modify Folder 1, Amendment B. So, would
18 you agree that probably what we are talking about is that
19 Amendment B is the southern part of the county and Amendment
20 A doesn't require the restrictions to be removed?

21 A I would say that that is correct.

22 Q That would seem logical. Okay.

23 How long have you held authority from the Pennsyl-
24 vania Public Utility Commission, approximately?

25 A Five years. Going on five. For school buses.

1 Q Now, you indicated that your company operates in
2 compliance with the safety requirements of the PUC and the
3 ICC. What is your DOT safety rating? Do you have one from
4 the Federal Department of Transportation?

5 A No, I do not.

6 Q You have not been rated since you've had your ICC
7 authority?

8 A I don't believe so, no.

9 Q With respect to your tour brochure exhibit, which
10 is Applicant's Exhibit 2, as I think as has been pointed
11 out, many of these tours that are presently advertised go
12 to points within Pennsylvania, is that not correct?

13 A Correct.

14 Q Warren, Pittsburgh, Lancaster, York and so forth.

15 Do all of those tours use the charter coach-type
16 of equipment, as opposed to the small, 15-passenger
17 equipment?

18 A Yes.

19 Q And did I understand your testimony to be that
20 all of those chartered coach pickups that are presently made
21 for those tours are made north of Route 22?

22 A Yes, that's correct.

23 Q However, since you have authority for the smaller
24 vehicles, south of 22, you might bring up a party from
25

1 Summerhill or Lilly, up to Ebensburg, to get on a big bus
2 tour?

3 A That is possible, yes.

4 Q And has it been done in the past?

5 A No.

6 Q Then in the past, the only service -- strike that.
7 I thought that you had said on direct examination that you
8 do shuttle people from the southern part of the county to
9 the north.

10 A No.

11 Q Did I misunderstand?

12 A Yes. I said that we feel that that would be an
13 inconvenience to them.

14 Q Okay. However, you have had passengers who have
15 driven their own vehicles from that territory, to a pickup
16 point where you can presently offer the full sized vehicle,
17 is that correct?

18 A That's correct.

19 Q In the Application copy that was provided to me,
20 it indicates that your shares of stock held are 40 versus
21 William Tibbott's 60. Has --

22 A That has since been updated.

23 Q You testified previously that you have 49.

24 A Forty-nine, that's correct.

25 Q And does William Tibbott have 51?

1 A Yes, that's correct.

2 Q And that is all the outstanding shares of the
3 company, is that correct?

4 A Yes, sir.

5 Q Are you a full-time employee of the company? Is
6 this your only business or occupation?

7 A Yes.

8 Q If I could just direct your attention for a moment
9 to the financial information, Exhibit 8, on the second page,
10 which is the income statement, one of the income items
11 listed is tour bus rental fee. Do you know what that item
12 of income represents?

13 A Charter work.

14 Q So that the bus service revenue, would that be
15 individually ticketed tours?

16 A Yes.

17 Q And tour bus rental fee would just be the
18 accountant's term for charter work?

19 A Yes.

20 Q Is that correct?

21 A Yes.

22 Q The vast majority of your revenues appears to
23 be from individually ticketed tours. Is that a fair
24 statement?

25 A It's starting to balance out pretty good. We are

1 getting a lot more calls for charters.

2 Q Under expenditures, the item that is described
3 as rents, is that rent of real estate or is that bus rental
4 or what -- do you know what that item is?

5 A No.

6 Q Does your company own or lease the terminal
7 facilities you referred to?

8 A Own.

9 MR. CAMPBELL: Your Honor, that completes my cross-
10 examination and subject to receiving the requested PUC
11 certificates, I have no objection to the admission of the
12 exhibits.

13 JUDGE NEMEC: Mr. McQuaide?

14 -----

15 CROSS-EXAMINATION

16 BY MR. McQUAIDE:

17 Q Mr. Tibbott, my name is Rex McQuaide and I'm here
18 today representing McIlwain Charters, Inc.

19 What reconfiguration of your school bus equipment
20 is necessary, in order for you to fit it up for charter
21 usage?

22 A I'm trying to think. We -- specifications for
23 push-out windows, roof hatches, red light over emergency
24 door and I believe the front, a white line in the front of
25 the bus for standing forward of this line. Is this what

1 you are --

2 Q Yes.

3 A We do have the lettering on the outside, with the
4 PUC numbers on it and the company name. I'm not sure, off
5 the top of my head what the other specifications, the
6 mechanics --

7 Q You have a contract with Northern Cambria School
8 District for school bus service, is that correct?

9 A That's correct, yes.

10 Q And do you use all of your school buses in your
11 fleet for that contract?

12 A No.

13 Q All right. So, you use some for the school
14 contract and some for charter work?

15 A That is correct.

16 Q Do you ever have occasion where you have to take
17 a school bus off the school bus contract and use it in the
18 afternoon, for example, for charter work?

19 A No, not for a charter trip. No.

20 Q Do you ever use any of your charter school buses
21 for your school bus contract?

22 A There has in the past, yes.

23 Q Well then when you are hauling school kids around,
24 is there a placard on your bus identifying the fact that
25 it is a piece of equipment designated for public service,

1 wherein you would have your PUC and ICC number on it?

2 A Yes.

3 Q So, you are in fact using equipment which is
4 designated for public service, for something other than
5 public service, i.e. transportation of school kids around?

6 A I guess, if that's the way -- on occasion, yes,
7 that has been done.

8 Q You mentioned something about a safety program
9 at your company. What is a typical, routine safety check
10 that your charter drivers would be doing in the morning
11 before they go out?

12 A They pre-trip the entire bus.

13 Q And what all does that consist of?

14 A Oh, that's something I'm really not qualified to
15 go over. The mechanics follow what they -- they have their
16 regular booklet of trip sheets, where they go through every-
17 thing from brake hoses, to transmission fluids and all of
18 that. I'm no mechanic. I couldn't really run through that.
19 I really couldn't run through the work of the bus with you.
20 But they -- they work them over from top to bottom.

21 Q Who, within your company is responsible for safety
22 matters?

23 A Wayne Himes.

24 Q Okay.

25 A And myself. I mean, I am concerned. If I hear

1 anything, I --

2 Q What -- aside from mechanical checks then in the
3 morning that supposedly is done, what additional safety
4 steps would one of your drivers take during his charter run?

5 A During his charter run? Trip sheets are filled
6 out before and after, with log sheets that are handed in
7 to the mechanics. If there is anything wrong with that bus,
8 one is left in the bus and one is given to the mechanic.
9 The bus does not go back out again until the work has been
10 completed on the bus. And in between trips, I know that
11 the drivers will get out. If they are at a designation,
12 they will get out of the bus and they will go back and check
13 their belts and leaks and the tires and, you know, the basic
14 -- pre-trip again whatever they can check over at the time.

15 Q Do your drivers maintain log sheets?

16 A Yes.

17 Q Okay. And who is responsible for reviewing the
18 log sheets within your company?

19 A The office secretary.

20 Q Okay. And who has advised her on safety matters,
21 with regard to logs?

22 A Lancer Insurance, our insurance company.

23 Q Okay. And what instructions has that insurance
24 company given her, relative to her oversight of the log
25 sheets?

1 A I'm not sure.

2 Q What steps does your company, you or anybody with-
3 in your employ take to assure that drivers are in compliance
4 with the law and regulations relative to maintenance of log
5 sheets?

6 A The maintenance of the log sheets, themselves?

7 Q Yes. Well, strike that question. How many hours
8 per week can one of your charter bus drivers drive?

9 A I'm not -- I'm not sure exactly.

10 Q How many hours per day can one of your drivers
11 drive?

12 A Eight. Ten maximum.

13 Q Pardon me?

14 A A maximum of 10, depending upon the conditions.

15 Q What is the required off duty time throughout a
16 24-hour interval, that a driver must take, before he can
17 get back into the bus?

18 A Eight hours.

19 Q What steps would you instruct a charter bus
20 driver, who experienced a fuel leak to take? Let's say that
21 a fuel leak is on the ground and he calls in to the shop.
22 What would you or anybody else within your employ tell him
23 to do, at that point in time?

24 A It -- it would probably be put out of service,
25 depending upon what the situation was. They would call back

1 and refer it to me, which I would, you know, contact our
2 mechanics. I can't speak for what the mechanic might tell
3 him. He is qualified to make a judgment on that, at that
4 time. If there is a problem of that sort, we send out
5 another bus. We evacuate the bus and send another bus out.

6 Q What agency within the State of Pennsylvania would
7 be contacted with regard to a fuel leak?

8 A Probably the DER.

9 Q You are not sure?

10 A We've never had that problem and so --

11 Q Well, if you have one today, who will you contact?

12 A I'd say the DER.

13 Q So, you're not sure?

14 A I'm not sure.

15 Q Under what circumstances are passengers within
16 one of your charter buses permitted to stand in the bus?

17 A Permitted to stand? There's -- we don't -- there
18 is no permission of standing, other than to go to the
19 restroom. That's -- besides that, they are instructed to
20 sit down.

21 Q You are saying then that they are not permitted
22 to stand?

23 A That's correct.

24 Q Do you know whether they are permitted to stand,
25 under Pennsylvania law?

1 A Yes, I believe that they are.

2 Q And if so, under what circumstances?

3 A Beyond the line on the bus, as far as I know. I'm
4 not too awful familiar with that, myself.

5 Q When you go to hire a charter bus driver, what
6 are your requirements, under the law, with respect to hiring
7 a charter bus driver?

8 MR. DAVIS: If it please the Court, I think that we
9 have gone long enough on this line of questioning. We
10 already have certain rights here and the question is whether
11 or not there should be a delineation of two specific rights
12 and not a question of whether or not this company is
13 qualified to have rights.

14 MR. McQUAIDE: Your Honor, I take the position that
15 they are seeking to broaden their authority, that they are
16 under the same litany as any other applicant, with regard
17 to operational, technical and financial fitness issues. I
18 think that it is important for the public safety, that if
19 he is to be broadening his authority, which is, in essence
20 almost a duplication of this existing authority with regard
21 to charter work, that the public has the right to know that
22 safety matters are attended to.

23 JUDGE NEMEC: Well, in terms of safety, that is a
24 matter that can be addressed at separate proceedings, if
25 necessary. I think counsel for Applicant is raising the

1 question of whether or not they are entitled to presumption
2 of fitness, since they have existing authority. My under-
3 standing is that they do.

4 MR. McQUAIDE: And I'm trying to rebut the presumption.

5 JUDGE NEMEC: All right. And, you know, you may do
6 so. But as you get into more and more technical areas, I
7 don't know that that carries a great deal of weight, with
8 regard to -- I mean, the witness is in charge of operations.
9 He is not necessarily charged with the intimate knowledge
10 of every detail involved in that operation. He hires other
11 people to do that. That is what his testimony has been.
12 I mean, if you have evidence to the contrary, it behooves
13 you to present that and you can rebut the presumption that
14 way. In terms of your cross-examination of him on these
15 intimate details, I will advise you that it may not get you
16 very far. Okay?

17 The objection is overruled. You may continue.

18 BY MR. McQUAIDE:

19 Q Mr. Tibbott, who hires charter bus drivers in your
20 company?

21 A Who hires them? My father and myself.

22 Q Okay. When you go to hire a charter bus driver,
23 what are the minimum qualifications that are necessary for
24 you to be able to hire that person?

25 A Obviously they have to be licensed.

1 Q In what respect?

2 A CDL license, with a passenger endorsement and we
3 prefer experience.

4 Q Okay. Do they undergo any type of physical exam?

5 A Yes, they -- a DOT physical. We keep a complete
6 DOT file on the drivers. There's drug testing.

7 Q Okay. Explain your drug testing program to me,
8 if you could.

9 A That is another area where -- could that be
10 directed to anybody else?

11 Q If you are not in charge of that department, I
12 will be happy to ask your father that question. Do you get
13 involved, at all with that?

14 A We are starting to. Initially, you know, with
15 the coach drivers, the drug testing is done for preemployment
16 and done. However, right now, we are just getting into for
17 January of '96, all of our drug and alcohol policies, we
18 are just getting started up for all of our other drivers,
19 for CDL.

20 JUDGE NEMEC: CDL stands for what?

21 THE WITNESS: Commercial driver's license.

22 JUDGE NEMEC: Thank you.

23 BY MR. McQUAIDE:

24 Q I'm a little bit confused. Do you currently have
25 a drug testing program in place in your company?

1 A Yes.

2 Q And that program is used for all of your drivers
3 or just part of your drivers?

4 A Just the coach drivers, at this time.

5 Q And is this within the realm of your responsi-
6 bility or is this something that your father would be better
7 equipped to answer, questions with regard to the drug
8 program?

9 A It -- how can I answer it? It starting to be in
10 my realm but he might be able to inform us better on that..

11 Q Is Happy Times Charter, Inc., a separate corpora-
12 tion from Tri-County Transportation, Inc.?

13 A Yes. No. The -- this -- what we are talking
14 about, we are trading as that name.

15 Q So, Happy Times is a trade name?

16 A Right. That's what's on our buses. Tri-County
17 Transportation owns the buses named Happy Times Travel.

18 Q Okay.

19 A Fictitious name.

20 Q Do you know whether or not it is a registered
21 fictitious name?

22 A Yes. I have it right here (indicating). It's
23 on the last sheet of your -- the Application there,
24 fictitious name Happy Times Travel.

25 Q On the last sheet of your Application?

1 A Yes.

2 Q So, there is a typographical error then on your
3 Application, under Item No. 2? The trade name is, in fact,
4 Happy Times Charter, as opposed to Happy Times Charter,
5 Inc., is that correct?

6 A Yes.

7 Q Is your company also a travel agency?

8 A Not this company, no.

9 Q I saw some reference in your marketing exhibits
10 to the fact that you are a travel agency. Could you
11 straighten me out on that, please?

12 A That's a different corporation altogether.

13 Q What corporation is that?

14 A That's Happy Times Travel.

15 Q Okay. And what is the correct legal name of Happy
16 Times Travel? Is there an Inc. on there?

17 A Yes, I believe that it is. Yes.

18 Q Okay. Then with regard to Exhibit A2, which is
19 your blue marketing brochure, you have reference there to
20 Happy Times Travel, which I now understand is a separate
21 corporation, correct?

22 A Yes. In a sense, yes.

23 Q Your PUC number and ICC number for Tri-County,
24 trading and doing business as Happy Times Charter -- do --
25 do you see the confusion there? You have a travel agency

1 that is representing itself to be your PUC and ICC company.
2 Do you see that, Mr. Tibbott?

3 A I see what you are saying, yes.

4 Q Is your Happy Times Travel, Incorporated business
5 a licensed passenger broker?

6 A Yes. Well, explain "licensed passenger broker."

7 Q Does Happy Times Travel, Inc., possess a PUC
8 broker's license for transportation -- for organizing trans-
9 portation of people?

10 A No. No.

11 Q Well, whose brochure then is Exhibit A2? Is it
12 the Applicant's brochure or is it Happy Times Travel, Inc.'s
13 brochure?

14 A Well, it is the Applicant's.

15 Q Okay. Well, you just got done telling me that
16 Happy Times Travel is a separate corporation. And that is
17 the name, is it not, entitled on Exhibit A2?

18 A Yes. And below it is Happy Times Charter.

19 Q Well, I see that on the bus but I don't see that
20 anywhere in the verbiage or the text of the marketing
21 brochure.

22 Now, one of your companies is also advertising
23 limousine service. Which company is advertising that?

24 A That is --

25 Q There is a reference, for example, on the last

1 page of Exhibit A2, to limousine service. My question, once
2 again, which company is representing to possess limousine
3 service capabilities? Is it Happy Times Travel, Inc., or
4 is it your charter company?

5 A The charter company.

6 Q Okay. Now, does your charter company have
7 limousine authority?

8 A Yes.

9 Q And under what docket number would that be?

10 A I don't -- I don't -- I don't have the docket
11 number or anything.

12 JUDGE NEMEC: You may provide that to him later.

13 BY MR. McQUAIDE:

14 Q You mentioned that you have TV's and VCR's in your
15 charter buses.

16 A Yes.

17 Q Are you licensed by BMI or ASCAP, with regard to
18 copyright matters?

19 A No, we don't provide any videotapes on the bus.
20 There is a signed form that we have back in the office, that
21 if anybody brings anything on, they take over the responsi-
22 bility.

23 Q So, you are saying that you are not licensed by
24 either of those two affiliates, BMI or ASCAP?

25 A For -- what are they for?

1 Q For providing facilities for the usage of VCR's
2 and TV's, within your charter buses.

3 A Copyrights?

4 Q Right.

5 A As such?

6 Q Right.

7 A No, because we are not using videos.

8 Q Nevertheless, you provide facilities, do you not?

9 A Yes.

10 Q Okay. And you profit, in connection with your
11 charters, by virtue of having those equipment items within
12 your charter buses, correct?

13 A They are in the buses, yes.

14 Q What is the nature of your advertisement, as is
15 referenced in Exhibit A3, where Portage is identified? That
16 is the Cable One invoice.

17 A Uh-huh.

18 Q What type of ad would you be running in Portage?

19 A That is our same TV commercial ad.

20 Q What is the nature of that advertisement?

21 A It shows the buses and the types of service that
22 we provide and such.

23 Q So, you show a picture of one of your charter
24 buses?

25 A Yes.

1 Q And are you soliciting people, at the current time
2 in Portage?

3 A Are we soliciting?

4 Q By virtue of that advertisement?

5 A Yes.

6 Q And are you -- do you have any pickup and
7 deliveries in Portage, in vehicles in excess of 15?

8 A No, not for an in state trip.

9 Q I know that Mr. Campbell had asked you a question
10 with regard to Exhibit A8, which is the financial statement,
11 dealing with tour bus rental fee of \$21,366. Once again,
12 what is that?

13 A I believe that that is our charter fees.

14 Q So, that isn't a situation where you are actually
15 renting one of your buses to another company?

16 A No, that -- that would be -- no, not that -- that
17 particular line there.

18 Q Do you ever rent any of your equipment out to
19 other entities?

20 A Such as?

21 Q Another bus company that needs a bus for a day.
22 Do you ever rent your bus out to another company?

23 A Yes.

24 Q And can you give me an example of that?

25 A Blue and White might call up and need a bus for a

1 particular trip and if we have one available on that day,
2 they will charter the bus from us.

3 Q Okay. And the bus would then be driven down the
4 road with your name on it?

5 A That's correct.

6 Q And who collects the fee from the people on that
7 bus?

8 A Blue and White.

9 Q And then they remit a fee back to you for the
10 usage of that bus?

11 A That's correct.

12 Q And would that be what tour bus rental fee
13 actually is then, with regard to Exhibit A8?

14 A Maybe. Let's let him answer that.

15 Q Okay. Fair enough.

16 JUDGE NEMEC: Do you want to have him (indicating)
17 answer it off the record? Let's go off the record.

18 (Discussion off the record.)

19 JUDGE NEMEC: Back on the record.

20 BY MR. McQUAIDE:

21 Q Mr. Tibbott, how do you reconcile renting equip-
22 ment which is designated for public use to another entity?

23 A I -- I treat it as another charter. The whole
24 thing is that the bus is available for charter.

25 Q But while it is in the hands of Blue and White,

1 it is no longer in your hands, when it, in fact, is
2 designated for public use, is it not?

3 A It depends upon how you word that. I -- I would
4 say that the public is using it, whether it be McIlwain or
5 Blue and White.

6 Q When it is in Blue and White's hands, you are not
7 exercising dominion or control over your equipment at that
8 point, are you?

9 A Control? What do you mean by "control?"

10 Q You have no control over what is happening with
11 that bus, when it is outside your dominion and control.

12 A I'm not sure what you are getting at.

13 MR. McQUAIDE: I have no further questions.

14 JUDGE NEMEC: Okay. Redirect?

15 MR. DAVIS: Nothing.

16 MR. CAMPBELL: I have nothing.

17 JUDGE NEMEC: Thank you, sir. You are excused.

18 (Witness excused.)

19 MR. DAVIS: We would call Phil Butterbaugh.

20

21 (Witness sworn.)

22 Whereupon,

23 PHILIP FRANCIS BUTTERBAUGH

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. DAVIS:

2 Q State your full name, please, sir.

3 A Philip Francis Butterbaugh, B-u-t-t-e-r-b-a-u-g-h.

4 Q And where do you live, Mr. Butterbaugh?

5 A I live at 106 Stevens Street, Casandra. That's
6 C-a-s-a-n-d-r-a, PA. The ZIP Code is 15925.

7 Q And what is your occupation?

8 A I am a media Promotions Director for Tele Media
9 Corporation. We predominantly own radio stations.

10 Q And do you have an operation venture in Cambria
11 County?

12 A As a matter of fact, the corporate Tele Media
13 Corporation, they own two radio stations: WGLU and WQKK.
14 I predominantly represent WQKK, which is an Ebensburg based
15 radio station.

16 Q And in your occupation, do you have any need or
17 opportunity to deal with Tri-County Transportation and/or
18 other bus companies in the area?

19 A Predominantly 12 months out of the year, we are
20 always doing promotional events. And it gets to be a little
21 hectic at times. Literally speaking, I have a 70-mile
22 radius, with the signal coverage and it is affecting upwards
23 of 10 counties. With the laws and regulations on who can
24 pick up here and who can deliver, it can be a real
25 nightmare.

1 Q And have you taken or organized any trips with
2 Tri-County, with Happy Times?

3 A Just recently, a Kennywood trip.

4 Q And were you satisfied with the operation, with
5 the service and the --

6 A Oh, yes, sir.

7 Q Now, do you feel that there is, in your opinion
8 a need for the extension of the rights, as proposed here?
9 Do you understand the extension of rights?

10 A Yeah, the extension is going to allow them to pick
11 up into the Johnstown market. One thing I do see, at times
12 and this is from previous ventures that we have gone into --
13 how could I say? My management, not thinking far enough
14 ahead when they plan an event and the availability of buses.
15 We've used McIlwain, we've used Lodestar, Blue and White,
16 Fullington. And if you just don't plan far enough ahead,
17 you are going to call up some day and you are going to need
18 four buses, three buses, two buses. You might not get any.
19 And that has been the situation that we have bumped into
20 in the past.

21 Q The -- are you saying that there is actually, with
22 the service that is in the area, there is a need for more
23 service?

24 A Yes.

25 Q You have found that to be your experience?

1 A Yes.

2 Q And do you promote charters, yourself or would
3 you be inclined to just buy a ticket on an already
4 established charter run?

5 A Predominantly we promote the charters, ourselves.
6 We will approach this like -- well, the Kennywood trip was
7 actually just through Kennywood. They paid us to come in
8 and make a Kennywood Day at the park. We -- at that point,
9 we purchased two buses off of McIlwain and one bus off of
10 Happy Times, just due to the signal. It is easier -- my
11 audience doesn't like to travel. Literally speaking, a 70-
12 mile radius, somebody is going to have to travel, somewhere
13 along the line. We booked two out of the Johnstown market,
14 to cover the predominant market that we are in, but because
15 the tower is in Ebensburg, I can't expect somebody from
16 Barnesboro to travel the whole way to Johnstown, effectively
17 an hour traveling, to be picked up in Richland and then
18 travel back after they get back from the trip. So, we
19 always try to book everything.

20 Q And Happy Times did serve you within the area that
21 they are presently allowed to serve with their coaches?

22 A Yes.

23 Q And you understand that this is to remove the
24 restriction relative to the coaches, that they will be able
25 to provide the larger coaches and the better furnished

1 coaches?

2 A Yes, sir.

3 Q They will also be able to provide the school bus,
4 if this will be granted. They would be allowed to use
5 school buses on these charters. Would that have any effect
6 on you?

7 A Well, like on ski trips and stuff like that. It's
8 not that I'm saying that I am looking for an exclusive
9 person to deal with or anything. I'm just looking for the
10 flexibility of -- say if I only had a half of a bus booked
11 out of a market and I booked two buses altogether. It would
12 be the ability of maybe taking a loss initially, by
13 canceling one of the buses and actually having the bus do
14 a double pickup. That was actually the situation that we
15 bumped into recently.

16 Q And how often would you say that you would want
17 to run these promotional tours that you would be sponsoring
18 yourself, more or less sponsor?

19 A We do probably one, two -- I'd say probably one
20 every two months. I -- that would be a minimum.

21 Q And you said you did run into problems?

22 A Yeah. Uh-huh. I -- I will always continue to run
23 into problems. I mean, I deal with Fullington out of State
24 College and Blue and White in Altoona and Bedford, McIlwain
25 and Lodestar in Johnstown. McIlwain can pick up in Somerset

1 but they can't -- Somerset and Cambria, if I am thinking
2 right but Lodestar can only pick up in Johnstown. There's
3 so many restrictions on it. It's -- it literally makes your
4 head spin. If I -- if I knew of one or two or three people
5 that I could deal with consistently, that could pick up in
6 overlapping areas, literally they are all going to get the
7 business. I just need somebody to work with me, when --
8 like I said, when I don't book out enough on one bus, where
9 I could merge two buses together, remote pickup locations
10 to appease my listeners.

11 Q Now, do you have -- have you -- have you testified
12 on behalf of any other applicant, in a similar type of
13 nature?

14 A No.

15 MR. DAVIS: Cross-examine.

16 -----

17 CROSS-EXAMINATION

18 BY MR. CAMPBELL:

19 Q Mr. Butterbaugh, you indicated that your position
20 is Promotions Director? Is that --

21 A Marketing and Promotions Director.

22 Q Marketing and Promotions. And the name of the
23 corporation is?

24 A Tele Media Corporation.

25 Q And as the Marketing and Promotions Director, were

1 you authorized to appear here today and testify by the
2 company?

3 A Yeah. I presented this to my boss and he told
4 me that I was authorized.

5 Q And in speaking for your corporation, you are
6 basically testifying, if I understand you correctly, with
7 respect to radio stations that you own?

8 A No. Just with the one.

9 Q With the one?

10 A We run it -- we run them as two separate
11 companies.

12 Q Okay. And who are you testifying for today?

13 A WQKK.

14 Q And that is located where?

15 A We -- our towers are based in Ebensburg. That
16 is where our FCC license comes from. Our studios or
17 Johnstown office is based in the Cloverleaf Complex.

18 Q Is the trip to Kennywood that you described the
19 only time that you have used Happy Times in the past?

20 A Yeah, that was actually the first time.

21 Q And do I understand that that trip was arranged
22 and paid for by Kennywood?

23 A Yes.

24 Q And if I am correct, Kennywood is located in
25 Pittsburgh?

1 A Right.

2 Q The charter bus provided by Happy Times picked
3 up passengers in the Ebensburg area for that move?

4 A Right.

5 Q And McIlwain provided the two units that went out
6 of Johnstown?

7 A Right.

8 Q You indicated that in the past, you have used
9 other companies and you are aware that some companies have
10 authority in one part of the state and others don't. When
11 was the last time previous to Kennywood that you arranged
12 a charter or a tour with a certificated bus company?

13 A We -- we do so many of them. Actually, how could
14 I say? There's like three distinct people within the
15 company that try and coordinate things together. It depends
16 upon workload, really, who gets stuck with the
17 responsibility of booking and trying to follow through.

18 Q When was the Kennywood trip?

19 A A week -- a week ago? A week ago Monday.

20 Q So, that was very recent and the last time before
21 that was in September or October of last year?

22 A Well, that's why I said, I -- well, let me see.
23 We did a Tom Petty Concert Tour, which would be early
24 spring, late spring.

25 Q And where was that?

1 A It was to Pittsburgh.

2 Q Pittsburgh?

3 A Right.

4 Q And where did service originate for that -- for
5 those -- for that --

6 A That originated in Johnstown. As a matter of
7 fact, we -- I'm not sure who we had that time. Lodestar,
8 I think.

9 Q You mentioned the fact that you had used
10 Fullington out of the State College area?

11 A We -- the way that our signal is configured, we
12 have -- we are running a -- technically a simulcast. We
13 have two frequencies. We have a 3,000-watt tower in State
14 College and we have a 50,000-watt tower in Johnstown. They
15 are linked together via optical phone line and when we do
16 promotions in State College, they utilize Fullington Bus
17 Tours.

18 Q Are you, personally involved in that or is that
19 someone in State College?

20 A No. That -- like I said the company is so big
21 that if you are not doing anything at the time, you get
22 designated.

23 Q Are you aware that Fullington can originate
24 charter service not only in Center County but also
25 Clearfield County and in Cambria County, from any point?

1 A I -- I knew of Clearfield. Cambria, I wasn't
2 sure, because I knew that they couldn't cross over the Blair
3 County.

4 Q It is your impression that they can't originate
5 in Blair County?

6 A From years ago, from previous contact with Laurie
7 Fullington.

8 Q If that were incorrect and if they could originate
9 in Cambria, Blair, Clearfield, Center Counties and your goal
10 is to find one carrier that can be responsible for all of
11 these moves, wouldn't it be an advantage to use a company
12 like Fullington?

13 A At -- at times. It just depends. I mean, I might
14 call them up and they might not have any buses, too, you
15 know.

16 Q And you might call up Happy Times and they may
17 have no buses either?

18 A They might not have any buses. I might call them
19 all. I mean, I've actually gotten into that situation.
20 That is where it gets to be odd.

21 Q When you said that you ran into problems, was that
22 in connection with charters or individual tours or out of
23 what areas?

24 A Availability.

25 Q Have you ultimately been able to find a carrier

1 for all of the trips that you have promoted?

2 A Usually if you call around enough, you -- like
3 I said, it's -- it's a given that there's always going to
4 be a monkey wrench.

5 Q During peak periods, every carrier is going to
6 be short on equipment, is that what you are saying?

7 A Yes.

8 MR. CAMPBELL: Thank you, sir. That is all that I
9 have.

10 -----
11 CROSS-EXAMINATION

12 BY MR. McQUAIDE:

13 Q Sir, with regard to these promotional trips, such
14 as the Kennywood trip that was recently taken, where you
15 used Happy Times, who actually pays the carrier? Is it your
16 company or Kennywood, on that occasion?

17 A It will be Kennywood. That's -- how can I --
18 that was handled through my boss, who basically wanted to
19 do a regional Kennywood Day and said, you know, "Who can
20 we work with on putting together something like this?" And
21 the suggestion was made that with the Happy Times pickup
22 in the northern part of the county, effectively they could
23 blanket that area for me. The situation that eventually
24 arose was that I had two buses booked out of Johnstown and
25 one bus booked out of Ebensburg, which literally, I could

1 have probably filled two buses, but since deposits were made
2 and stuff like that. In this particular case, one carrier
3 could have worked. You know, I could have run two buses
4 and that's where a situation has arisen. It -- it wasn't
5 as cost effective.

6 Q So, Kennywood paid the tab for the charter bus?

7 A Uh-huh.

8 Q And who makes the carrier selection then? Is it
9 Kennywood or is it you?

10 A It -- it is a -- apparently, it was a conversa-
11 tion between my boss and the Marketing Director at Kennywood,
12 where they sat down and said, "Which ones would best work?"

13 Q Okay. And this is typically how a promotional
14 trip is handled?

15 A No. No. This is very unconventional. Most of
16 the time we make the marketing decisions on who, what, when,
17 where, why.

18 Q Okay. And most of the time then you pay the tab
19 to the carrier?

20 A Uh-huh.

21 Q And does your company have a passenger broker's
22 license?

23 A No.

24 MR. McQUAIDE: I have no further questions.

25 MR. DAVIS: I might just ask one question, if I may.

REDIRECT EXAMINATION1
2
3 BY MR. DAVIS:4 Q One of Mr. Campbell's questions suggested that
5 your goal was to find one company to do all of your trans-
6 portation -- fill all of your transportation needs. I
7 thought that your -- in your direct examination you
8 suggested that that wasn't the case, that you were looking
9 for a free and open market.10 A Yeah, that's basically -- I mean, I -- realisti-
11 cally, knowing how everything is put together, I don't
12 foresee one company ever handling it. You know, that would
13 be like me having -- trying to put a promotion together in
14 Westmoreland County. I'm not going to have one company who
15 handles it. I'm looking for flexibility of being able to
16 utilize different companies, for different services, other
17 rate or whatever.

18 MR. DAVIS: That is all that I would have.

19 JUDGE NEMEC: Any additional cross-examination?
20-----
RECROSS-EXAMINATION21
22 BY MR. McQUAIDE:23 Q I have one additional question for you. When you
24 put these promotional tours together and you are paying for
25 the carrier, do you ultimately get paid then by the actual

1 passenger on board for that particular trip?

2 A Not really, I --

3 Q So, this is a free trip for the passengers?

4 A Well, like when they set them up a lot of times,
5 like when we did the Tom Petty Concert thing, it was all --
6 we co-promoted it. It was set up through -- well, I am just
7 recalling some of this. It was set up through Daugherty
8 Tours, where they purchased the block of tickets and they
9 co-promoted it with us and we did the advertisement. It's
10 like you asked me if I had a passenger or the ability to
11 broker things. I don't know if I do or if I don't. I said
12 no but I'm not sure. But it is a very -- we cover the
13 tickets sometimes, and sometimes our clients cover the
14 tickets. Ultimately, I'd love to find somebody who would
15 buy the block of tickets, buy the bus and we'd just let them
16 do it all. But there's nobody out there right now who does
17 things like that.

18 Q If Rex McQuaide is a listening customer of WQKK
19 and I hear there's a Tom Petty Concert going on, do I have
20 to pay anything to go on this bus that you organize?

21 A Yeah. Somebody -- you are going to pay it to
22 somebody: Either the person who chartered the bus, if it
23 was a client that chartered the bus or if it was Quick Rock
24 that chartered the bus.

25 Q So, you are a middleman, so to speak, coordinating

1 efforts?

2 A Yeah, I am handling the on air promotion and, you
3 know, as far as the accountants and all of that, they --
4 they worry about that.

5 MR. McQUAIDE: I have no further questions.

6 JUDGE NEMEC: Anything else for this witness?

7 (No response.)

8 JUDGE NEMEC: Thank you very much, sir. You are
9 excused.

10 (Witness excused.)

11 MR. DAVIS: Mr. Koban?

12 -----

13 (Witness sworn.)

14 Whereupon,

15 ROBERT A. KOBAN

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. DAVIS:

19 Q Would you state your full name, please?

20 A Robert A. Koban.

21 Q And where do you live, Mr. Koban?

22 A Portage, P-o-r-t-a-g-e.

23 Q And that is in Cambria County?

24 A Yes, it is.

25 Q It is one of the towns on the map there in front

FORM 1

1 of you (indicating)?

2 A Yes, it is.

3 Q Do you have occasion to travel by bus, by
4 chartered bus, in groups or parties?

5 A Yes, I do.

6 Q And could you give us a brief resume of what those
7 occasions were and who you traveled with?

8 A I traveled to Atlantic City with Blue and White
9 and I traveled to Seven Springs with Happy Times, traveled
10 to the Youghiogheny River with Happy Times, concerts with
11 Happy Times.

12 Q Have these been instances where you were picked
13 up at your home or near your home location?

14 A No.

15 Q Where did you have to go for service?

16 A Ebensburg is the closest.

17 Q And how far away is that from your home?

18 A Approximately, 15 miles.

19 Q And do you intend to do these types of travelings
20 in bus -- and use this bus service in the future?

21 A Yes.

22 Q Similar type things?

23 A Yes.

24 Q And you understand that the purpose of this hearing
25 is to remove the restrictions and to -- that Happy Times

1 presently has on their operating privileges, to allow them
2 to come into your area with coaches?

3 A Yes.

4 Q And would that be of benefit to you?

5 A Yes.

6 Q Explain, maybe on one trip how that would benefit
7 you, I mean, the problems that you have.

8 A Shorter traveling distance, before and after.
9 Like if you are going to a concert, you don't get back until
10 after, I'd say twelve or one o'clock in the morning and you
11 have to travel from Ebensburg, to where -- a lot of the
12 buses pick up in Portage in Riverside. That's approxi-
13 mately maybe three minutes away from my home.

14 Q As opposed to?

15 A Fifteen miles into Ebensburg.

16 Q And if you had a shuttle service that would pick
17 you up, would that alleviate the problem?

18 A Well, if we were to travel to like Seven Springs
19 and carry skis, to try to transport -- you are kind of
20 worried about your equipment getting banged around, from
21 the shuttle bus to the charter bus. The Atlantic City
22 trips, if you would travel overnight, you would have luggage
23 getting tossed around, there again, from a shuttle bus to
24 a charter bus.

25 Q Have you ever testified on behalf of another

1 applicant, relative to this type of service?

2 A No, I have not.

3 MR. DAVIS: Cross-examine?

4 -----

5 CROSS-EXAMINATION

6 BY MR. CAMPBELL:

7 Q Mr. Koban, am I pronouncing your name correctly?

8 A Yes.

9 Q The Atlantic City trip that you took with Blue
10 and White, where did that originate? Where did the bus pick
11 you up for that trip?

12 A Riverside parking lot in Portage.

13 Q In Portage?

14 A Yes, sir.

15 Q And with respect to the trips that you described
16 with Happy Times, each of those originated at Ebensburg?

17 A Yes. Well, I did drive to Barnesboro one time.

18 Q Okay. But on all occasions, it was north of Route
19 22?

20 A Right.

21 Q And on each of the occasions when you have
22 traveled with Happy Times, have you purchased an individual
23 ticket, where you paid a certain number of dollars for your
24 ticket, to go to Seven Springs or to the concern or what
25 have you?

1 A Yes, I have.

2 Q So, you are not appearing here on behalf of any
3 organized group, you are appearing as an individual, for
4 yourself?

5 A Yes.

6 MR. CAMPBELL: Thank you, sir.

7 MR. McQUAIDE: I have no questions.

8 JUDGE NEMEC: Thank you, sir.

9 (Witness excused.)

10 MR. DAVIS: Linda Baughn?

11

12 (Witness sworn.)

13 Whereupon,

14 LINDA LEE BAUGHN

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. DAVIS:

18 Q Would you state your name for the record, please?

19 A Linda Lee Baughn.

20 Q And where do you live, Ms. Baughn?

21 A In Portage.

22 Q And that is in Cambria County?

23 A Yes, it is.

24 Q The same town as Mr. Koban?

25 A Yes.

1 Q And do you have the opportunity to use bus
2 services, group or --

3 A Right.

4 Q And would you explain briefly what those were?

5 A Once we used Fullington to go to the Dutch Apple
6 and Blue and White to go to Washington.

7 Q And on these occasions, where were you picked up
8 and where did you --

9 A Riverside in Portage.

10 Q Riverside in Portage?

11 A Yes, sir.

12 Q Do you feel that there is a necessity for the
13 granting of the Application in this instance, to allow Happy
14 Times Travel, Tri-County to come into your area for pickup?

15 A Uh-huh. Yeah, I do.

16 Q And why would you say that?

17 A Well, I'd like to go on other trips, but I don't
18 like driving a distance. It is more convenient to be picked
19 up at Riverside.

20 Q Are you familiar with some of the opportunities
21 that Happy Times Travel has promoted for their trips?

22 A A little. I'm just starting to go on trips.

23 Q You are just getting into the bus business, are
24 you?

25 A Uh-huh.

1 Q Okay. And do you feel that there is a necessity
2 for an opening of this market, to allow the other bus
3 carriers to come in?

4 A Yes.

5 Q Do you have any specific designations that you
6 feel that you'd like to go to or anything that is in your
7 mind?

8 A Oh, a lot of places.

9 Q Okay.

10 MR. DAVIS: Cross-examine.

11

12

CROSS-EXAMINATION

13 BY MR. CAMPBELL:

14 Q Ms. Baughn, am I correct in understanding that
15 like the last witness, you are not appearing here on behalf
16 of an organized group, you are testifying for yourself,
17 individually?

18 A That's correct.

19 Q And you'd like to be able to buy a ticket for a
20 tour that Happy Times might promote, to go to some
21 destination where they could pick you up in Portage?

22 A Yes.

23 Q The two trips that you mentioned, one you said
24 was with Fullington?

25 A Uh-huh.

1 Q And what was the destination for that trip?

2 A I think that was to the Dutch Apple Theater in
3 Lancaster.

4 Q Okay. And was that also a trip where, rather than
5 being a part of a group, you purchased an individual ticket?

6 A No, I was part of a group.

7 Q Okay. And so, you were part of a chartered group,
8 on that occasion?

9 A Uh-huh.

10 Q How about the Blue and White trip to Washington?
11 That is where you were part of a chartered group?

12 A Right.

13 MR. CAMPBELL: Okay. Thank you very much.

14 MR. McQUAIDE: I have no questions.

15 JUDGE NEMEC: Thank you, ma'am.

16 (Witness excused.)

17 MR. DAVIS: Meg Price?

18 -----

19 (Witness sworn.)

20 Whereupon,

21 MARGARET J. PRICE

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. DAVIS:

25 Q Your full name, please?

FORM 1

1 A Margaret J. Price.

2 Q P-r-i-c-e?

3 A Yes.

4 Q Where do you live, Ms. Price?

5 A Portage.

6 Q And that is the same Portage as the previous
7 witness?

8 A Uh-huh.

9 Q And what is your experience, relative to charter
10 buses or trips on buses?

11 A Well, for the last 12 years, I've made many trips
12 to Atlantic City on Blue and White and recently I have been
13 to Washington, D.C., on Blue and White.

14 Q And do you prefer to travel this way?

15 A Yes.

16 Q And where were you picked up by the Blue and White
17 trips?

18 A At Riverside, in Portage.

19 Q In Portage?

20 A Right.

21 Q Was this just a matter of several minutes from
22 your home?

23 A Yes.

24 Q And do you have any desire to see other buses,
25 in particular the Tri-County, other bus lines come into your

1 area?

2 A Yes.

3 Q And why would you say that?

4 A Well I, too, agree that it is easier to take five
5 minutes to go from home, to a destination where you can be
6 picked up, other than driving 15, 20 miles away.

7 Q And are you interested in taking some of the tours
8 that are proposed by Happy Times here?

9 A Uh-huh.

10 Q Do you represent any group or party?

11 A No. Just myself.

12 MR. DAVIS: Cross-examine.

13

14 CROSS-EXAMINATION

15 BY MR. CAMPBELL:

16 Q Ms. Price, in the past, the trips that you have
17 taken have been with Blue and White?

18 A Uh-huh.

19 Q Have they been generally satisfactory to you?

20 A Yes.

21 Q You have not traveled in the past with Happy
22 Times?

23 A No.

24 Q How did you find out about this hearing today?

25 A Well, we have -- four of us are going to Disney

1 World and we have our airfare through Happy Times and we
2 were asked if we would represent them today and I was glad
3 to do it, because I like to travel with them.

4 Q So, you -- excuse me, but you know of Happy Times
5 Charter because you have dealt with Happy Times Travel in
6 the past and they asked you if you would come down as an
7 accommodation, to testify for them?

8 A Yes.

9 MR. CAMPBELL: That is all that I have. Thank you.

10 MR. McQUAIDE: No questions.

11 JUDGE NEMEC: Thank you, ma'am.

12 (Witness excused.)

13 MR. DAVIS: Janie Boast?

14 -----

15 (Witness sworn.)

16 Whereupon,

17 MARY JANE BOAST

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. DAVIS:

21 Q Would you state your full name, please?

22 A Mary Jane Boast.

23 Q B-o-a-s-t?

24 A That's right.

25 Q Where do you live, Ms. Boast?

1 A Portage.

2 Q And what is your experience regarding the use of
3 bus transportation, be it group or party?

4 A Well, I've taken several bus trips to D.C., and
5 Lancaster and Virginia, with Blue and White and Fullington.

6 Q And are you familiar with the purpose of this
7 Application and the purpose of this hearing?

8 A Yes.

9 Q What were your thoughts with regard to the
10 granting of this Application to Happy Times Charter?

11 A I think it is a good thing, because I think they
12 have more variety and we have a chance to select more trips
13 and especially if they come to Portage.

14 Q Are you familiar with some of the trips that they
15 offer?

16 A Yes, I've read their brochures.

17 Q And you are interested in some of those?

18 A Yes.

19 MR. DAVIS: Cross-examine.

20

21 CROSS-EXAMINATION

22 BY MR. CAMPBELL:

23 Q On your past trips with Blue and White and
24 Fullington, was the service satisfactory?

25 A Very.

1 Q Did you have good trips?

2 A Very good.

3 Q And you have not traveled in the past with Happy
4 Times?

5 A No, not yet.

6 Q Are you one of the four who is going to Disney
7 World?

8 A That's right.

9 Q And besides Margaret Price, who are the other two?

10 A Linda and Dorothy Farren.

11 Q Linda Boast, the previous witness?

12 A Right. Yes.

13 MR. DAVIS: That's all that I have. Thank you.

14 MR. McQUAIDE: I have no questions. Thank you.

15 JUDGE NEMEC: Thank you, ma'am.

16 (Witness excused.)

17 MR. DAVIS: I call Dorothy Farren.

18 -----

19 (Witness sworn.)

20 Whereupon,

21 DOROTHY L. FARREN

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. DAVIS:

25 Q Your full name, please?

1 A Dorothy L. Farren, F-a-r-r-e-n.

2 Q Okay. And where do you live?

3 A I live in Portage.

4 Q And that is the same Portage as the previous
5 witness?

6 A Right. Yes.

7 Q You are part of the package?

8 A I am part of the package.

9 Q Okay. And have you traveled by bus transportation
10 before?

11 A A few times. I had been working full time and
12 so, I didn't have too many opportunities to do that, but
13 now that I am semi-retired, why, I got the chance to go on
14 a couple of bus trips. I went to Atlantic City a couple
15 of times and to the Lancaster area and the D.C. area.

16 Q And where were those pickups for those trips that
17 you took?

18 A They were at Riverside in Portage.

19 Q At Riverside in Portage?

20 A Right. Yes.

21 Q And are you familiar with some of the trips
22 offered by Happy Times Travel, the Applicant here?

23 A Not too much. I'm just now, like I said beginning
24 to get into this travel business.

25 Q Okay. And would you be interested in having them

1 in that area for pickups, if they would come into that area?

2 A Yes. Yes, I would.

3 Q And what -- what would your reason be?

4 A I -- I do drive and -- but nighttime driving I
5 don't care too much for and when you get back late at night
6 and have to drive completely from Ebensburg down to -- it's
7 -- it's very inconvenient.

8 MR. DAVIS: Thank you. That's all. Cross-examine.

9

10 CROSS-EXAMINATION

11 BY MR. CAMPBELL:

12 Q On the previous trips that you described, using
13 other carriers, did they pick you up right in Portage?

14 A Right at Riverside, yes.

15 Q And was the service that you received satisfactory
16 to you?

17 A Yes, it was.

18 Q And you have not traveled with Happy Times
19 Charter?

20 A No, I haven't.

21 Q So you don't know what kind of service that they
22 provide?

23 A No, I don't.

24 Q But you dealt with Happy Times Travel Agency?

25 A We have been in contact with them for our coming up

1 trip, yes.

2 Q And they asked if you wouldn't come down and
3 testify today?

4 A Yes.

5 MR. CAMPBELL: That is all that I have.

6 MR. McQUAIDE: I have no questions.

7 JUDGE NEMEC: Thank you, ma'am. You are excused.

8 (Witness excused.)

9 MR. DAVIS: Marcia Packauski?

10

11 (Witness sworn.)

12 Whereupon,

13 MARCIA JEAN PACKAUSKI

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. DAVIS:

17 Q Your full name, please?

18 A Marcia Jean Packauski.

19 Q Maybe you might spell that.

20 A P-a-c-k-a-u-s-k-i.

21 Q And where do you live, Ms. Packauski?

22 A Portage.

23 Q And that's the same Portage as the previous
24 witness?

25 A Yes, sir.

1 Q You are not the trip to Disney World, though?

2 A No.

3 Q Have you taken bus trips and charter services in
4 the past?

5 A Not as yet. I'm must starting to get into the
6 bus trips.

7 Q Okay. And you are interested in doing some of
8 that?

9 A Yes. Yes.

10 Q Why would you support the Application here of Tri-
11 County or Happy Times, to be able to come into your area
12 for pickup? What would be your reason?

13 A Well, I think it would be more convenient and I
14 like the packages that Happy Times has.

15 Q Now, as far as being more convenient, would you
16 expand on that a little bit, from your viewpoint?

17 A Well, I don't drive and I have to depend upon
18 somebody to take me and pick me up and if they could pick
19 me up in Portage, it would be better.

20 Q And how about, you said you like some of the
21 packages. You are familiar with some of their brochures
22 or their ads and so forth?

23 A Yes. Yes. Yes.

24 Q And they interest you?

25 A Yes.

1 MR. DAVIS: Cross-examine.

2 -----

3 CROSS-EXAMINATION

4 BY MR. CAMPBELL:

5 Q How did you learn of this hearing today?

6 A My daughter works for Happy Times Travel.

7 Q And she asked if you'd come down and testify?

8 A Yes.

9 MR. CAMPBELL: That's all that I have. Thank you.

10 MR. McQUAIDE: I have no questions.

11 JUDGE NEMEC: Thank you.

12 (Witness excused.)

13 MR. DAVIS: Jean Benden?

14 -----

15 (Witness sworn.)

16 Whereupon,

17 REGINA BENDEN

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. DAVIS:

21 Q Your full name, please?

22 A Regina Benden.

23 Q B-e-n-d-e-n?

24 A Yes.

25 Q Where do you live, Ms. Benden?

FORM 1

1 A Portage.

2 Q And what is your experience with bus travel?

3 A Oh, I've had quite a bit. Not recently, but I
4 used to always go with the senior citizens.

5 Q Of Portage, is that correct?

6 A Yes.

7 Q And on those trips, where were you picked up?

8 A In Portage.

9 Q And are you familiar with the Application here
10 on Tri -- that Tri-County has made, for the broadening of
11 their particular rights, to be able to pick up?

12 A Right.

13 Q And why does that interest you?

14 A Well, maybe I would want to go on a trip and I
15 don't drive and I have no transportation.

16 Q And have you examined any of their brochures or
17 seen any of their advertisements?

18 A No, I haven't.

19 Q But you feel that you are interested in --

20 A Yes, I am.

21 Q How often would you have gone on trips in the
22 past?

23 A Well, maybe every couple of months.

24 Q Okay. And would you intend maybe to do that in
25 the future, if the trips appealed to you?

1 A Yes.

2 MR. DAVIS: Cross-examine.

3 -----

4 CROSS-EXAMINATION

5 BY MR. CAMPBELL:

6 Q Ms. Benden, you are appearing, like the other
7 witnesses, on your own behalf and not for any group?

8 A Right.

9 Q And when was the last time that you took a trip
10 by a bus to a Pennsylvania point?

11 A Oh, I imagine it was about five years ago.

12 Q And how did you become familiar with the Applica-
13 tion hearing today that we are here for?

14 A My granddaughter works for the travel --

15 Q For Happy Times Travel?

16 A Uh-huh.

17 MR. CAMPBELL: Thank you. That is all that I have.

18 MR. McQUAIDE: I have no questions.

19 JUDGE NEMEC: Thank you, ma'am.

20 THE WITNESS: Thank you.

21 (Witness excused.)

22 MR. DAVIS: Tim McGarry?

23 -----

24 (Witness sworn.)

25 Whereupon,

1 TIM A. MCGARRY

2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. DAVIS:

5 Q Your full name, please?

6 A Tim A. McGarry.

7 Q Spell your last name.

8 A M-c-G-a-r-r-y.

9 Q Two "r's"?

10 A Right.

11 Q And where do you live, Tim?

12 A Lilly, Pennsylvania.

13 Q And is Lilly on the map there (indicating)?

14 A Yes.

15 Q It is in the area we are talking about for the
16 extension of rights, is that right?

17 A Right.

18 Q And are you a bus traveler?

19 A Yes.

20 Q And what do you -- what have you done, as far as
21 group or party charter work?

22 A A couple of Atlantic City trips from McIlwain,
23 Blue and White, baseball trip from Happy Times, White Water
24 Rafting.

25 Q White Water Rafting with?

1 A Happy Times.

2 Q And on those, where were your pickups?

3 A Ebensburg.

4 Q On all of them or just the Happy Times?

5 A Oh, just the Happy Times. McIlwain was Johnstown
6 and Blue and White was Portage.

7 Q And what would the benefit be to you if they would
8 extend this service, if the Commission would so see, to
9 remove the restrictions?

10 A It would be a lot better than going to Ebensburg.
11 It would be quicker for me to go to Portage. That's only
12 three miles away, to 10, 11. And you're worrying about
13 parking up there, which --

14 Q And how about the convenience that Mr. Koban
15 referred to? Do you ever take things with you, luggage?

16 A Oh, yeah. Yeah.

17 Q Other devices and things?

18 A Yeah.

19 Q And would a 15-passenger shuttle bus suit your
20 needs, as far as you are concerned?

21 A No, it would not. Flat out, no.

22 Q Okay.

23 A I don't see why there should be a reason for that,
24 for anybody.

25 Q Do you intend to take trips in the future?

1 A Oh, yes.

2 Q Have you examined any of the brochures or
3 advertising of Happy Times?

4 A Uh-huh. Yes.

5 Q And are you interested in some of those?

6 A Yes. Like this Saturday, for instance. The White
7 Water trip. I have to go to Ebersburg, which would have
8 been a lot easier just to go to Portage. I have a few
9 people going from Portage, who -- now I have to drive to
10 Ebersburg, because they don't want to.

11 MR. DAVIS: Okay. Cross-examine.

12

13 CROSS-EXAMINATION

14 BY MR. CAMPBELL:

15 Q Mr. McGarry, are you -- am I correct in under-
16 standing that you are appearing here on your own behalf,
17 personally, individually, not on behalf of some group or
18 organization?

19 A Right.

20 Q And on the trips that you described, in each of
21 those -- on each of those occasions, you bought an
22 individual ticket and you traveled as an individual, with
23 a bunch of other people, going to these events that you are
24 describing?

25 A Right. Right.

1 MR. CAMPBELL: Thank you, sir. That is all that I
2 have.

3 MR. McQUAIDE: I have no questions.

4 JUDGE NEMEC: Thank you.

5 (Witness excused.)

6 MR. DAVIS: Linda Korlewitz.

7 -----

8 (Witness sworn.)

9 Whereupon,

10 LINDA JOAN BOYARSKY KORLEWITZ

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. DAVIS:

14 Q Your full name, please?

15 A Linda Joan Boyarsky Korlewitz, K-o-r-l-e-w-i-t-z.

16 Q And where do you live?

17 A 785 Case Avenue, Johnstown, Pennsylvania.

18 Q Are you a bus traveler?

19 A I have traveled by bus.

20 Q On what occasions, just briefly?

21 A I've gone to Atlantic City on day trips. I also
22 provide transportation from my mother's home to bus stops,
23 because my mother travels monthly on the Atlantic City
24 trips.

25 Q And whose trips are those?

FORM 1

1 A She has gone with McIlwain and she goes with Blue
2 and White. The Blue and White is a charter that she goes
3 with.

4 Q And she -- where does she make those pickups?

5 A McIlwain, she was getting picked up in Westmont.
6 Blue and White, she gets picked up in downtown Johnstown,
7 at the transit center. I provide her transportation,
8 because she doesn't drive.

9 Q Okay. You do the shuttle, yourself?

10 A Yes, which means I get up sometimes at the crack
11 of dawn to go and pick her up and take her to the bus.

12 Q Now, you understand what this Application is for,
13 for the removal of the restrictions on Happy Times?

14 A Yes, I do.

15 Q So that they can bring their coaches into the
16 area?

17 A Yes, I do.

18 Q And how would that affect you and how would that
19 benefit you?

20 A Well, if they would bring it in, it would be more
21 competition. They might have a little bit better hours for
22 her to get to the bus, which means I would not be traveling
23 late or early in the mornings.

24 Q And you feel that the market should be open, as
25 far as -- that is your feeling?

1 A Yes, free enterprise.

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

3 -----

4 CROSS-EXAMINATION

5 BY MR. CAMPBELL:

6 Q Ms. Korlewitz, I'm not clear if you are testifying
7 here with respect to your own personal needs or to your
8 mother's needs.

9 A Well, both of them. It affects me.

10 Q Have you, personally in the past traveled on
11 bus trips?

12 A Yes, I have.

13 Q When was your most recent bus trip?

14 A Approximately two years ago.

15 Q Your mother, however, is a pretty regular
16 customer?

17 A Yes, she is.

18 Q And are all of her trips to Atlantic City, the
19 ones that you have described?

20 A Yes, they are.

21 Q How did you find out about the hearing today?

22 A I have a vacation booked through Happy Times
23 Travel.

24 Q Okay. And they asked you if you would come down
25 here and testify?

1 A Yes, they did.

2 MR. CAMPBELL: Thank you very much. That is all that
3 I have.

4 THE WITNESS: You're welcome.

5 MR. McQUAIDE: No questions. Thank you.

6 JUDGE NEMEC: Thank you very much, ma'am. You are
7 excused.

8 (Witness excused.)

9 MR. DAVIS: Carl Jeske.

10 -----

11 (Witness sworn.)

12 Whereupon,

13 CARL JESKE, JR.

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. DAVIS:

17 Q Your full name, please?

18 A Carl Jeske, Jr.

19 Q And where do you live?

20 A Johnstown, Pennsylvania.

21 Q Do you use the services of charter and group tour
22 buses?

23 A I do.

24 Q Could you give us some examples?

25 A Well, I used McIlwain, Blue and White, I've gone

FORM 1

1 to Atlantic City, gone to State College, a play there and
2 Hershey, PA, to plays down there and I've gone to Florida
3 with McIlwain, Lodestar. I've gone to Florida with McIlwain.

4 Q And do you understand the nature of this
5 proceeding here, for the extension of rights for Happy Times
6 Travel?

7 A I do.

8 Q And what is your interest in supporting this
9 Application?

10 A Well, I'm pretty active with the senior activity
11 center in Johnstown and as volunteer, they asked me to book
12 trips. So, I got into booking trips. I booked a couple
13 to Las Vegas. And I called around to different agencies,
14 I mean, that is travel agencies, for shuttle trips, from
15 Johnstown to the Pittsburgh Airport and of course, I do that
16 through the courtesy of A&P Tours out of McKeesport. They
17 help me along on that. And the money that we make, we
18 donate back to the senior activity center in Johnstown. So
19 far, I've used -- been able to use Lodestar and McIlwain
20 on those trips.

21 Q And why would you want this opened up for Tri-
22 County?

23 A I did call Happy Times Travel to see what kind
24 of a price they would give me for their shuttle service
25 between Johnstown and Pittsburgh Airport and they said --

1 they said that they could not quote any because they could
2 not pick anybody up in Johnstown.

3 Q Your interest then is to open the market up, so
4 that you can get a better quote?

5 A Right. Right.

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

7

8 CROSS-EXAMINATION

9 BY MR. CAMPBELL:

10 Q Sir, the trips that you described to Las Vegas,
11 have they -- are they actually going to take place? Have they
12 taken place?

13 A They have taken place.

14 Q and you found a bus company that would transport
15 you down to Pittsburgh, to the airport?

16 A Yes, sir.

17 Q And the service was satisfactory?

18 A Yes, sir.

19 Q And on those occasions when the senior citizens
20 center has put together something like this and you
21 volunteered to coordinate it, does each passenger pay for
22 their own individual ticket?

23 A They do.

24 Q On the occasion that you described when -- other
25 than the senior citizens center that you just described,

1 but when you went with other carriers to Atlantic City and
2 State College and Hershey and so on, were those also trips
3 where you individually purchased your own ticket and
4 traveled as an individual passenger?

5 A I did.

6 Q So, you are appearing for yourself, individually?

7 A Right.

8 MR. CAMPBELL: Thank you, sir.

9 MR. McQUAIDE: I have no questions.

10 JUDGE NEMEC: Thank you, sir.

11 (Witness excused.)

12 MR. DAVIS: George Koontz?

13 -----

14 (Witness sworn.)

15 Whereupon,

16 GEORGE KOONTZ

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. DAVIS:

20 Q Your full name, please?

21 A George Koontz.

22 Q And spell your last name, please?

23 A K-o-o-n-t-z.

24 Q And where do you live, Mr. Koontz?

25 A Johnstown.

1 Q And are you into travel by charter bus and group
2 and party?

3 A We're certainly hoping to.

4 Q Have you done so in the past?

5 A No.

6 Q What is your interest in this particular
7 Application, for the extension of rights for Tri-County or
8 Happy Times Travel?

9 A Well, one thing is my age, one thing is the fog,
10 I don't want to make a trip if I can't get up there and I
11 don't like to leave my car sit someplace strange.

12 Q How about the present service that is available?
13 We have quite a few different bus lines that are operating
14 now through this particular area. Have you had a problem
15 with any of those people?

16 A No. None.

17 Q Then why would you want this opened up?

18 A Well, when we do travel, we want to be ready. We
19 don't want to be running up to Ebersburg or wherever.

20 Q Have you looked at any of the brochures or the
21 newspaper advertisements of Happy Times?

22 A We have done -- well, no.

23 Q Is your main purpose here then just to merely open
24 the market up? Is that the way that you feel about it?

25 A Right.

1 Q For anybody? You would be in favor of opening
2 it up?

3 A Certainly would.

4 MR. DAVIS: Cross-examine.

5

6 CROSS-EXAMINATION

7 BY MR. CAMPBELL:

8 Q Mr. Koontz, you are also appearing here just on
9 your own behalf, testifying as an individual witness?

10 A Right.

11 Q And how did you learn about the hearing today?

12 A We just found out -- a fellow called me from
13 Portage -- from Altoona, who does a lot of traveling and
14 he knows that we went all over on cruises and that and he
15 said, "You're starting to travel in buses. You're going
16 to have problems." And I said, "What do you mean?" He
17 said, "You can't get everything coming to Johnstown." And
18 he mentioned this particular hearing. I said, "Well --"

19 Q Excuse me, sir. I don't mean to cut you off, but
20 who was this individual who called you from Altoona?

21 A Yeah, I used to be a salesman and he was a
22 salesman. He guided us, in the beginning.

23 Q And what is his name?

24 A Well, at the beginning of our traveling time. And
25 we used to go up through Canada and drive, when we drove

1 ourselves. But now we are getting a little too old to be
2 driving all over the country.

3 Q I'm not sure that I made my question clear. Who
4 -- what is the fellow's name that you are talking about?

5 A Parker.

6 Q Parker?

7 A Right.

8 Q And you haven't made any individual effort on your
9 own behalf to find out what carriers are available out of
10 Johnstown?

11 A Right.

12 MR. CAMPBELL: That's all.

13

14

CROSS-EXAMINATION

15 BY MR. McQUAIDE:

16 Q Mr. Koontz, are you aware that there are other
17 carriers who are presently authorized to handle the service
18 out of Johnstown?

19 A Certainly. Certainly.

20 Q And do you have any objection to using those
21 carriers?

22 A None.

23 MR. McQUAIDE: Thank you.

24 JUDGE NEMEC: Thank you, sir. You are excused.

25 (Witness excused.)

1 MR. DAVIS: Frances Koontz.

2 -----
3 (Witness sworn.)

4 Whereupon,

5 FRANCES KOONTZ

6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. DAVIS:

9 Q And your name, please?

10 A Frances Koontz, spelled the same, unfortunately.

11 Q And your address?

12 A Johnstown.

13 Q And was the previous witness your husband?

14 A He certainly was.

15 Q Is he still?

16 A Well, there are times.

17 Q You heard his testimony here today?

18 A I surely did.

19 Q Would you have any additions or corrections to
20 make in what he said?

21 A No, that's exactly the way that it was. His
22 friend called up and he said, "We're going, baby."

23 Q You are interested in opening the market up?

24 A Oh, we certainly are. We certainly are.

25 MR. DAVIS: Cross-examine, please.

CROSS-EXAMINATION1
2
3 BY MR. CAMPBELL:4 Q Mrs. Koontz, you realize that you are under oath,
5 don't you?

6 A You bet.

7 Q Do you still say that he is the boss in your
8 family?9 A I want to tell you something, it will appear on
10 the surface that he is a big, happy-go-lucky guy. Forget
11 that.

12 MR. CAMPBELL: That's all.

13 JUDGE NEMEC: Thank you, ma'am.

14 (Witness excused.)

15 MR. DAVIS: Janet Rito.

16 -----
17 (Witness sworn.)

18 Whereupon,

19 JANET RITO

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. DAVIS:

23 Q Your name, please?

24 A Janet Rito.

25 Q And where do you live, Ms. Rito?

1 A Johnstown.

2 Q What is your occupation?

3 A I am a medical secretary.

4 Q And are you a traveler by bus?

5 A Yeah.

6 Q You have traveled in the past. Can you give us
7 an idea of some of the traveling that you have done?

8 A I went to New York City, I've been to Atlantic
9 City and I went to the Gateway Clipper dinner cruises.

10 Q And are you familiar with the purpose of this
11 hearing, for the Application to extend the rights of Tri-
12 County or Happy Times Travel?

13 A Yes, I am.

14 Q And what is your interest? What would your interest
15 be in seeing this done?

16 A Well, mine is a little bit different. I am
17 originally from the northern part of the county and I have
18 friends who are still back there and I moved down to this
19 area, to get closer to my job. I'm one of these ones who
20 does travel from Johnstown to Ebensburg, to catch the bus.
21 I leave my car overnight -- not overnight, but until late
22 and I have to drive all the way back down, to be with my
23 friends from up that end of the county. So, I've had
24 opportunities to go on trips with them, but I pass because
25 of that. And when I heard that there's an opportunity for

1 them to move down into the Richland area, where it would
2 be closer for me to go, I thought that this would be great,
3 I would get to go with them occasionally.

4 Q And this is the purpose of your supporting this
5 Application?

6 A Yes. I've been on two -- the Gateway Clipper
7 cruises with the Happy Times Travel and also with Lodestar
8 to New York.

9 Q And have all of your experiences with Happy Times
10 been happy?

11 A Yes, it was.

12 Q Okay.

13 MR. DAVIS: Cross-examine, please.

14

15

CROSS-EXAMINATION

16 BY MR. CAMPBELL:

17 Q Ms. Rito, you are appearing in your own behalf,
18 as an individual and you would like to buy your own ticket
19 and go on trips?

20 A Oh, sure. Sure.

21 MR. CAMPBELL: Thank you.

22 MR. McQUAIDE: I have no questions.

23 JUDGE NEMEC: Thank you, ma'am.

24 (Witness excused.)

25 MR. DAVIS: Susan Yakubchak?

1

2

(Witness sworn.)

3

Whereupon,

4

SUSAN YAKUBCHAK

5

having been duly sworn, testified as follows:

6

DIRECT EXAMINATION

7

BY MR. DAVIS:

8

Q Would you give your full name, please?

9

A Susan Yakubchak, Y-a-k-u-b-c-h-a-k.

10

Q And where do you live?

11

A Johnstown.

12

Q And you are familiar with this particular

13

Application?

14

A Yes.

15

Q Would you tell us the purpose for your being here

16

to support the Application?

17

A To get the open market more a chance and I've had

18

a couple of bad experiences with the other lines.

19

Q Have you used bus services in the past?

20

A Right.

21

Q And are you familiar with some of the opportunities

22

that Happy Times is offering?

23

A Yes.

24

Q Are you interested in this?

25

A Yes.

1 Q What would be the advantage to you if the
2 Application were granted?

3 A I was impressed with the buses and the service,
4 today's service.

5 Q Okay. Have you -- how did you pick up on the
6 other occasions where you went with them?

7 A Richland Mall.

8 Q No. When you went with Happy Times.

9 A With Happy Times? Oh, no, I never went with them
10 before.

11 Q Oh, okay. I'm sorry. But you have seen their
12 equipment?

13 A Right. It's too far for me to travel to go
14 anywhere.

15 Q You don't like to drive to Ebensburg, where the
16 pickups are?

17 A Right.

18 MR. DAVIS: Cross-examine.

19

20

CROSS-EXAMINATION

21 BY MR. CAMPBELL:

22 Q Ms. Yakubchak, you are appearing for yourself
23 individually today, as an individually ticketed passenger?

24 A Right.

25 Q And how did you find out about the hearing?

1 A A friend.

2 Q Who was that?

3 A Janet Rito.

4 Q Okay.

5 MR. CAMPBELL: Thank you very much.

6 MR. McQUAIDE: I have no questions.

7 JUDGE NEMEC: Thank you, ma'am.

8 (Witness excused..)

9 MR. DAVIS: Margaret Yakubchak.

10

11 (Witness sworn.)

12 Whereupon,

13 MARGARET YAKUBCHAK

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. DAVIS:

17 Q Your full name, please?

18 A Margaret Yakubchak.

19 Q Where do you live?

20 A Johnstown.

21 Q And are you a bus traveler?

22 A Yes, in the past I've been..

23 Q Have you ever traveled with Happy Times?

24 A No.

25 Q And what is your purpose in supporting the

1 Application?

2 A To have more bus companies coming in and opening
3 up the market.

4 Q You have never traveled up for their pickup, based
5 where they are?

6 A No. I don't, because I don't drive and I'd have
7 to ask somebody else and it would be very inconvenient for
8 me.

9 Q Okay. But you are interested in them having the
10 service in your area?

11 A Yes. That's right.

12 MR. DAVIS: Cross-examine.

13 -----

14 CROSS-EXAMINATION

15 BY MR. CAMPBELL:

16 Q You are related to the previous witness?

17 A Yes, I am.

18 Q And how is that?

19 A Mother.

20 Q And you are not appearing on behalf of any group
21 or organization, you are just here as an individual today?

22 A Right.

23 MR. CAMPBELL: Thank you, ma'am.

24 MR. McQUAIDE: No questions.

25 JUDGE NEMEC: Thank you very much.

1 (Witness excused.)

2 MR. DAVIS: Barbara Sturtz?

3 -----
4 (Witness sworn.)

5 Whereupon,

6 BARBARA STURTZ

7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. DAVIS:

10 Q State your full name, please?

11 A Barbara Sturtz, S-t-u-r-t-z.

12 Q And where do you live?

13 A Johnstown.

14 Q And what is your occupation?

15 A Registered nurse.

16 Q Are you a bus traveler?

17 A Yes.

18 Q And what is your interest in the present
19 Application here?

20 A I'd like to see it opened up to more companies,
21 because I've gone on several bus trips and quite a few of
22 them, the bus lines that locally service Johnstown have been
23 very bad. We've had instances where we've had four or five-
24 hour delays because of equipment failure, coming from the
25 Pittsburgh Airport, coming from New York and the operators

1 did not know what to do and I just would like to see someone
2 else come in and give them a shot.

3 Q Do you intend to use the bus service in the
4 future?

5 A Yes.

6 Q Hopefully not the same ones?

7 A Right.

8 MR. DAVIS: Cross-examine.

9

10 CROSS-EXAMINATION

11 BY MR. CAMPBELL:

12 Q Ms. Sturtz, you are here appearing as an
13 individual, testifying on your own behalf and not on behalf
14 of a group or organization?

15 A Right.

16 Q And on the occasions that you complained of, where
17 you experienced some delays or equipment problems, did any
18 of those involve Fullington Auto Bus Company?

19 A Lodestar.

20 Q You are not here to complain about the service
21 that is available from Fullington?

22 A I never went with them.

23 Q That's all that I wanted to know.

24 MR. CAMPBELL: Thank you, ma'am.

25 MR. McQUAIDE: No questions.

1 JUDGE NEMEC: Thank you.

2 (Witness excused.)

3 MR. DAVIS: Anita Luciew?

4 -----

5 (Witness sworn.)

6 Whereupon,

7 ANITA LUCIEW

8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. DAVIS:

11 Q Your full name, please?

12 A It is Anita Luciew, L-u-c-i-e-w.

13 Q And where do you live?

14 A Johnstown.

15 Q What is your occupation?

16 A I am a -- I guess that I am disabled now. I was
17 a nurse but I am disabled.

18 Q And you are more or less retired or on Disability?

19 A Right. Yes. Disability Social Security.

20 Q And are you a bus rider?

21 A Yes. That is the only way that I can get around
22 anymore now. I had two strokes and I don't -- I can't get
23 around.

24 Q In the past, have you taken these charter trips
25 and the tours and things?

1 A Yes, with a friend.

2 Q And what is your interest in supporting the
3 present Application for the removal of restrictions in order
4 for Happy Times to serve your area?

5 A Well, I was with my friend when the bus broke down
6 and so, we were delayed for a while.

7 Q Your friend being Barbara Sturtz?

8 A Yes.

9 Q Okay. And you have the same testimony then, that
10 you feel that the market should be opened up a little bit?

11 A Right. I think you have -- I think if we have
12 more people, you can have a better chance to have better
13 service.

14 MR. DAVIS: Okay. Cross-examine.

15 -----

16 CROSS-EXAMINATION

17 BY MR. CAMPBELL:

18 Q Like your friend then, Ms. Luciew, you are here
19 appearing on your own behalf, as an individual?

20 A Yes.

21 Q And the experience that you are referring to is
22 the same one that she referred to with Lodestar?

23 A Yes.

24 Q And you are not here to complain about any other
25 carrier service?

1 A No.

2 MR. CAMPBELL: Thank you, ma'am.

3 MR. McQUAIDE: No questions.

4 JUDGE NEMEC: Thank you.

5 (Witness excused.)

6 MR. DAVIS: Paulette Fedorko?

7 -----

8 (Witness sworn.)

9 Whereupon,

10 PAULETTE A. FEDORKO

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. DAVIS:

14 Q Your name, please?

15 A Paulette A. Fedorko.

16 Q And where do you live?

17 A Summerhill, Pennsylvania.

18 Q And what is your occupation?

19 A I'm a housewife and mother.

20 Q Are you a bus traveler?

21 A No, I am not.

22 Q Do you intend to use or hope to use bus service
23 in the future?

24 A My children do.

25 Q And what type of services?

FORM 1

1 A They've been to concerts in Pittsburgh, they've
2 been to White Water Rafting.

3 Q And have they -- who have they been with, what
4 bus line?

5 A Happy Times.

6 Q And why would you be interested in supporting this
7 particular Application?

8 A I worry about their safety and when they come home
9 from the concert, maybe it is 1:00 or 2:00 in the morning.
10 I worry about them traveling, especially in bad weather.

11 Q And the convenience of the pickup?

12 A Of course.

13 MR. DAVIS: Cross-examine.

14 -----

15 CROSS-EXAMINATION

16 BY MR. CAMPBELL:

17 Q When your children have participated in trips in
18 the past, has it been as an individually ticketed passenger,
19 where they each pay for their own ticket?

20 A Right.

21 Q And how did you learn of this hearing today?

22 A My son-in-law.

23 Q Your son-in-law?

24 A Right.

25 Q Is he connected with Happy Times Travel?

1 A No.

2 Q What is his name?

3 A Robert Koban.

4 Q Robert Koban?

5 A Right.

6 Q A previous witness?

7 A Right.

8 MR. CAMPBELL: Thank you.

9 MR. McQUAIDE: I have no questions.

10 JUDGE NEMEC: How old are your children?

11 THE WITNESS: Eighteen.

12 JUDGE NEMEC: Thank you very much, ma'am. You are
13 excused.

14 (Witness excused.)

15 MR. DAVIS: Marge Vello?

16 -----

17 (Witness sworn.)

18 Whereupon,

19 MARGARET VELLO

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. DAVIS:

23 Q Your name, please?

24 A Margaret Vello, V-e-l-l-o.

25 Q Your address?

1 A Portage, Pennsylvania.

2 Q And are you a bus traveler?

3 A I have -- I was. I haven't traveled lately.

4 Q And what is your interest in supporting the
5 present Application?

6 A Well, it would be a convenience, because I don't
7 drive and I couldn't get out to Ebensburg.

8 Q And the bus pickup in Portage would suit you then?

9 A Yes, very much.

10 MR. DAVIS: Cross-examine.

11

12

CROSS-EXAMINATION

13 BY MR. CAMPBELL:

14 Q Ms. Vello, you are appearing again as an
15 individual, in support of individually ticketed tour-type
16 of trips?

17 A Yes.

18 Q And when was the last time that you took a bus
19 trip?

20 A Oh, I'd say about five years ago.

21 Q And how did you find out about the hearing today?

22 A Through a very good friend of mine.

23 Q Who is?

24 A Well, should I -- can I give the name?

25 Q Sure. I'd like the name.

1 A Kim.

2 Q Kim?

3 A Right.

4 Q Last name?

5 A Krevel.

6 Q And is she to be a witness in this Case?

7 A Yeah. No? No.

8 MR. DAVIS: No.

9 MR. CAMPBELL: Very well. That's all. Thank you.

10 JUDGE NEMEC: Thank you.

11 (Witness excused.)

12 MR. DAVIS: Eufrasia Vello.

13 -----

14 (Witness sworn.)

15 Whereupon,

16 EUFRASIA VELLO

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. DAVIS:

20 Q Your name, please?

21 A Eufrasia Vello.

22 Q And where do you live?

23 A Portage.

24 Q And was that your sister?

25 A That was my aunt.

FORM 1

1 Q Your aunt who previously testified?

2 A Right.

3 Q Are you a traveler by bus?

4 A Recently, we have been doing traveling with
5 several church groups and friends of ours.

6 Q And you are not here representing the church
7 group, but you travel with them?

8 A No. This is something that I think, you know,
9 they might be interested in.

10 Q And what would your reason be for supporting this
11 Application?

12 A I have no transportation, whatsoever and couldn't
13 get to Ebensburg and more bus service to Portage would be
14 considerably more convenient for us all.

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

16 -----

17 CROSS-EXAMINATION

18 BY MR. CAMPBELL:

19 Q Did you also find out about this hearing through
20 Kim?

21 A No. A friend of mine.

22 Q And who was that?

23 A Madeline Zakora.

24 Q And is she going to be a witness in this Case?

25 A Yes.

1 Q Okay. And you are appearing as an individual?

2 A Yes.

3 MR. CAMPBELL: Thank you very much.

4 MR. DAVIS: Thank you.

5 JUDGE NEMEC: You are excused.

6 (Witness excused.)

7 MR. DAVIS: Ann Hudak.

8 -----

9 (Witness sworn.)

10 Whereupon,

11 ANN HUDAK

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. DAVIS:

15 Q Your name, please?

16 A Ann Hudak, H-u-d-a-k.

17 Q Where do you live, ma'am?

18 A Portage.

19 Q And are you a traveler by bus?

20 A I was a couple of years ago. I was down on a bus
21 about three years ago, but then I took to the train and the
22 train started to lay over in Philadelphia for six hours, so
23 now, I'm going to go back to the bus.

24 Q And what is your particular reason for supporting
25 this Application of Tri-County or Happy Times Travel?

1 A I could never get to Ebensburg. I don't have a
2 car and there's hardly anybody I can ask to take me.

3 Q And you support this Application then for that
4 reason?

5 A Yes.

6 Q And you asked your friend, Eufrasia, to support
7 it, too?

8 A Yes.

9 Q You intend to travel by bus then?

10 A Yes, I am.

11 MR. DAVIS: Cross-examine.

12 -----

13 CROSS-EXAMINATION

14 BY MR. CAMPBELL:

15 Q You are appearing for yourself individually and
16 not for a group?

17 A Yes.

18 Q And how did you find out about the hearing?

19 A Through Kim.

20 Q And who is Kim?

21 A Sitting there (indicating).

22 Q Do you know where she works?

23 A I -- I don't know for sure, no.

24 MR. DAVIS: She works for Happy Times.

25 MR. CAMPBELL: May we stipulate to that?

1 MR. DAVIS: Sure.

2 MR. CAMPBELL: Thank you. That is all that I have.
3 Thank you.

4 MR. McQUAIDE: I have no questions. Thank you.

5 JUDGE NEMEC: Thank you very much, ma'am. You are
6 excused.

7 THE WITNESS: Thank you.

8 (Witness excused.)

9 MR. DAVIS: Those are all the witnesses that we have
10 in support of our case, Your Honor.

11 JUDGE NEMEC: Let's go off the record for a second.
12 (Discussion off the record.)

13 -----
14 (Whereupon, at 12:19 p.m., the hearing was adjourned,
15 to reconvene at 1:15 p.m., this same day.)

16 -----
17 P R O C E E D I N G S

18 JUDGE NEMEC: Any preliminary matters?

19 MR. DAVIS: No, Your Honor.

20 MR. CAMPBELL: Nothing.

21 MR. McQUAIDE: No.

22 JUDGE NEMEC: All right. You may proceed, Mr. Campbell.

23 MR. CAMPBELL: Thank you, Your Honor. We will call
24 Mr. Schenck.

25 -----

1 (Witness sworn.)

2 Whereupon,

3 CHARLES E. SCHENCK

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. CAMPBELL:

7 Q Mr. Schenck, please give your full name and your
8 business address and spell your last name for the record.

9 A Charles E. Schenck and that's S-c-h-e-n-c-k. Our
10 business address is 316 Cherry Street, P.O. Box 211,
11 Clearfield, PA 16830.

12 Q By whom are you employed and in what capacity?

13 A I am employed by Fullington Auto Bus Company and
14 I am the Operations Manager.

15 Q And as Operations Manager, are you familiar with
16 the company's operations, equipment, authorities and
17 facilities?

18 A In most aspects, yes.

19 Q And are you authorized to appear here today and
20 testify in this proceeding?

21 A Yes, I am.

22 Q Are you familiar with the present Application?

23 A Yes, I am.

24 Q And were you present this morning during the time
25 that the Applicant's witnesses testified?

1 A Yes, I was.

2 Q Approximately how long has Fullington Auto Bus
3 Company been in business?

4 A Fullington Auto Bus Company has been in business
5 approximately 75 years.

6 Q And how long have you been with the company?

7 A I've been with the company nine years.

8 Q And how long have you been Operations Manager?

9 A About eight and a half years.

10 Q Mr. Schenck, I show you a document which I will
11 have marked for identification as Protestant's Exhibit A
12 and I ask you whether or not Fullington, as part of its
13 operations, provides scheduled route service between various
14 points and places in Pennsylvania?

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

17 THE WITNESS: Yes, we do. We operate as Fullington
18 Trailways.

19 BY MR. CAMPBELL:

20 Q And does Protestant's Exhibit A have -- if it is
21 opened, does it have, in the middle, does it show a diagram
22 of the routes which are operated by the company at the
23 present time?

24 A Yes, it does.

25 Q I show you now a document that will be marked for

1 identification as Protestant's Exhibit B and I ask you
2 whether or not Fullington also provides group and party
3 service to the public in Pennsylvania?

4 (Whereupon, the document was marked as Protestant's
5 Exhibit B for identification.)

6 THE WITNESS: Yes, we do.

7 BY MR. CAMPBELL:

8 Q And directing your attention to the highlighted
9 Folder 19, Amendment R portion of this exhibit (indicating),
10 does that (indicating) show Fullington's group and party
11 authority, as pertinent to this Application?

12 A Yes, it does.

13 Q And insofar as this Application is concerned, does
14 Fullington have authority to originate group and party
15 service of all kinds, from all points in the County of
16 Cambria?

17 A Yes, it does.

18 Q Does Fullington also hold authority from the
19 Interstate Commerce Commission?

20 A Yes, we do.

21 Q And as part of that authority, does Fullington
22 hold itself out to serve Cambria County, as well as other
23 points in Pennsylvania?

24 A Yes, we do.

25 Q Can you tell us approximately how many people are

1 employed by Fullington?

2 A We have approximately 209 employees.

3 Q And what terminals are operated by your company?

4 A We have five different locations: Marion Center,
5 which is a school bus operation; Dubois, Pennsylvania, which
6 is one of the Trailways operation facilities, terminals;
7 Clearfield, Pennsylvania, which is the main business office,
8 the main garage; Philipsburg, Pennsylvania, which is a
9 school bus facility and State College, Pennsylvania, which
10 is charter tour and Trailways.

11 Q Mr. Schenck, I now show you a document which will
12 be marked for identification as Protestant's Exhibit C and
13 I ask you whether that (indicating) is a list of the
14 equipment that Fullington operates in the provision of its
15 certificated service?

16 (Whereupon, the document was marked as Protestant's
17 Exhibit C for identification.)

18 This (indicating) is a list of all of our charter
19 coaches, yes.

20 BY MR. CAMPBELL:

21 Q Does the company own other equipment, such as
22 limousines and school buses?

23 A Yes, it does.

24 Q But is this (indicating) the equipment that would
25 be pertinent to the present Case?

1 A Yes, it is.

2 Q Does this (indicating) show the equipment that
3 is used only in group and party service or do these same
4 vehicles (indicating) also find use in scheduled route
5 service?

6 A They are both charter and tour and scheduled
7 service equipment.

8 Q What are the equipment features? What amenities
9 do these buses offer?

10 A They are equipment with air conditioning, of
11 course, reclining seats, restroom facilities.

12 Q And are these pieces of equipment owned by
13 Fullington Auto Bus Company or are they leased or what is
14 the status there?

15 A Most of the equipment is owned by Fullington Bus
16 Company, but a few of the pieces are leased for Fullington
17 GMC.

18 Q And is that an affiliate company?

19 A Yes, it is.

20 Q We discussed briefly off the record that I would
21 like for you to explain on the record, if your business
22 office is in Clearfield, it doesn't appear that any of the
23 equipment listed on this exhibit (indicating) is identified
24 as being stationed at Clearfield. Could you clarify that
25 for the Commission?

1 A The reason for where the station is, between
2 Dubois and State College, is because that is the origination
3 for the Trailways and most of our drivers are living in the
4 State College area and so, it is easier for them to get the
5 equipment there.

6 Q And is this -- well, excuse me. Are Dubois and
7 State College the points where the vehicles are mechanically
8 serviced and maintained?

9 A We have a maintenance facility in Dubois, full
10 facility and we have a full facility in State College, along
11 with a facility in Clearfield. So, they can be maintained
12 at any one of the three.

13 Q Mr. Schenck, I now hand you three documents, which
14 will be marked for identification as Protestant's Exhibits D,
15 E and F. I ask you whether or not Fullington advertises and
16 promotes its service, which it offers to the traveling
17 public?

18 (Whereupon, the documents were marked as Protestant's
19 Exhibits D, E and F for identification.)

20 THE WITNESS: Yes, we do. The D is for our Yellow
21 Pages ad in the Barnesboro phone book. E is our Yellow
22 Pages ad in Ebensburg Yellow Pages. F is our tour book,
23 which shows the listing of inter and intrastate tours that
24 we have available.

BY MR. CAMPBELL:

25 Q With respect to the tour book, Mr. Schenck, -

1 I don't want to go through it in laborious detail, but would
2 you describe the basic mode of operation when Fullington
3 operates individually ticketed tours, does it pick up in
4 Clearfield only or Clearfield and Dubois and what about people
5 who are not located at equipment points or business
6 facilities of Fullington? Could you explain that for the
7 Judge and for the record, please?

8 A The standard pickup points for Fullington Bus
9 Company are Dubois, Clearfield, Philipsburg and State
10 College, but if a group from outside of that area is
11 interested in going on a trip, whether it be out of state
12 or in state, if there are 10 or more people, we will go to
13 that particular point to pick up. Whether we start the trip
14 there or make it as a special pickup, if there are 10 or
15 more, we will do that.

16 Q So, would that be true as to points such as
17 Portage or Johnstown? If there were a group of 10 that
18 wanted to take a tour in this book (indicating), you could
19 accommodate that group?

20 A Yes, we would.

21 Q And you would accommodate that group?

22 A Yes, we would.

23 Q Mr. Schenck, I now hand you three separate
24 documents, which will be identified for the record as
25 Protestant's G, H and I. I ask you if you, at my request

1 reviewed the records of Fullington, for recent charter
2 service to Cambria County points?

3 (Whereupon, the documents were marked as Protestant's
4 Exhibits G, H and I for identification.)

5 THE WITNESS: Yes, I did.

6 BY MR. CAMPBELL:

7 Q And what did you discover?

8 A During the month of May, we operated private
9 charters for three different groups, from points in Cambria
10 County, to points in Pennsylvania, basically Pittsburgh area,
11 during the month of May.

12 Q And when you say "private charter," are you just
13 distinguishing charter from an individually ticketed tour,
14 where these documents (indicating) reflect a charter of an
15 entire bus by a single group?

16 A Yes, the group rented the bus and on one of them,
17 the tickets were supplied with it and the other one, they
18 took care of their own.

19 Q When you say "tickets," explain exactly what you
20 mean.

21 A On Exhibit G, they purchased the bus and we
22 arranged for the tickets, so that the bus and ticket price
23 was all included in this trip. That was for Kennywood Park.

24 Q So that in addition to chartering the bus, you
25 made the arrangements for the group at the attraction that

1 they were visiting?

2 A At Kennywood Park, yes, sir.

3 Q However, this was not a situation where each
4 participant paid per ticket, it was a situation where the
5 group paid one price for the whole bus?

6 A The group paid one price for the whole package.

7 Q Mr. Schenck, in view of the fact that Fullington
8 does not operate a substantial number, I'm assuming of
9 individually ticketed tours from Cambria County and only
10 will pick up groups there if there are 10 or more that make
11 arrangements with the company and in view of the relatively
12 small number of charters that are shown out of the county,
13 why is Fullington opposed to this Application?

14 A Well, we feel that as you can see, in the month
15 of May, we only did three charter trips out of the area and,
16 you now we just feel that, you know, we are not doing enough
17 business out of it and there's other companies down in there
18 that, you know, have -- or it is basically their back door.
19 We just don't feel that it is necessary for another company
20 to have the ability to do that, because there's not that
21 much business down there.

22 MR. CAMPBELL: Your Honor, that completes my direct
23 examination and I would move the admission of my exhibits,
24 subject to cross-examination.

25 MR. DAVIS: No objection.

1 MR. McQUAIDE: No objection.

2 JUDGE NEMEC: Protestant's Exhibits A through I are
3 admitted, without objection and also, subject to later
4 objection or motion and cross-examination of the witness.

5 (Whereupon, the documents marked as Protestant's
6 Exhibits A through I for identification were received in
7 evidence.)

8 JUDGE NEMEC: Any questions?

9 MR. DAVIS: I said that I had no objection.

10 JUDGE NEMEC: I know. You may cross.

11 MR. DAVIS: Thank you.

12

13

CROSS-EXAMINATION

14 BY MR. DAVIS:

15 Q In your most recent testimony, you talked about
16 these three trips. Of those three trips, G and H are both
17 within the area that the Applicant here presently has full
18 rights, is that not correct?

19 A The one was going origin of Portage, which I
20 believe he does not.

21 Q That's I.

22 A Well, Spangler area, Hastings.

23 Q Isn't that all in the area where they have the
24 rights?

25 A Yes.

1 Q So, you really only had one?

2 A Basically, yes, we only had the one that was
3 outside of his territory, correct.

4 Q That was in the area that we are talking about.

5 A The Portage area.

6 Q Now, this schedule of buses, you have 33, is that
7 the total number?

8 A Thirty-three coaches.

9 Q Coaches. Okay.

10 A Thirty-three coaches. The rest are school buses
11 and limousines.

12 Q Now, on your brochure there, you said that there
13 was a minimum pickup of 10 passengers. You have a couple
14 of places where you require 15. Is that still in place or
15 did you delete that Indiana and Johnsonburg pickup?

16 A I'm not sure if that has been taken out or not.
17 I know that most places are a minimum of 10. I was not
18 aware of the Indiana and Johnsonburg requiring 15. I was
19 under the impression that everything was 10.

20 Q Your brochure, on Page 5 --

21 A Yes, sir, I see that. Yes, sir.

22 Q How about deadhead mileage. Do you charge any
23 deadhead mileage on these charters?

24 A Yes, we do.

25 Q And where is that listed?

1 A That -- well, this -- under ticketed -- I'm sorry.
2 Under prior -- individually ticketed charters, no, we do
3 not.

4 Q Right.

5 A Because it is -- everything is accounted for in
6 the ticket price.

7 Q But in the group, the charter, where you do the
8 whole price --

9 A Private charter is not listed in this book
10 (indicating). This (indicating) is just our tours.

11 Q Okay. You do charge a deadhead?

12 A Yes, we do, sir. That is in our tariff.

13 MR. DAVIS: That's all.

14 MR. CAMPBELL: I have nothing further of this witness,
15 Your Honor.

16 MR. McQUAIDE: I have nothing.

17 MR. CAMPBELL: The Protestant rests, except for --
18 just for the record, we are to receive copies of the
19 authority, the operating authority of the Applicant,
20 including Folder 1, Amendment A; Folder 1, Amendment B and
21 if there is a separate Folder for limousine service, I --
22 I would just preserve any rights, if anything extraordinary
23 would result from the disclosure of that information.

24 JUDGE NEMEC: Well, I don't have any problem with that.

25 Now, just a quick question, sir.

1 THE WITNESS: Sure.

2 JUDGE NEMEC: On your scheduled route service, the
3 number at the top, like 7150 and then underneath it it says
4 "frequency," the 7150, are those the codes for the days that
5 those trips run?

6 THE WITNESS: The codes for the trips are listed up
7 on the side, like -- are you on Page 1? This (indicating)
8 is 5. That's except for 5. That is the -- the 7150 is the
9 schedule number.

10 JUDGE NEMEC: Oh, all right.

11 THE WITNESS: The -- the route number. That is the
12 way that we keep track of it.

13 JUDGE NEMEC: I was just wondering how you know what
14 day that those trips are run.

15 THE WITNESS: The trips unless -- well, let me see.
16 In here (indicating) where -- okay. Under Harrisburg,
17 Dubois, Pittsburgh, where it says "X, X67H --"

18 JUDGE NEMEC: I see.

19 THE WITNESS: -- (continuing) -- okay. That means
20 except Saturdays, Sundays and holidays. Otherwise, it is
21 seven days a week, 365 days a year.

22 JUDGE NEMEC: Okay. Thank you. You are excused.

23 (Witness excused.)

24 JUDGE NEMEC: Okay. I assume that at this juncture
25 we are finished. You have nothing else to present?

1 MR. CAMPBELL: No..

2 JUDGE NEMEC: Mr. Davis?

3 MR. DAVIS: No.

4 JUDGE NEMEC: We are going to schedule an additional
5 hearing date for Mr. McQuaide to present his witness. Would
6 you like to do that telephonically?

7 MR. McQUAIDE: I think that that might be the easiest.

8 MR. DAVIS: Sure.

9 MR. CAMPBELL: Okay.

10 JUDGE NEMEC: We will try and expedite that and get
11 that scheduled.

12 In the meantime, you are going to supply the requested
13 documents to both parties?

14 MR. DAVIS: I will do so tomorrow.

15 JUDGE NEMEC: Then we will go from there.

16 MR. DAVIS: We will send a copy of that to you, too,
17 so that you will understand what --

18 JUDGE NEMEC: Oh, yes. Absolutely. Anything you send
19 to them, send me a copy, too.

20 Now, once we have the additional hearing, we will
21 schedule -- we will establish a briefing schedule, to give
22 you a chance to write some briefs and close the record.

23 Any questions?

24 (No response.)

25 JUDGE NEMEC: Thank you all.

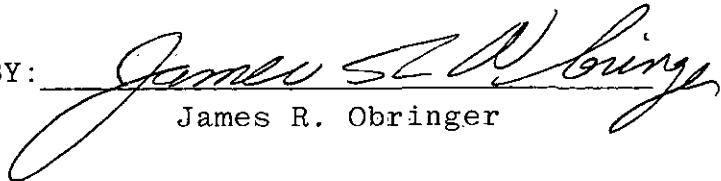
1 (Whereupon, at 1:41 p.m., the hearing was adjourned.)

2 -----
3 C E R T I F I C A T E

4 I hereby certify, as the stenographic
5 reporter, that the foregoing proceedings were reported
6 stenographically by me, and thereafter reduced to
7 typewriting by me or under my direction; and that this
8 transcript is a true and accurate record to the best of my
9 ability.

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