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COMMONWEALTH OF PENNSYLVANIA PUBLIC UTILITY COMMISSION

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FORM 2

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Application of James Danielewicz, :
t/d/b/a Limousines For Less For :
 amendment to his common carrier :
 certificate which grants the right, :
 inter alia, to transport, by motor :
 vehicle, persons in limousine service, :
 between points in the counties of :
 Monroe and Pike and from points in said :
 counties to points within an airline :
 distance of ten(10) statute miles of :
 the limits thereof, and vice versa; :
SO AS TO PERMIT the transportation :
 of persons in limousine service, :
 between points in Wayne County, and :
 points within an airline distance of :
 twenty-five(25) statute miles of the :
 limits of said county, and from points :
 in said territory to points in :
 Pennsylvania, and return. :
 Initial Hearing.:

Docket No.
A-00108292F0001
Am-B

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Pages 1 through 105

Hearing Room No. 318
State Office Building
Scranton, Pennsylvania

Wednesday, March 26, 1997

Met, pursuant to notice, at 10:06 a.m.

BEFORE:

RICHARD M. LOVENWIRTH, Administrative Law Judge

APPEARANCES:

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(For the Applicant)

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APPEARANCES: (Continued)

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FORM 2

C O N T E N T S

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
James Danielewicz	11	--	--	--
By Mr. Hanyon	--	27	--	--
By Ms. Aboutanos	--	48	--	--
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E X H I B I T S

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>	<u>WITHDRAWN</u>
<u>Applicant's</u>			
1 (Map)	13	55	--
2 (Names and Addresses, 3 Pages)	20	55	--
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P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE RICHARD M. LOVENWIRTH: Good
3 morning, everyone.

4 We will now commence an initial hearing concerning the
5 Application of James Danielewicz, t/d/b/a Limousines for
6 Less, for a Certificate of Public Convenience or a permit
7 evidencing the Commission's approval of the additional right
8 and privilege of operating motor vehicles as a motor
9 carrier, or the transportation of persons and limousine
10 service between points in the County of Wayne and points
11 located within an airline distance of 25 statute miles of the
12 limits of said county, and from points in said territories to
13 points in Pennsylvania and return, which has been assigned
14 docket number A-00108292 F-0001, Am-B.

15 Here on behalf of the applicant is his Attorney James
16 D. Campbell, Jr., Esquire.

17 Good morning, Mr. Campbell.

18 MR. CAMPBELL: Good morning, Your Honor.

19 JUDGE LOVENWIRTH: Is that the authority your client
20 wants, what I recited, that I accurately recited?

21 MR. CAMPBELL: Yes, sir.

22 JUDGE LOVENWIRTH: All right.

23 This application was filed on or about May 13, 1996.

24 The Commission set as the last day for the filing of
25 protests, July 8, 1996.

1 An advertisement appeared in the Pennsylvania Bulletin
2 of June 15, 1996, which advertised the filing of the
3 application for additional common carrier rights and which
4 also advertised the last date for the filing of protests.

5 Thereafter, two protests were filed, to wit, a protest
6 was filed by Savage Limousine, Inc. on July 8, 1996.

7 Is there anyone here on behalf of Savage Limousine,
8 Inc.?

9 I have perceived no oral or visual response to that
10 inquiry.

11 Subsequently, on July 11, 1996 a protest was filed by
12 Pocono Limousine Services, Inc., and the appearance sheet
13 will indicate that here on behalf of Pocono Limousine
14 Services, Inc. is its Attorney, Joseph P. Hanyon. Good
15 morning, Mr. Hanyon.

16 MR. HANYON: Good morning, Your Honor.

17 JUDGE LOVENWIRTH: Those were the only two protests
18 which my copy of the file indicates were filed.

19 Thereafter, on or about March 11, a petition for
20 intervention, or, in the alternative, motion to be
21 substituted as a party Protestant was filed by C.W.G.
22 Holdings, Inc.

23 I don't know if any Answer was filed to that because,
24 you see, the Commission's regulations say that when pleading
25 is served by mail -- and I don't have an affidavit of service

1 here, but I will assume it was served by mail. I'll assume it
2 was served, and that it was served by mail. The party that
3 responded to the moveants motion has 13 days within which to
4 file an Answer. That would have been the 24th, and today is
5 the 26th, so I didn't get today's mail yet, so I don't know
6 if an Answer has been filed or not.

7 Did you file an Answer, Mr. Campbell?

8 MR. CAMPBELL: I did not file an Answer, Your Honor,
9 and I don't oppose the motion in view of your previous ruling
10 in a similar case and also a ruling by Judge Cohen that I
11 just received in another case where the intervention or
12 substitution was permitted.

13 JUDGE LOVENWIRTH: The appearance sheet will indicate
14 that here on behalf of C.W.G. Holding, Inc. is its Attorney,
15 Josianne Aboutanos.

16 All right then, what do you want? To intervene, or to
17 be substituted as a party Protestant?

18 Which, Ms. Aboutanos, so I know what to grant?

19 MS. ABOUTANOS: To be substituted as a party --

20 JUDGE LOVENWIRTH: Protestant?

21 MS. ABOUTANOS: Yes.

22 JUDGE LOVENWIRTH: To be substituted for whom? For
23 Savage Limousine?

24 MS. ABOUTANOS: Yes, Your Honor.

25 JUDGE LOVENWIRTH: And why is that? Your petition

1 says that Savage Limousine sold its operating rights to
2 C.W.G. Holdings, Inc.

3 Do you stipulate that that is in fact correct, Mr.
4 Campbell?

5 MR. CAMPBELL: That is my understanding, Your Honor. I
6 will stipulate it is correct.

7 JUDGE LOVENWIRTH: Since there is a stipulation of
8 record that all of the operating rights of Savage Limousine,
9 Inc. have been transferred to C.W.G. Holdings, Inc. and since
10 there is no objection to the latter being substituted as a
11 party Protestant for Savage Limousine, Inc. then the motion
12 to be substituted as a party Protestant is allowed.

13 Now, are there any preliminary matters other than the
14 one I just discussed on the record, that should be brought to
15 my attention?

16 Mr. Campbell?

17 MR. CAMPBELL: I have one, Your Honor.

18 I received interrogatories four days ago, five days
19 ago, from Mr. Pendolphi asking for responses to be made
20 within 20 days of service. Those days have not yet elapsed.

21 I would request that since C.W.G. Holdings, Inc. is
22 present and is a party and is represented by Counsel, that I
23 be relieved from the requirement that my client, I should
24 say, be relieved of the requirement of responding to these
25 interrogatories since obviously we are here at the hearing.

1 I will cover most of the items of requested
2 information on Direct Examination, and as to those that are
3 not, Ms. Aboutanos can Cross-examine.

4 I don't want to -- if Your Honor --

5 JUDGE LOVENWIRTH: What have you got to say about
6 that, Ms. Aboutanos?

7 MS. ABOUTANOS: I am opposed to his request, Your
8 Honor. I think that I will still need him to answer --

9 JUDGE LOVENWIRTH: What did you say, you oppose his
10 request?

11 MS. ABOUTANOS: Yes. I will still need him to answer
12 the interrogatories, Your Honor, regardless of whether he is
13 presenting his case today.

14 MR. HANYON: Your Honor --

15 JUDGE LOVENWIRTH: Excuse me, Mr. Hanyon, go ahead.

16 MR. HANYON: I think there is a second and third
17 hearing in this matter that those hearing will probably be
18 scheduled beyond the 20 days, which will leave them ample
19 time in which to respond.

20 JUDGE LOVENWIRTH: Well, what has this got to do with
21 your point, Mr. Hanyon? What interest does your client have
22 in the topic at hand?

23 MR. HANYON: I am interested in the answers to the
24 interrogatories also, although they were not served by my
25 office.

1 JUDGE LOVENWIRTH: Well, you may be interested in
2 them, but you could have served them on behalf of your
3 client.

4 You could have asked these questions. You have been
5 in the case for a long time. You couldn't be that
6 interested or you would have filed interrogatories yourself.

7 I don't think you have any standing to participate in
8 my disposition of the motion.

9 The Commission's regulations say that concerning
10 petitions to intervene, they can only be allowed in such a
11 way that the proposed intervener's participation in the
12 action will not delay the proceedings in any way.

13 So, if your opposition to Mr. Campbell's motion, Ms.
14 Aboutanos, is that we continue the hearing and wait another
15 16 days for answers to the interrogatories, if that is what
16 your motion is, that's what your opposition is, then I have
17 to respectfully disagree with its merits.

18 We are not going to delay the proceeding because,
19 although you elected to be substitute as a party Protestant,
20 I think your rights are no greater than those of an
21 intervener.

22 Moreover, our discovery rules require discovery to be
23 taken in non-rate cases prior to the hearing.

24 Moreover, your interrogatories, as they have been
25 characterized by Mr. Campbell, don't even request an Answer

1 within 20 days.

2 Nobody called me and said that they wanted an
3 expedited schedule, so, I am going to rule that you don't
4 have to answer those interrogatories for 16 more days.

5 Now, you do have to answer them, Mr. Campbell, if we
6 have more hearings, I think.

7 MR. CAMPBELL: My anticipation, Your Honor, was that
8 we could complete the case today.

9 JUDGE LOVENWIRTH: Maybe we can.

10 MR. CAMPBELL: And I don't propose to call any further
11 witnesses beyond today and the purpose of discovery is to
12 prepare the Protestants for the presentation of my case,
13 which has been scheduled for quite some time.

14 JUDGE LOVENWIRTH: Well, I don't know about that. I
15 think that the purpose, that is one of the main purposes of
16 discovery, but it might also be to help the Protestants to
17 prepare their cases.

18 MR. CAMPBELL: If they wish to do that, Your Honor,
19 they can cross-examine and ask any of the questions that are
20 relevant to any issue that is before you today.

21 JUDGE LOVENWIRTH: Well, I rule that if we don't
22 finish the case today, if we have to set another hearing
23 date, you will please answer the interrogatories.

24 MR. CAMPBELL: Very well, Your Honor.

25 JUDGE LOVENWIRTH: All right. Any other preliminary

1 matters?

2 MR. CAMPBELL: That's all I have, Your Honor.

3 JUDGE LOVENWIRTH: How about you, Mr. Hanyon?

4 MR. HANYON: None, Your Honor.

5 JUDGE LOVENWIRTH: How about you, Ms. Aboutanos?

6 MS. ABOUTANOS: No, Your Honor.

7 JUDGE LOVENWIRTH: Very well.

8 You will have the laboring ore, Mr. Campbell, as you
9 know.

10 Please call a witness.

11 MR. CAMPBELL: I call Mr. Danielewicz, the applicant.

12 JUDGE LOVENWIRTH: Good morning, Mr. Danielewicz.

13 MR. DANIELEWICZ: Good morning, Your Honor.

14 JUDGE LOVENWIRTH: For the record, do you spell your
15 name, James, J-A-M-E-S, Danielewicz, D-A-N-I-E-L-W-I-C-Z?

16 MR. DANIELEWICZ: E-W-I-C-Z.

17 JUDGE LOVENWIRTH: I made a mistake. There is an E
18 before the W?

19 MR. DANIELEWICZ: Yes, sir.

20 JUDGE LOVENWIRTH: Thank you. I made a mistake.

21 Whereupon,

22 JAMES DANIELEWICZ

23 having been duly sworn, testified as follows:

24 JUDGE LOVENWIRTH: Please be seated, sir.

25 All right, Mr. Campbell.

DIRECT EXAMINATION

1
2 BY MR. CAMPBELL:

3 Q Please give your name and business address for the
4 record.

5 A James Danielewicz. I reside at 315 Clairmont
6 Avenue, Stroudsburg, Pennsylvania. That is the same as my
7 business address.

8 Q And are you the applicant in this case?

9 A Yes.

10 Q Is applicant a corporation, a partnership or a
11 sole proprietorship?

12 A Sole proprietorship.

13 Q And you are the owner of that sole proprietorship?

14 A Yes.

15 Q And as the owner, are you familiar with your
16 operations, facilities and equipment as pertinent to this
17 proceeding?

18 A Yes.

19 Q Do you trade under the name Limousines for Less?

20 A Yes.

21 Q Has that fictitious name been properly registered
22 with the Commonwealth and filed with the PUC?

23 A Yes.

24 Q What is the business of Limousines for Less?

25 A Transport people in luxury vehicles.

1 Q And how long have you been in the transportation
2 business?

3 A At least ten years.

4 Q Do you have authority from the Interstate Commerce
5 Commission?

6 A Yes.

7 Q And does that permit 48 state operation?

8 A No.

9 Q What is that authority?

10 A It is Pennsylvania, New York and New Jersey, and I
11 believe Connecticut.

12 JUDGE LOVENWIRTH: Wait a minute. Four states?

13 THE WITNESS: Yes.

14 JUDGE LOVENWIRTH: Did you say something between New
15 Jersey and Connecticut? If you did, I missed it.

16 THE WITNESS: New York, Your Honor.

17 JUDGE LOVENWIRTH: New York, New Jersey, Pennsylvania
18 and Connecticut?

19 THE WITNESS: Yes.

20 JUDGE LOVENWIRTH: Thank you.

21 BY MR. CAMPBELL:

22 Q And is that special operations authority?

23 A Yes.

24 Q Do you presently also hold authority from the
25 Pennsylvania Public Utility Commission?

1 A Yes.

2 Q Would you describe, just in general terms, what
3 that authority is?

4 A That authority is Stroudsburg and ten miles and
5 Pike County and ten miles.

6 Q Have you caused to be prepared an exhibit, which
7 identifies in more specific terms, the application territory,
8 the authority that you are seeking in this proceeding?

9 A Yes.

10 MR. CAMPBELL: Your Honor, may we mark this portion of
11 the Pennsylvania State Highway Official Transportation Map,
12 Applicants Exhibit No. 1?

13 JUDGE LOVENWIRTH: Yes. Give it to the Court
14 Reporter. She will mark it. We can go off the record for
15 that purpose.

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

18 JUDGE LOVENWIRTH: We are back on the record.
19 What is A-1 again, please?

20 THE WITNESS: Pardon me?

21 JUDGE LOVENWIRTH: What is Applicant's Exhibit No. 1,
22 please?

23 THE WITNESS: It is a map of Wayne County and 25 miles
24 that we are applying for outside of the county.

25 JUDGE LOVENWIRTH: So this is a map of the area for

1 which you are seeking additional authority?

2 THE WITNESS: Yes, Your Honor.

3 JUDGE LOVENWIRTH: Does it include the area concerning
4 which you presently have authority?

5 THE WITNESS: It looks like it would overlap most of
6 it, yes.

7 MR. CAMPBELL: We would stipulate, Your Honor, that
8 this does embrace all of the applicant's present operating
9 authority.

10 JUDGE LOVENWIRTH: Thank you.

11 MR. HANYON: Does not or it does embrace?

12 JUDGE LOVENWIRTH: It does, it does. That is what is
13 being represented by the witness.

14 MS. ABOUTANOS: Your Honor, I thought you said does
15 not.

16 MR. CAMPBELL: No, it stipulates that it does include
17 all of the present rights.

18 JUDGE LOVENWIRTH: And the proposed rights, right?

19 MR. CAMPBELL: Yes.

20 JUDGE LOVENWIRTH: Very good. Thank you.

21 BY MR. CAMPBELL:

22 Q Again, to clarify, Mr. Danielewicz, this
23 application of this map that has been identified as
24 Applicant's Exhibit No. 1, is intended to show the scope of
25 the origin territory of the present application?

1 A Yes.

2 Q And do you agree with my representation to the
3 Judge that this includes all of your present operating
4 authority?

5 A Yes.

6 Q And by this application, you are seeking the right
7 to originate service in the area bounded in yellow, and to
8 transport persons in limousine service to all points in
9 Pennsylvania?

10 A Yes.

11 JUDGE LOVENWIRTH: Now wait; now I am confused.

12 MR. CAMPBELL: It says the origin territory, Your
13 Honor.

14 JUDGE LOVENWIRTH: The area highlighted in yellow is
15 the new authority you are seeking; is that correct?

16 And the rest of the map represents the old authority
17 which he already has? Is that it?

18 MR. CAMPBELL: No, the rest of the map just happens to
19 be how much would fit on the copy machine in order to
20 photocopy the official transportation map.

21 JUDGE LOVENWIRTH: What is highlighted in yellow,
22 again, just to make sure the record isn't confused.

23 MR. CAMPBELL: If I may respond as Counsel, Your
24 Honor, this application seeks operating authority from
25 between points in the County of Wayne, and within 25 miles of

1 the limits of that County, and from points in that territory
2 to points in Pennsylvania.

3 JUDGE LOVENWIRTH: And return?

4 MR. CAMPBELL: It does not say return, but I think
5 that is implicit in the limousine regulations, Your Honor.

6 JUDGE LOVENWIRTH: What section?

7 MR. CAMPBELL: I don't have them before me.

8 JUDGE LOVENWIRTH: I just looked at them. I don't
9 think it is implicit, but what's advertised was, "and
10 return."

11 MR. CAMPBELL: Okay. Then that certainly was the
12 intention.

13 JUDGE LOVENWIRTH: But I don't understand what is
14 highlighted here.

15 MR. CAMPBELL: The yellow line represents the line
16 which is 25 miles distant from the county limits of the
17 County of Wayne.

18 Applicant is seeking authority between points in this
19 corner of Pennsylvania and from points in that territory to
20 points in Pennsylvania and return.

21 JUDGE LOVENWIRTH: But he now has operating rights in
22 Pike County?

23 MR. CAMPBELL: And Monroe.

24 JUDGE LOVENWIRTH: And Monroe County?

25 MR. CAMPBELL: Yes.

1 JUDGE LOVENWIRTH: So, the area which is not
2 highlighted in yellow, and which appears on this map,
3 includes present operating authority, in part, at least.

4 For example, if you take East Bangor, or Bangor, that
5 is within ten miles of Monroe County; is it not?

6 MR. BALARDI: And Stroudsburg.

7 JUDGE LOVENWIRTH: Wait a minute. Did somebody say
8 something? Is it not, Mr. Campbell?

9 MR. CAMPBELL: It is, Your Honor.

10 JUDGE LOVENWIRTH: So part of the area that is not
11 highlighted in yellow includes his present operating
12 authority; is that not correct?

13 MR. CAMPBELL: Well, unfortunately, it is a little
14 more complicated than that, because his present authority has
15 a restriction against originating service in the County of
16 Northampton so that East Bangor would not be a good example.

17 However, you are correct that a portion of his
18 existing authority like --

19 JUDGE LOVENWIRTH: Like Hazleton?

20 MR. CAMPBELL: Uh --

21 JUDGE LOVENWIRTH: Assuming that Hazleton is within
22 ten miles of -- Hazleton may be a very bad example.

23 MR. CAMPBELL: Perhaps Leighton would be --

24 JUDGE LOVENWIRTH: That's Carbon County.

25 MR. CAMPBELL: -- a better example. That would be in

1 his existing authority.

2 So, to that extent, I misspoke when I said that this
3 exhibit would show his entire present operating authority.

4 JUDGE LOVENWIRTH: Because Leighton is within --

5 MR. CAMPBELL: Ten miles of the limits of Monroe, but
6 not in the circle on the map.

7 JUDGE LOVENWIRTH: Do you agree with that, Mr.
8 Danielewicz?

9 THE WITNESS: Yes, I do.

10 JUDGE LOVENWIRTH: Now I understand it a little bit
11 better. Very good.

12 MR. CAMPBELL: My mistake on the completeness of the
13 map embracing the existing authority.

14 BY MR. CAMPBELL:

15 Q Mr. Danielewicz, what vehicles do you operate in
16 your present certificated limousine service?

17 A We operate three stretch limousines and five Town
18 Cars.

19 Q Would you describe the years and makes and models
20 for the Judge?

21 A The limousines are all '96s - 1996s, and the Town
22 Cars are all the late '90's also.

23 Q And is that equipment owned by you or leased?

24 A The stretch limousines are leased with a dollar
25 buy out and the Town Cars are owned.

1 Q What arrangements do you have for the maintenance
2 of the equipment, the ordinary operating maintenance?

3 A Well, we have three different garages which we do
4 the maintenance on the cars and they do inspection and brakes
5 and basic maintenance, whatever is needed.

6 Q These are not affiliated with your operation, they
7 are just garages you do business with?

8 A Right.

9 Q How many people do you employ?

10 A We have about nine or ten drivers right now.

11 Q Are they full time, part time, or some of each?

12 A Some of each.

13 Q How many full time drivers?

14 A I believe five full time.

15 Q Does your company have a safety program?

16 A Yes, pretty much. The drivers have to check the
17 cars, maintain them and everything, make sure they are in
18 proper working order before they leave.

19 Q Do you maintain insurance coverage, at least
20 equal to the requirements of the Pennsylvania Public Utility
21 Commission?

22 A Above.

23 Q What is your record with respect to safety over
24 the last year or two years? Have you had any serious
25 accidents or incidents?

1 A Nothing that would be attributed to my fault or
2 our companies fault.

3 Q Are there any complaints or enforcement
4 proceedings of any kind presently pending against you?

5 A Not that I know of.

6 Q Does your company operate at a profit?

7 A Yes.

8 Q What type of service would you provide if the
9 application were approved?

10 A We would provide luxury transportation in that
11 whole area.

12 Q Between points in that area?

13 A Yes.

14 Q And would you also transport persons from that
15 territory to other points in Pennsylvania?

16 A Yes.

17 Q Would you hold yourself out to transport a
18 passenger originating in that area to any point in
19 Pennsylvania?

20 A Yes.

21 MR. CAMPBELL: Your Honor, we have -- may we have
22 marked for identification as Applicant's Exhibit No. 2, a
23 three page document bearing names and addresses?

24 JUDGE LOVENWIRTH: Yes.

25 (Whereupon, the document was marked as

1 Applicant's Exhibit No. 2 for identification.)

2 BY MR. CAMPBELL:

3 Q I will show you a document which has been marked
4 for identification as Applicant's Exhibit No. 2, and I ask
5 you whether in the past you have received requests for
6 service which you are unable to handle under your existing
7 operating authority?

8 A Yes.

9 Q And, does Exhibit No. 2 purport to show the names
10 and addresses of persons who have requested your service?

11 MR. HANYON: Objection, Your Honor.

12 MS. ABOUTANOS: I am going to object to this, Your
13 Honor.

14 JUDGE LOVENWIRTH: On what grounds?

15 MS. ABOUTANOS: I would say that this is hearsay for
16 him to speak on behalf of the people listed in here unless
17 they are here to testify that they did this.

18 JUDGE LOVENWIRTH: What grounds, Mr. Hanyon?

19 MR. HANYON: Same grounds, Your Honor.

20 JUDGE LOVENWIRTH: Overruled.

21 BY MR. CAMPBELL:

22 Q During what period of time did you received the
23 requests that are summarized on that exhibit?

24 A About the last six to seven months.

25 Q And were all of those requests received in your

1 office either by yourself personally, or staff under your
2 supervision?

3 A Some are received in the office and some are
4 received at bridal shows.

5 JUDGE LOVENWIRTH: And some received what?

6 THE WITNESS: At bridal shows.

7 BY MR. CAMPBELL:

8 Q Explain for the Judge what you mean by "at bridal
9 shows".

10 A Well, we take our cars to bridal shows and have
11 our drivers there and display what we are going to do at
12 their weddings and all of that; and then they approach us --

13 MR. HANYON: Objection.

14 JUDGE LOVENWIRTH: Just a moment, please.

15 MR. HANYON: I am sorry, Your Honor. I'll let him
16 finish. I thought he was finished.

17 JUDGE LOVENWIRTH: Go ahead, finish.

18 THE WITNESS: And they approach us either at the
19 bridal shows and call us and request service for their
20 wedding.

21 JUDGE LOVENWIRTH: Now, he will object.

22 MR. HANYON: Objection based on hearsay, Your Honor.

23 JUDGE LOVENWIRTH: Mr. Hanyon, it's a regulation which
24 has been adopted by the Commission that allows requests for
25 service testimony.

1 Notwithstanding, it is a hearsay nature and for that
2 reason I have and I do now overrule your objection.

3 MR. HANYON: Your Honor, if I may, I don't believe
4 that Mr. Danielewicz is talking with regard to personal
5 knowledge.

6 JUDGE LOVENWIRTH: Well, if he isn't, then you can
7 establish that on cross-examination and renew your objection.

8 MR. HANYON: Thank you, Your Honor.

9 BY MR. CAMPBELL:

10 Q Was that list compiled at your direction based
11 upon my request that you do so?

12 A Yes.

13 Q In the normal course of business were your
14 employees instructed to take that information?

15 A Yes.

16 Q And did they present it to you as the owner of the
17 company?

18 A Yes.

19 JUDGE LOVENWIRTH: And this is the names and addresses
20 of these folks, listed on A-2, are the names and addresses of
21 service requesters; is that correct?

22 THE WITNESS: Yes, sir.

23 BY MR. CAMPBELL:

24 Q You have indicated, as I understood your
25 testimony, that these were wedding related.

1 Are all of the requests on this exhibit local service
2 as opposed to service to points outside the origin territory
3 shown on Exhibit No. 1?

4 A These are just the ones -- well they would be in
5 Exhibit No. 1, but right now they are outside my authority.

6 Q But if they were wedding requests, is it my --

7 A I couldn't do them now, but I would be able to do
8 them in the future if I was granted.

9 Q I understand, but you are not presenting that
10 exhibit as evidence of transportation need from points in
11 that territory to points in Harrisburg or Hershey or
12 Philadelphia. Those are local requests; is that correct?

13 A Yes.

14 MR. HANYON: Mr. Campbell, if I may interrupt you.

15 Your Honor, I have a motion -- I'd ask because of the
16 nature of the testimony that has been elicited from the
17 witness, if we can sequester the remaining witnesses in the
18 room that may be called to preserve their testimony as
19 independent.

20 MR. CAMPBELL: I am not going to ask him any further
21 questions about this exhibit, Your Honor, if that helps. I
22 don't mean to interrupt.

23 JUDGE LOVENWIRTH: It is unusual to sequester
24 witnesses; however, I am familiar with the procedure.

25 Now, why do you want the witnesses sequestered? What

1 will this witness say that will influence the testimony of
2 other witnesses?

3 MR. HANYON: Well, Your Honor, if I may approach then
4 on that matter.

5 JUDGE LOVENWIRTH: Do you want to go off the record?

6 MR. HANYON: We can go off the record of bring the
7 record up. We can go off the record, that's fine, but I
8 would rather approach then have an oral motion, especially in
9 front of witnesses.

10 JUDGE LOVENWIRTH: All right. We will go back to my
11 chambers and take a two minute recess.

12 (Recess)

13 JUDGE LOVENWIRTH: Back on the record.

14 While we were off the record, the motion that was made
15 by Mr. Hanyon was expounded upon by him, and he takes the
16 position that he doesn't want the applicants, support
17 witnesses, to listen to one another testify, and that is
18 because they will know what they are going to be asked and
19 they can prepare themselves and it may hamper cross-
20 examination.

21 Mr. Campbell observed that he has never seen that done
22 in an application proceeding which involved limousines, and
23 although when I practiced law more than two decades ago --
24 no, that's not true, more than a decade ago -- I would often
25 move to sequester witnesses, but it was mostly done in

1 criminal cases. I don't think I often did it, if at all, on a
2 civil case.

3 None-the-less, in an abundance of caution I am going
4 to allow the motion, and this is what I would ask you to do,
5 please, Mr. Campbell.

6 I would ask you to request the five witnesses who you
7 mentioned to me, that you anticipated to call, to go into the
8 front office there.

9 Now, there is very sensitive materials in there, files
10 that pertain to other cases. I don't want anybody snooping
11 around in there, but none-the-less, I have confidence that
12 none of them will.

13 And, would you also please, instruct your witnesses
14 after they have testified, not to discuss their testimony
15 with the other witnesses who haven't yet been called.

16 Would you be kind enough to do that, Mr. Campbell?

17 MR. CAMPBELL: I will do that. Will all the witnesses
18 that are here in support of the application on behalf of
19 Limousines for Less please rise.

20 Would you follow me into the proper office?

21 JUDGE LOVENWIRTH: You may continue examining your
22 witness.

23 BY MR. CAMPBELL:

24 Q Mr. Danielewicz, are you familiar with either of
25 the Protestants in this case, Pocono Limousine or C.W.G.

1 Holdings, Incorporated?

2 A Well, Pocono I know of, but C.W.G. I have never
3 heard of.

4 Q Have you ever been called upon by Pocono to supply
5 equipment for that carrier?

6 A We have done a few weddings for them.

7 Q Have you ever required to supplement your
8 equipment by calling upon them for equipment?

9 A No.

10 Q If this application were approved, how soon could
11 you begin service?

12 A Immediately.

13 Q You wouldn't need any additional equipment or
14 facility?

15 A No.

16 MR. CAMPBELL: That's all I have. You may cross-
17 examine.

18 JUDGE LOVENWIRTH: Mr. Hanyon.

19 MR. HANYON: Yes, Your Honor?

20 JUDGE LOVENWIRTH: Do you have any questions you would
21 like to ask the witness?

22 MR. HANYON: Yes, I do, Your Honor. Your Honor, may I
23 approach the witness?

24 JUDGE LOVENWIRTH: Yes, you may.

25 CROSS-EXAMINATION

1 BY MR. HANYON:

2 Q Mr. Danielewicz, I am going to hand you
3 Applicant's Exhibit No. 1 which I have highlighted with a
4 blue marker to some extent.

5 JUDGE LOVENWIRTH: Well, you are not handing him
6 Applicant's Exhibit No. 1. You are handing him an altered
7 exhibit, Applicant's Exhibit.

8 BY MR. HANYON:

9 Q Now, there is blue highlighter on that exhibit.
10 Now, does the blue highlighter outline the names of the
11 counties and the counties within the right you are seeking?

12 A Yes, from all the up until the yellow line.

13 Q Okay. There is also a dark blue pen mark circled
14 around Stroudsburg.

15 JUDGE LOVENWIRTH: Do you want to mark this so that we
16 know what we are talking about later on.

17 MR. HANYON: Yes, I apologize, Your Honor.

18 JUDGE LOVENWIRTH: Not that one. You want to mark the
19 one he has as Pocono Cross-Examination Exhibit No. 1 or don't
20 you intend to move it into the record?

21 MR. HANYON: I can move it into the record, Your
22 Honor.

23 JUDGE LOVENWIRTH: Please mark it as Pocono Cross
24 Examination Exhibit No. 1, and the record will indicate that
25 the last two or three questions asked, all the questions

1 asked by Mr. Hanyon, are in response to questions about the
2 Pocono Cross Examination Exhibit No. 1.

3 (Whereupon, the document was marked as
4 Pocono Cross-Examination Exhibit No. 1
5 for identification.)

6 BY MR. HANYON:

7 Q There is also what I have drawn in blue pen,
8 rather than blue highlighter, an oval circle around the area
9 of Stroudsburg.

10 Would you agree that that is somewhat close to ten
11 miles around the Stroudsburg area?

12 A Could be close -- it is not quite accurate.

13 Q And your current rights are Stroudsburg and East
14 Stroudsburg and ten statute miles?

15 A Yes.

16 Q Together with Pike County.

17 A And ten statute miles.

18 Q And ten statute miles.

19 JUDGE LOVENWIRTH: I have a question. There is a
20 scale in the upper right hand corner.

21 MR. HANYON: Yes.

22 JUDGE LOVENWIRTH: On the bottom of the scale it says
23 0, 6, 12, and on the top of the scale it says 0, 5, and then
24 it is cut off. Now which one is miles?

25 MR. HANYON: The top is mile, Your Honor. The bottom

1 is Kilometers.

2 JUDGE LOVENWIRTH: Thank you. Does everyone agree with
3 that?

4 MR. HANYON: Does anyone want to see --

5 JUDGE LOVENWIRTH: I don't want to see. I take your
6 word for it, but will everyone stipulate that the top is
7 miles?

8 If we are stipulating, you can take a look at the
9 whole map if you want to.

10 I didn't hear an answer. Is there any stipulation as
11 to that fact?

12 MR. HANYON: Your Honor, I would agree that the top
13 portion is in miles, yes.

14 JUDGE LOVENWIRTH: How about you, Ms. Aboutanos?

15 MS. ABOUTANOS: I agree as well, Your Honor.

16 JUDGE LOVENWIRTH: Very good.

17 BY MR. HANYON:

18 Q Again, would you agree that the lining marked in
19 blue is somewhat representative of the ten statute miles
20 surrounding the area of Stroudsburg?

21 A Basically, yes.

22 MR. HANYON: I would like to move this into evidence
23 as Pocono Limousines Cross Examination Exhibit No. 1.

24 JUDGE LOVENWIRTH: Any objections?

25 MR. CAMPBELL: No objection.

1 JUDGE LOVENWIRTH: Can I look at it, please?

2 MR. HANYON: Yes, Your Honor.

3 (Pause.)

4 JUDGE LOVENWIRTH: It's made part of the record. We
5 will have to have copies made.

6 (Whereupon, the document marked as
7 Pocono Limousines Cross-examination Exhibit No.1
8 was received in evidence.)

9 JUDGE LOVENWIRTH: Now, I want to understand that the
10 highlight in blue indicates the counties, one county as being
11 Susquehanna, another county being Wayne, another county being
12 Pike, another county being Monroe, and another county being
13 Luzerne.

14 MR. HANYON: I don't believe Lackawanna is
15 highlighted.

16 JUDGE LOVENWIRTH: I don't think Lackawanna is
17 highlighted either, but I can see that Lackawanna is also --
18 I don't see a line that separates Lackawanna from Luzerne,
19 but that is not my problem because it is not my exhibit.

20 We will give it to the Court Reporter.

21 What did you say was written, but not highlighted?

22 MR. HANYON: There is a circle in blue pen around, in
23 blue felt pen, around the Stroudsburg area, which is a rough
24 estimate of ten statute miles outside of Stroudsburg, which
25 is part of the applicant's current rights.

1 JUDGE LOVENWIRTH: Oh, I see. I mean, it is not a
2 circle. Ten statute miles would be a circle, wouldn't it?

3 MR. HANYON: I did go beyond the area of Monroe into
4 Northampton because Northampton is excluded --

5 JUDGE LOVENWIRTH: Oh, I see. I understand. So this
6 circle isn't drawn to scale?

7 MR. HANYON: I can't guarantee the accurateness of it,
8 Your Honor. It was my estimation, I drew it.

9 JUDGE LOVENWIRTH: The Court Reporter will take
10 possession of this, and I will have to make copies of it.

11 BY MR. HANYON:

12 Q Now, in Applicant's Exhibit No. 2, you placed
13 names of individuals who have either requested services by
14 phone or at other events that you have serviced that were
15 outside of your present territory; is that correct?

16 A The borderline or outside, yes.

17 Q Mr. Danielewicz, do you currently have a Yellow
18 Pages ad?

19 A Yes.

20 Q How big is your Yellow Pages ad?

21 A How big is it?

22 Q Part page, half page, one line?

23 A Probably an inch and a half by two inches or
24 whatever, not very big.

25 JUDGE LOVENWIRTH: Excuse me, all these voices. An

1 inch and half by two inches?

2 THE WITNESS: Something like that, Your Honor.

3 JUDGE LOVENWIRTH: In what directory?

4 THE WITNESS: In Bell Atlantic.

5 JUDGE LOVENWIRTH: Which Bell Atlantic?

6 THE WITNESS: I guess the Stroudsburg area, Monroe
7 County.

8 JUDGE LOVENWIRTH: Pocono Mountains?

9 THE WITNESS: Yes, Pocono Mountains.

10 BY MR. HANYON:

11 Q Is there any advertisements in any other Yellow
12 Pages advertisements, for instance Scranton or Lackawanna,
13 Wayne County? Do you have any ads in those places?

14 A In New Jersey.

15 Q In New Jersey. In that ad do you indicate what
16 your rights are?

17 A No.

18 Q So it is possible that a person seeing your ad may
19 call you and unbeknownst to them, they don't know that you
20 can't service them; is that correct?

21 A Most of them don't even know you need a PUC
22 authority to offer service to them.

23 JUDGE LOVENWIRTH: Well, just answer the question.
24 Nobody asked you, do most of them know you need authority.
25 Just answer the question, please.

1 THE WITNESS: Yes, Your Honor.

2 BY MR. HANYON:

3 Q And have you personally answered some of those
4 phone calls?

5 A Yes.

6 Q And have you personally been at events where
7 people were requesting your services and they lived in other
8 areas?

9 A At the bridal show you mean?

10 Q Yes.

11 A No, I don't basically attend them.

12 JUDGE LOVENWIRTH: You don't basically what?

13 THE WITNESS: Attend them.

14 BY MR. HANYON:

15 Q So, from your personal knowledge, you are speaking
16 that you have actually answered the phone and had a request
17 from one or many persons on this list that have personally
18 requested service, and you have told them what?

19 A That if they are out of the area, we couldn't
20 service them.

21 Q Did you recommend anyone to them?

22 A No, because basically I didn't know anyone that
23 served outside that area, unless it would be Pocono, and then
24 that I would tell them Pocono.

25 JUDGE LOVENWIRTH: Excuse me -- Ms. Santos, are you

1 able to hear the witness?

2 (Pause)

3 JUDGE LOVENWIRTH: Would you please try and speak with
4 a little more clarity here, and Ms. Santos has only got two
5 arms and two ears, so everyone just cool it a little bit.
6 Talk more slowly please.

7 Now, I didn't hear you. I am sure Ms. Santos did
8 because she said she did, but I didn't hear any answer to
9 the last question.

10 Would you repeat your answer? Do you remember what it
11 was Mr. Danielewicz?

12 THE WITNESS: If he asks the question again I'll be
13 able to --

14 BY MR. HANYON:

15 Q When you have answered the phone personally and
16 received a call from one or more persons on this list, you
17 have told them what?

18 A If they were out of the area, I told them we
19 couldn't service them.

20 JUDGE LOVENWIRTH: And then you were asked, well did
21 you recommend another limousine carrier and you said no?

22 THE WITNESS: I said, sometimes if they were in the
23 area of Pocono Limousine I would recommend them.

24 JUDGE LOVENWIRTH: That's what I didn't hear.

25 BY MR. HANYON:

1 Q And what area does Pocono Limousine service?

2 A As far as I know, just Monroe County.

3 Q Does it include the Stroudsburg area?

4 A Yes.

5 Q So if you got a call, for instance, from someone
6 in Long Pond, you would have told them that you cannot
7 service them, but they can be serviced by Pocono Limousine;
8 is that correct?

9 A Correct.

10 Q Has anyone on this list, inclusive of the persons
11 that you may have directed to Pocono Limousine for their
12 services, ever called you back and said they were
13 dissatisfied with the service?

14 A No, not that I know of.

15 Q Now, you have stated that you have had requests
16 from Pocono Limousine for equipment at times or for vehicles;
17 is that correct?

18 A If he hires to do a couple, two or three weddings.

19 Q Two or three weddings?

20 A Yes.

21 Q And over how much time has that occurred?

22 A Probably a year.

23 Q In other words, within the last year, those two or
24 three wedding requests have come in, but prior to that, there
25 was no requests; is that correct?

1 A Well, we get referrals from his the same as I
2 refer him.

3 JUDGE LOVENWIRTH: Who is him?

4 THE WITNESS: Pocono Limousine.

5 BY MR. HANYON:

6 Q Are you referring to Mr. Dario Belardi, who is
7 seated in the court, room to my right?

8 JUDGE LOVENWIRTH: Mr. who?

9 MR. HANYON: I apologize, Your Honor. Are you
10 referring to Mr. Dario Belardi, D-A-R-I-O B-E-L-A-R-D-I,
11 who is seated to the right of me right now?

12 A Not him personally, no. His secretary or the
13 girl that works in his office.

14 Q And do you have a working relationship with Pocono
15 Limousine and vice versa?

16 A I think I get along with them.

17 Q And you stated that you were in the transportation
18 business for at least ten years; is that correct?

19 A Somewhere in that neighborhood, yes.

20 Q How long have you been operating Limo's for Less?

21 A About ten years.

22 Q About ten years? And in those ten years, has
23 there ever been one instance when you did not have enough
24 equipment to service the requests from a patron?

25 A Well, yes.

1 Q So, it is common then, maybe to have, if a party,
2 for instance, asked you that they needed four limousines for
3 a wedding, maybe it was a big wedding, and you only had
4 three, that you would have to supplement your equipment from
5 another carrier; is that correct?

6 A It is possible, yes.

7 Q And likewise, Pocono Limousine has had instances
8 where their equipment was short in a certain area, and they
9 made requests of you?

10 A That's possible.

11 Q And to your knowledge, is that allowed under PUC
12 regulations?

13 A If it is done properly.

14 Q Now you stated also, that you have three new 1996
15 stretch limousines; is that correct?

16 A Yes.

17 Q And you are leasing all of them; is that correct?

18 A Yes.

19 Q And can you tell us the terms of those leases?

20 A What do you mean by the terms?

21 Q How long are the lease periods? Four years, five
22 years?

23 A 48 months.

24 Q 48 months? And at the end you buy them out for a
25 dollar; is that correct?

1 A Yes.

2 Q Has there come a point in time where you made an
3 offer to Pocono Limousine if they would like to buy or take
4 over the payments of one of your vehicles?

5 A No.

6 Q That never occurred?

7 A Nope.

8 Q Mr. Danielewicz, have you brought with you today
9 any of your financial statements, tax records or tax returns
10 for the past years?

11 A Nope.

12 Q Do you know how much was the gross revenue for
13 Limo's for Less for the year 1996?

14 A About \$400,000.00.

15 Q And can you tell the Court what the profit is of
16 that \$400,000.00, what you are actually claiming as taxable
17 income?

18 A Probably about 20 percent.

19 Q About 20 percent, so it is about \$80,000.00; is
20 that correct?

21 A Correct.

22 Q Would you agree with me then, the limo business is
23 a highly competitive business?

24 A Yes.

25 Q Would you agree with me that it is marginal to the

1 extent that if a major breakdown occurs or something happens
2 to your staff, it could severely limit your profit?

3 A Yes.

4 Q Now, when you would be -- you stated that you
5 would be servicing persons as far as Wayne County or even
6 Susquehanna County near almost the New York border; is that
7 correct?

8 A Yes.

9 Q And you base your operations in Stroudsburg; is
10 that correct?

11 A Yes.

12 Q Do you know how many miles, let's say to the
13 furthest point from your operations within the territory that
14 you are asking the Court for right now?

15 A It is probably about 100 some miles.

16 MR. HANYON: I will repeat that question, Your Honor,
17 and I will slow down.

18 BY MR. HANYON:

19 Q Can you state how many miles it is from your base
20 in Stroudsburg to the furthest point within the territory you
21 are applying for at present?

22 A To the furthest point, probably about 100 miles.

23 Q And would you be seeking to increase your rates
24 for pick up in areas that far from your base?

25 MR. CAMPBELL: I object, Your Honor. I don't see the

1 relevance.

2 JUDGE LOVENWIRTH: Overruled.

3 THE WITNESS: No.

4 BY MR. HANYON:

5 Q Would you agree with me that to pick up persons in
6 those limits would be very costly for you to run a limousine
7 100 miles to do a pick up and drop off within that area that
8 you are picking the person up in?

9 MR. CAMPBELL: I object again, Your Honor. If the
10 tariff provides --

11 JUDGE LOVENWIRTH: I am sitting here with a ruler
12 trying to figure out the answer to that last question, a
13 couple questions ago, and as a consequence, I didn't hear the
14 question, for which I apologize, but let me do one thing at a
15 time here.

16 I measured from Stroudsburg to the Northwest corner of
17 Susquehanna County. I measure about eight and a half inches;
18 and five miles is a half an inch about, so that would be
19 eight and a half times five. It would be about 45 miles. It
20 wouldn't be 100 miles, 50 miles maybe.

21 Now, what was the last question that I have to rule
22 on?

23 MR. HANYON: Your Honor, I think I will repeat it, but
24 if I could borrow the Court's ruler, I just want to make my
25 own observations.

1 JUDGE LOVENWIRTH: Yes, make sure I didn't make a
2 mistake.

3 This indicates a half an inch, every half inch is five
4 miles according to the scale of miles.

5 I count eight and a half inches which is 450 miles, I
6 think.

7 THE WITNESS: 90.

8 JUDGE LOVENWIRTH: 90, I never was very good at
9 arithmetic, 90 miles. Is that what it is, 90 miles?

10 MR. HANYON: That is correct.

11 BY MR. HANYON:

12 Q Mr. Danielewicz, that your limo's don't have
13 wings? Would you agree with that?

14 A I guess so.

15 Q And would you agree that you have to travel many
16 roads to get to the furthest northeast corner of Susquehanna
17 County?

18 A Right.

19 Q And therefore, it would be inaccurate to measure
20 miles by way of the crow flies. You would have to actually
21 travel various roads?

22 JUDGE LOVENWIRTH: Well, no, it wouldn't be because he
23 is seeking authority by statute miles.

24 What is a statute mile, Mr. Campbell?

25 MR. HANYON: Your Honor, I think a statute mile is by

1 the way the crow flies, but that is to outline this
2 territory, but when he has to get to a point in that
3 territory, obviously he has to travel over many roads.

4 JUDGE LOVENWIRTH: I'll take official notice of that.

5 BY MR. HANYON:

6 Q Now, Mr. Danielewicz, you would agree with me that
7 it is much more cost effective for you to do a three hour
8 wedding in East Stroudsburg than a three hour wedding in the
9 furthest northeast corner of Susquehanna County or within the
10 territory bounds; correct?

11 A Yes.

12 Q And your margin of profit would decrease
13 significantly if you had to travel all the way to the
14 farthest reaches of your territory to do a three hour wedding
15 and return; is that correct?

16 MR. CAMPBELL: I object, Your Honor.

17 THE WITNESS: No.

18 JUDGE LOVENWIRTH: Just a moment. Excuse me, please.
19 You can't just pretend that Mr. Campbell didn't make an
20 objection and continue on, can we?

21 Read back the question, please.

22 BY MR. HANYON:

23 Q Would you agree with me that to service a three
24 hour wedding, potentially, in East Stroudsburg as opposed to
25 a three hour wedding in some of the furthest reaches of

1 Susquehanna County would be much more cost effective for you
2 conducted in East Stroudsburg; correct?

3 MR. CAMPBELL: I am objecting, Your Honor. It assumes
4 facts aren't in evidence, specifically, what does his tariff
5 provide. If, in fact, his tariff provides that it is comput-
6 ed from the time it leaves the equipment point until it gets
7 back, certainly it would be at least as profitable to go to
8 Wayne County as it is to East Stroudsburg.

9 JUDGE LOVENWIRTH: Or Susquehanna County. Overruled.
10 It is cross-examination.

11 BY MR. HANYON:

12 Q Would you agree it is more cost effective to do
13 the service in East Stroudsburg then?

14 A It is, yes.

15 Q Mr. Danielewicz, where you propose the majority of
16 your business would be, should you be granted the rights that
17 you are requesting this court to give you today?

18 A Probably between Scranton, Wilkes Barre.

19 Q Would you be thinking of gaining any business from
20 Monroe County, that is beyond ten statute miles from
21 Stroudsburg?

22 A Yes.

23 Q And isn't it true that you are actually not
24 seeking Wayne County, but you are actually looking for 25
25 statute miles from that county, mainly Scranton, Wilkes

1 Barre, northern Monroe County, to conduct your business?

2 A No.

3 Q Let me ask you, how did you come up with 25 miles?
4 Why 25 miles from Wayne County?

5 A Because it would cover the Scranton, Wilkes Barre
6 area.

7 Q Do you have any personal knowledge whether persons
8 who called you from Wayne County had any difficulty in
9 finding an alternative luxury vendor in which to gain
10 services from?

11 MR. CAMPBELL: I object for the reason that this
12 Protestant has no authority in Wayne County to begin with, so
13 this Protestant couldn't provide a service even if there were
14 difficulties in getting --

15 MR. HANYON: Your Honor, may I respond? I am really
16 going to the credibility of this witness and what he is
17 trying to seek.

18 JUDGE LOVENWIRTH: The question asked for a
19 conclusion. Do you know if they had any difficulty and what
20 you deem difficult, somebody else may deem not so difficult,
21 so it is calls for a conclusory answer and therefore I am
22 going to sustain the objection.

23 BY MR. HANYON:

24 Q Mr. Danielewicz, you stated that in your opinion
25 the accidents you have had with your limousine service in the

1 past, motor vehicle accidents, were not your fault.

2 A I only had one accident, and that was in the state
3 of New Jersey, and we were rear ended by another car.

4 Q And since the time you have been in business
5 under Limo's for Less, you have had no other accidents?

6 A Nothing serious, no.

7 Q How many times has someone filed a complaint
8 against you for conducting business outside your rights?

9 MR. CAMPBELL: Object, Your Honor.

10 JUDGE LOVENWIRTH: Sustained. What do I care how many
11 times complaints have been filed?

12 MR. HANYON: Your Honor, if I may respond, under South
13 Hills Movers versus PUC, it does state that an issue of
14 relevancy is that the applicant has a propensity --

15 JUDGE LOVENWIRTH: -- to operate lawfully.

16 MR. HANYON: -- lawfully.

17 JUDGE LOVENWIRTH: Yes, but does that case say that
18 every time someone files a complaint, it is a meritorious
19 complaint or it is one that was sustained?

20 MR. HANYON: No, Your Honor.

21 JUDGE LOVENWIRTH: Okay.

22 BY MR. HANYON:

23 Q How many times have you received a warning from
24 the PUC for operation outside of your rights?

25 MR. CAMPBELL: Object, Your Honor.

1 JUDGE LOVENWIRTH: Sustained.

2 BY MR. HANYON:

3 Q How many violations have you been cited for from
4 the PUC?

5 MR. CAMPBELL: Object, Your Honor.

6 JUDGE LOVENWIRTH: Sustained.

7 BY MR. HANYON:

8 Q Have you ever been cited for a violation by the
9 PUC and convicted?

10 A When I first applied for my authority, yes.

11 Q Didn't you state on direct that there has never
12 been a conviction?

13 MR. CAMPBELL: No, the question was, were there any
14 pending complaints or enforcement proceedings against him,
15 answer -- no.

16 BY MR. HANYON:

17 Q So, your testimony is you have one conviction for
18 a violation of a PUC regulation?

19 A Yes.

20 Q What was that for, sir?

21 A It was for operating without a PUC license.

22 JUDGE LOVENWIRTH: And when was that? Ten years ago?

23 THE WITNESS: Yes, sir.

24 MR. CAMPBELL: Your Honor, I would like to object and
25 move to strike. If it was ten years ago, it is remote and

1 really bears not on fitness.

2 JUDGE LOVENWIRTH: Well, I am going to overrule your
3 objection. I don't think it is entitled to very much weight,
4 I agree with you, but that doesn't mean that it is
5 inadmissible. It doesn't rebut the presumption. Certainly
6 he has the requisite fitness.

7 MR. HANYON: I have no further questions, Your Honor.

8 JUDGE LOVENWIRTH: Thank you so much.

9 Ms. Aboutanos?

10 CROSS-EXAMINATION

11 BY MS. ABOUTANOS:

12 Q There are some things I need to clarify.

13 Now you have authority to operate your limousine
14 services in Pike County?

15 A Yes.

16 Q And you already have authority to operate your
17 limousine services ten miles in Monroe County?

18 A Yes.

19 JUDGE LOVENWIRTH: Ten miles outside Monroe County.

20 MS. ABOUTANOS: Outside.

21 THE WITNESS: Outside, yes.

22 BY MS. ABOUTANOS:

23 Q And you are seeking today, authority to operate
24 your limousine service 25 miles from Wayne County?

25 JUDGE LOVENWIRTH: Between points in Wayne County and

1 25 miles, statute miles, outside of Wayne County to points in
2 Pennsylvania and return. Isn't that right, Mr. Campbell?

3 MR. CAMPBELL: That is correct, Your Honor. That is
4 what the application said.

5 BY MS. ABOUTANOS:

6 Q With regard to Wayne County, do you know how many
7 limousine services there are in Wayne County?

8 A I don't believe there is maybe one if there is
9 any.

10 JUDGE LOVENWIRTH: Well, I don't know what your
11 question means. Do you mean how many licensed or
12 certificated limousine carriers are based in Wayne County or
13 do you mean how many are headquartered in Wayne County?

14 MS. ABOUTANOS: Yes, that's what I mean.

15 JUDGE LOVENWIRTH: Is your answer the same?

16 THE WITNESS: Yes, Your Honor.

17 BY MS. ABOUTANOS:

18 Q And who is that?

19 A I don't know. I said, I don't even know. If
20 there is, there would only be one.

21 JUDGE LOVENWIRTH: Well, you wouldn't be based in
22 Wayne County either; isn't that right, if you were successful
23 in this application procedure.

24 THE WITNESS: Yes, Your Honor.

25 JUDGE LOVENWIRTH: Pardon me?

1 THE WITNESS: Yes.

2 JUDGE LOVENWIRTH: Yes, I am correct, you wouldn't
3 be --

4 THE WITNESS: Yes, you are correct.

5 BY MS. ABOUTANOS:

6 Q But you are seeking, though, authority to operate
7 your limousine service in Wayne County; aren't you?

8 A Yes.

9 Q Did you ever conduct any need-analysis and
10 determine how many people would be needing limousine services
11 in Wayne County?

12 A No.

13 Q Are you aware that C.W.G. Holdings, Inc., has
14 authority to operate its limousine service in Wayne County?

15 A No.

16 JUDGE LOVENWIRTH: Just a moment, please. He says,
17 no, he is not aware. I beg your indulgence for a moment,
18 please.

19 MS. ABOUTANOS: Sure, Your Honor.

20 JUDGE LOVENWIRTH: Can we stipulate that the
21 Protestant, C.W.G. Holdings has authority to operate
22 limousines between points in Lackawanna, Luzerne,
23 Susquehanna, Wyoming, Wayne and Pike Counties, will you not,
24 Mr. Campbell?

25 MR. CAMPBELL: I will so stipulate, Your Honor.

1 BY MS. ABOUTANOS:

2 Q Since you never conducted a study to determine
3 there was any need for what kind of need consumers would have
4 for limousine services in Wayne County --

5 MR. CAMPBELL: Object. That has been asked and
6 answered, Your Honor.

7 JUDGE LOVENWIRTH: No, she is not finished. She said,
8 since you haven't conducted an analysis --

9 MR. CAMPBELL: Oh, I am sorry. I misunderstood the
10 question.

11 JUDGE LOVENWIRTH: That is okay.

12 "Since you haven't conducted such an analysis as to
13 need in Wayne County --" Now, finish your question please.

14 BY MS. ABOUTANOS:

15 Q Would you agree with me then, that if you also had
16 a limousine service as well, there is a possibility of your
17 business and C.W.G. Holdings business going out of business?

18 MR. CAMPBELL: Object, Your Honor. Speculation.

19 JUDGE LOVENWIRTH: A speculative possibility calls
20 for conjecture. There's a possibility of an earthquake hap-
21 pening in Scranton in five minutes too, but it doesn't add
22 anything to the record, possibility.

23 BY MS. ABOUTANOS:

24 Q Mr. Danielewicz, if you were granted the authority
25 to operate your limousine service in Wayne County and you

1 weren't getting enough customers, would you then raise the
2 rates in your business?

3 MR. CAMPBELL: Object.

4 THE WITNESS: Well --

5 JUDGE LOVENWIRTH: Excuse me. There is an objection.
6 On what grounds, Mr. Campbell?

7 MR. CAMPBELL: It is complete speculation. What would
8 happen if he had rights that he doesn't have and didn't get
9 business that he is going to try to get.

10 JUDGE LOVENWIRTH: Moreover, he can't unilaterally
11 raise rates. He has to come to the Public Utility Commission
12 and file a tariff, which would set forth the amount that he
13 will be admitted to charge. So for all those reasons, I
14 would have to sustain the objection.

15 BY MS. ABOUTANOS:

16 Q You testified earlier that you only had one
17 previous car accident in New Jersey, and then you also
18 testified that you didn't really have any other accidents,
19 nothing serious.

20 When you say nothing serious, do you mean you did have
21 accidents or --

22 A Other than a headlight cracked out or a tail
23 light, something like that, that's just minor, that is not
24 considered on your report with the insurance company that you
25 had an accident.

1 Q And how would that happen when your headlights
2 get --

3 A Well, the driver backing into a space where it was
4 tight or something or somebody when he is parked hits him or
5 something like that.

6 Q Did that ever happen during the time when you were
7 operating your limousine service for a wedding or for an
8 event?

9 A It has happened, but I can't think of a specific
10 event.

11 Q It did happen before?

12 A Oh, sure. You put 100,000 miles a year on a car,
13 something is going to happen in that 100,000 miles.

14 Q With regard to your limousine drivers, do you know
15 if they have a clean record with regard to any accidents they
16 have ever had?

17 A Yes.

18 Q Do they have a clean record?

19 A Yes.

20 Q Would you agree, Mr. Danielewicz, that if you
21 operate your limousine service in Wayne County, that you will
22 be taking some business away from my client, C.W.G. Holding,
23 Inc.?

24 MR. CAMPBELL: Object, Your Honor. It assumes facts
25 not in evidence. We don't know if C.W.G. Holdings Inc.'s has

1 any revenues from Wayne County.

2 MS. ABOUTANOS: Well, they have --

3 MR. CAMPBELL: The fact that they have authority there
4 doesn't mean that they have any business there.

5 JUDGE LOVENWIRTH: The way the question is phrased, I
6 am going to sustain the objection.

7 Do you think that you would be competing with C.W.G.
8 Holdings if your application were granted?

9 THE WITNESS: I really can't answer that. I don't
10 know, Your Honor.

11 JUDGE LOVENWIRTH: We will take official notice of the
12 fact that he would be competing with anyone who has rights in
13 Wayne County.

14 THE WITNESS: I guess you would be actually competing
15 if they are there.

16 MS. ABOUTANOS: I have no other questions.

17 JUDGE LOVENWIRTH: Any redirect?

18 MR. CAMPBELL: I have no redirect, Your Honor.

19 JUDGE LOVENWIRTH: Any recross?

20 MR. HANYON: No, Your Honor.

21 JUDGE LOVENWIRTH: All right. Thank you very much.
22 It is now, that clock is wrong, so that nobody gets the
23 incorrect idea. That clock was about five minutes slow for
24 about two weeks, so I figure the battery is all right, so I
25 reset it yesterday, but the battery isn't all right.

1 It is not 26 minutes after, so we will take a five
2 minute recess, thank you.

3 (Recess.)

4 JUDGE LOVENWIRTH: We are back on the record.

5 I asked if he wanted to call a witness and he said
6 before I do, Your Honor, I have one --

7 MR. CAMPBELL: I have one housekeeping item. I would
8 like to move the admission of Applicant's No. 1 and No. 2.

9 JUDGE LOVENWIRTH: Any objections?

10 MR. HANYON: No objection, Your Honor.

11 MS. ABOUTANOS: No, Your Honor.

12 JUDGE LOVENWIRTH: There being none then Applicant's
13 Exhibit's No. 1 and No. 2 are made part of the record.

14 (Whereupon, the documents marked as
15 Applicant's Exhibits Nos. 1 and 2 were
16 received in evidence.)

17 MR. CAMPBELL: I call Mari Grabowski.

18 MS. QUIRICO: It's Ms. Quirico.

19 JUDGE LOVENWIRTH: Pardon me?

20 MR. CAMPBELL: I need some help from the witness, Your
21 Honor.

22 MS. QUIRICO: My name is Mari Lynn Grabowski Quirico.

23 JUDGE LOVENWIRTH: All right, will you spell your name
24 for me?

25 MS. QUIRICO: M-A-R-I Grabowski, G-R-A-B-O-W-S-K-I,

1 Quirico, Q-U-I-R-I-C-O.

2

3 Whereupon,

4

MARI GRABOWSKI QUIRICO

5 having been duly sworn, testified as follows:

6

JUDGE LOVENWIRTH: You may be seated.

7

8 Just so everybody knows, we are going to take a lunch
9 break in about 15 minutes. If you have a witness that can't
10 stay till the afternoon --

11

MR. CAMPBELL: We are taking her first because she has
12 a young child.

13

JUDGE LOVENWIRTH: Good choice.

14

Mr. Campbell.

15

DIRECT EXAMINATION

16

BY MR. CAMPBELL:

17

Q I think the reporter has your name for the record.
18 Give us your residence address, Mari.

19

A I am currently living at 1516 South Webster Avenue
20 in Scranton.

21

Q Keep your voice up so they can hear you all the
22 way over there.

23

A Okay.

24

Q And what is the business or occupation first of
25 yourself?

26

A I am an intensive care unit nurse.

1 JUDGE LOVENWIRTH: You are what?

2 THE WITNESS: An intensive care unit nurse.

3 JUDGE LOVENWIRTH: Really, which hospital?

4 THE WITNESS: Midvalley Hospital.

5 BY MR. CAMPBELL:

6 Q What is your husband's business or occupation?

7 A He is a professional baseball player.

8 Q And has he in the past played for the Red Barons
9 here in Scranton, Wilkes Barre?

10 A Yes, he did.

11 JUDGE LOVENWIRTH: Who does he play for now?

12 THE WITNESS: He is with the Anaheim Angels.

13 JUDGE LOVENWIRTH: No kidding. Can you get me an
14 autograph?

15 THE WITNESS: Sure.

16 JUDGE LOVENWIRTH: What position does he play?

17 THE WITNESS: He is a left handed pitcher.

18 JUDGE LOVENWIRTH: Very good.

19 BY MR. CAMPBELL:

20 Q I would like to show you an exhibit. I think you
21 were present during the testimony of Mr. Danielewicz when he
22 described the present application, why we are here today?

23 A Yes.

24 Q And you understand that he is seeking authority to
25 originate service in this area founded in yellow in

1 Applicant's Exhibit No. 1, and to be able to go from that
2 territory to any point in Pennsylvania?

3 A Yes.

4 Q Have you in the past had occasion to travel with
5 Limo's for Less interstate service, to points outside
6 Pennsylvania?

7 A Yes, I have.

8 Q And how did you find the service?

9 A It was very good, very thorough.

10 Q And is there any reason why you would like to have
11 that service available to points within the state of
12 Pennsylvania?

13 A With my husbands occupation as a baseball player,
14 and since I am residing in this area, I often have to fly to
15 go and see him.

16 With the cost of flying numerous times, I have one
17 child, so that we can be together as a family, I have to fly
18 often.

19 I don't enjoy driving to the airport, so I will be
20 utilizing, it would make it more accessible for me fly from
21 various airports that I can't fly. I get the limousine
22 service to do that now.

23 For instance, to fly to Philadelphia and to fly out of
24 Allentown.

25 Q And what would determine which airport that you

1 would want to fly out of to be with your husband?

2 A Well, it would be more cost effective for me to
3 have both those airports accessible for me to fly from.

4 Q And if this application were approved, would you
5 use the service proposed by the applicant for that
6 transportation to the airport?

7 A Yes, I would.

8 JUDGE LOVENWIRTH: I didn't hear the answer.

9 THE WITNESS: Yes, I would.

10 BY MR. CAMPBELL:

11 Q And do you believe that there is a need for that
12 service for yourself?

13 A Yes, I do.

14 Q And how frequently do you think that you would
15 have occasion to use that service?

16 A Well, I try to fly out about every month and a
17 half to see him.

18 Q And your husband is now in California. He is
19 playing in the Pacific League?

20 A Pacific Coast League.

21 JUDGE LOVENWIRTH: Who is he playing for?

22 THE WITNESS: He is playing for the Anaheim Angels.

23 JUDGE LOVENWIRTH: Triple A baseball?

24 THE WITNESS: Well, basically right now he bounces up
25 between the big league team and he will either be in

1 Vancouver, Canada or Anaheim. They are deciding now.

2 BY MR. CAMPBELL:

3 Q Suppose that he makes it to the bigs and gets
4 permanently assigned some place far away in California or
5 whatever, would you still have occasion to come back to this
6 area?

7 A Yes, I would.

8 MR. HANYON: Objection, Your Honor. Withdrawn, I am
9 sorry.

10 THE WITNESS: Yes, I would. I reside here and my
11 family is here and we, on the off season, we would come back
12 to this area to stay for periods of time.

13 BY MR. CAMPBELL:

14 Q Wish your husband well, and yourself of course,
15 and that's all the questions that I have.

16 JUDGE LOVENWIRTH: Cross-examination, Mr. Hanyon?

17 MR. HANYON: Yes, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. HANYON:

20 Q Ms. Grabowski, how are you?

21 A I am fine.

22 JUDGE LOVENWIRTH: It is Mrs. Quirico.

23 MR. CAMPBELL: Your Honor, hesitant to interrupt
24 though I may be, I am going to object to Mr. Hanyon cross-
25 examining this witness since he has no authority to

1 originate -- this client has no authority to originate
2 service from Scranton. He has no interest in this witness'
3 testimony.

4 JUDGE LOVENWIRTH: Let me look and see what is going
5 on here.

6 The answer tot the question is: This client has to
7 airport transfer service with points within ten statute miles
8 of Monroe County.

9 Now, I think that this witness lives in Scranton. I
10 don't think S. Webster Avenue is within ten statute miles of
11 the limits.

12 MR. CAMPBELL: Certainly not, Your Honor. We can
13 measure on the official transportation map.

14 JUDGE LOVENWIRTH: Will you do that, because I --

15 MR. HANYON: Your Honor, I would have a --

16 MR. CAMPBELL: Perhaps Mr. Hanyon would stipulate and
17 we don't have to --

18 MR. HANYON: -- request, if he will so stipulate that
19 this witness has no relevance on the application in the
20 protest with Pocono Limousine. If he is saying she has
21 relevance to our protest, then I am entitled to cross-examine
22 her.

23 MR. CAMPBELL: I would certainly agree to stipulate
24 that this witness has not proven any need for service that
25 could be provided by Pocono Limo.

1 MR. HANYON: The --

2 JUDGE LOVENWIRTH: Measure -- Hold it -- Off the
3 record.

4 (Discussion off the record.)

5 JUDGE LOVENWIRTH: Back on the record.

6 We have a stipulation that where this witness resides
7 in the City of Scranton is more than ten statute miles from
8 Monroe County and with that stipulation, I sustain the
9 objection.

10 You have no standing to cross-examine concerning this
11 witness, Mr. Hanyon, because your client's authority does not
12 conflict with her needs.

13 Your client couldn't supply those needs as she has
14 just described them anyway.

15 Do you have any questions, Ms. Aboutanos?

16 MS. ABOUTANOS: Yes, I do, Your Honor.

17 MR. HANYON: Your Honor, may I just address the Court
18 briefly?

19 JUDGE LOVENWIRTH: Sure.

20 MR. HANYON: There was a stipulation by Mr. Campbell
21 that this witness would have no relevance to the protest
22 filed by Pocono Limousine and the need for service in
23 territory that Pocono Limousine has.

24 MR. CAMPBELL: I agreed, Your Honor, to stipulate that
25 this witness does not establish need from any point within

1 ten miles of the --

2 JUDGE LOVENWIRTH: The applicant doesn't have to prove
3 that his witnesses needs could be satisfied by the
4 Protestants, so, I don't understand where you are going, Mr.
5 Hanyon. I mean it's very opposite, if what the Applicant has
6 to do is to prove that the witnesses needs can't be satisfied
7 by the Protestants.

8 So, I just don't understand your point. If you could
9 articulate it better, maybe I could more intelligently
10 address this.

11 MR. HANYON: Your Honor, my understanding is -- the
12 Court has much more experience than I do -- that the
13 Applicant needs to prove several things, one of that he is
14 going to serve a useful public purpose responsive to a public
15 demand or need. I simply want the stipulation that this
16 witness has no relevance to his burden of proof to show that
17 there is a public need in Monroe County or territories owned
18 by my client, or that he has rights of service.

19 It is almost academic.

20 JUDGE LOVENWIRTH: Yes, I agree with that that this
21 witness doesn't prove that. This witness proves, however,
22 that she has a need to receive transportation.

23 Where did you say you lived, Madam? Oh, she lives in
24 Scranton. To go from Scranton to the Wilkes-Barre Airport
25 and from Scranton to the airport in the Allentown, Bethlehem,

1 Easton area, so, the record speaks for itself in that regard.

2 Now, do you have any cross-examination, Ms. Aboutanos?

3 MS. ABOUTANOS: Yes, I do.

4 JUDGE LOVENWIRTH: We are going to take a break in
5 about five minutes, so if you think your cross-examination
6 would be impaired, tell me and we will make her come back
7 afterwards.

8 We will take a short luncheon recess. Do you think
9 you can wrap it up in three or four minutes? Which?

10 MS. ABOUTANOS: I would rather come back after lunch.

11 JUDGE LOVENWIRTH: All right we will take a luncheon
12 recess until 12:35, no longer than that, because the witness
13 has to get back to her child.

14 MR. CAMPBELL: Your Honor, again, I don't mean to be
15 obstinate, but my direct examination wasn't more than three
16 minutes.

17 JUDGE LOVENWIRTH: I know it wasn't. All right,
18 cross-examine, and then we will see where we are going.

19 CROSS-EXAMINATION

20 BY MS. ABOUTANOS:

21 Q Ms. Quirico, you said you have been provided with
22 Mr. Danielewicz's limousine services before, and when was
23 that?

24 A I was just in the limousine it had to be almost
25 four weeks ago. Before that it had to be --

1 Q Four weeks ago where?

2 A From where? From the Scranton area.

3 Q To where?

4 A That week we were going into the Poconos.

5 Q And who is we?

6 A Me and a bunch of my friends.

7 Q So from Scranton to the Poconos.

8 A That was four weeks ago. Before that I flew, we
9 flew from New York City, from Scranton to New York. That
10 would have to be in January.

11 Q And Mr. Danielewicz provided you with --

12 A Yes.

13 Q -- with the service. Did you know Mr. Danielewicz
14 before you went to him for his services?

15 A How I came about meeting Mr. Danielewicz is that I
16 have a friend who is a friend with his daughter, and through
17 him, that is how I became involved knowing of the service.

18 A friend invited me, there would be a party between
19 his daughter and our friend, and that friend is a friend of
20 mine, and that is how I came about knowing of his service.

21 Does that make sense?

22 JUDGE LOVENWIRTH: Yes, it makes sense. Go ahead.

23 Do you have any other questions?

24 BY MS. ABOUTANOS:

25 Q How long have you been residing in Scranton?

1 A I have lived here all my life.

2 Q Have you ever been provided with a limousine
3 service other than Mr. Danielewicz before?

4 A I have been in other limousine services. With
5 regards to utilizing one no.

6 My husband has, but I couldn't tell you who because
7 they were provided from different agents or people that
8 provided the limousine for him.

9 It wasn't something that we had to pay for. In
10 weddings and things like that I have been in other
11 limousines, yes.

12 Q So the reason you went to seek Mr. Danielewicz
13 services is because a friend told you about him?

14 A I had heard, a friend of mine had gotten married
15 and utilized their service and that friend -- he invited me
16 to go with him on an event that he utilized their business,
17 and that was the first encounter that I had with using their
18 service, and that had to be almost three years ago.

19 Q Did you ever try seeking another limousine service
20 in Scranton besides Mr. Danielewicz services?

21 A Since using theirs, no. I have always been very
22 satisfied with using their business.

23 Q You have never tried calling a limousine service
24 and were told no, we don't have --

25 JUDGE LOVENWIRTH: Have you ever been turned down by

1 another limousine service?

2 THE WITNESS: Have I, no, not in this area, no.

3 BY MS. ABOUTANOS:

4 Q Did you ever call up C.W.G. Holdings, Inc. for
5 limousine service before?

6 A No, I have seen their -- I don't know how to
7 explain. I have always been satisfied with their business
8 because --

9 JUDGE LOVENWIRTH: With whose business?

10 THE WITNESS: With the Limousines for Less because
11 they have --

12 BY MS. ABOUTANOS:

13 Q I am sorry, I didn't --

14 JUDGE LOVENWIRTH: You are not up here to make a
15 speech. Everybody has their function. The question was,
16 have you ever --

17 THE WITNESS: I was trying to explain that I have seen
18 advertisements in the paper for different limousine companies
19 and when I have seen the actual limousines and what has been
20 advertised, there has been inconsistencies.

21 JUDGE LOVENWIRTH: Nobody asked you that.

22 THE WITNESS: Okay.

23 JUDGE LOVENWIRTH: Anything else?

24 BY MS. ABOUTANOS:

25 Q Have you ever called Gilbride Limousine Service in

1 Scranton before?

2 A No.

3 MR. CAMPBELL: Object, Your Honor. They are not a
4 party, what is the relevance.

5 JUDGE LOVENWIRTH: She said no, the question has been
6 answered already.

7 BY MS. ABOUTANOS:

8 Q Have you ever tried calling Northeast Transit
9 Limousine Service in Scranton before?

10 MR. CAMPBELL: Same objection, Your Honor.
11 Irrelevant.

12 JUDGE LOVENWIRTH: Overruled. Have you ever called
13 Northeast Transit?

14 THE WITNESS: Can I say something?

15 JUDGE LOVENWIRTH: Have you ever called --

16 THE WITNESS: I have called other limousine services.
17 For me to say what the names are, I really don't remember
18 because it was a while ago before I even utilized their
19 service.

20 BY MS. ABOUTANOS:

21 Q And you have never been turned down --

22 THE WITNESS: It had to be over three years ago.

23 JUDGE LOVENWIRTH: Excuse me, let her finish.

24 MS. ABOUTANOS: Sorry, Your Honor.

25 THE WITNESS: It had to be over three years, and at

1 that time I wasn't satisfied with the prices.

2 JUDGE LOVENWIRTH: But you were never turned down?

3 THE WITNESS: No, not turned down.

4 JUDGE LOVENWIRTH: All right.

5 Do you have another question?

6 MS. ABOUTANOS: No, Your Honor.

7 JUDGE LOVENWIRTH: Any redirect?

8 MR. CAMPBELL: No, Your Honor.

9 MR. HANYON: Your Honor, may I speak to the Court
10 please, address the Court?

11 JUDGE LOVENWIRTH: Yes, sir.

12 MR. HANYON: I would ask for an opportunity at this
13 time to cross-examine this witness.

14 JUDGE LOVENWIRTH: Why?

15 MR. HANYON: And I will approach the bench regarding
16 it if I may.

17 JUDGE LOVENWIRTH: Wait a minute now, hold it. You
18 are not going to be allowed to do it. That is all there is
19 to it. I heard the witness' testimony very carefully.

20 I know that she said that she went into the Poconos.
21 If she went into the Poconos it has to be illegal
22 transportation. It can't be legal transportation and it
23 doesn't affect your standing to cross-examine, does it?

24 MR. HANYON: If the Court understands the point I am
25 trying to make, I believe that it does still affect my

1 standing, because I can show lack of credibility on this
2 witness, not lack of credibility on this witness, excuse me,
3 but how it affects this participant and this applicant in the
4 burden of proof that he has to meet, namely that he does not
5 conduct business illegally.

6 JUDGE LOVENWIRTH: But that is already on the record.

7 MR. HANYON: Thank you, Your Honor.

8 JUDGE LOVENWIRTH: She went to the Poconos. The
9 Poconos are beyond the limits of the Applicant's --

10 MR. CAMPBELL: May this witness be excused, Your
11 Honor?

12 (Whereupon at 11:45 a.m., the hearing was adjourned,
13 to reconvene at 12:45 p.m., this same day.)
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1 (Whereupon, at 12:45 p.m., the hearing was
2 reconvened.)

3 JUDGE LOVENWIRTH: We are back on the record.

4 MR. CAMPBELL: Your Honor, I would like to, at this
5 time, recall my last witness, although I'd ask that she be
6 excused. I found out that she had misstated a very material
7 fact, which was the subject of --

8 JUDGE LOVENWIRTH: Any objections?

9 MR. CAMPBELL: -- Your Honor's final comments.

10 JUDGE LOVENWIRTH: Any objections?

11 (No response.)

12 JUDGE LOVENWIRTH: There being none, you can recall
13 the witness.

14 MR. CAMPBELL: Please take the stand again, Mari.

15 JUDGE LOVENWIRTH: All right, Ms. Quirico, you are
16 still under oath.

17 Whereupon,

18 MARI GRABOWSKI QUIRICO

19 having been previously duly sworn, testified further as
20 follows:

21 DIRECT EXAMINATION

22 BY MR. CAMPBELL:

23 Q In response to a question on cross-examination,
24 Mrs. Quirico, you had indicated that you had taken, as I
25 understood your testimony, and as I think the Judge

1 understood your testimony, you indicated that you had taken
2 Limo's for Less on a limousine trip from Scranton to the
3 Poconos and I didn't clarify that on re-direct because I
4 assumed as the Judge did, that this was something that should
5 not have been done that happened.

6 You corrected this, you told me after your testimony,
7 however, that that was not the situation, that the Judge's
8 characterization was wrong; is that true?

9 A That is true.

10 Q What did you --

11 A What I meant to say was that I had used the
12 service from Scranton to New York. I've left also from the
13 Poconos to New York. I have never taken a limo from Scranton
14 to go up to the Poconos.

15 Q So then that would be an inaccurate
16 characterization of your testimony that you had used Limo's
17 for Less from Scranton to the Poconos because you have never
18 done that?

19 A Right.

20 Q You have taken their service from the Poconos to
21 New York?

22 A Correct.

23 Q And from Scranton to New York?

24 A Right.

25 Q But that was what you intended to testify?

1 A I am nervous, very nervous.

2 JUDGE LOVENWIRTH: Do you have any cross-examination,
3 Ms. Aboutanos, from that point, with in the limited scope of
4 that question?

5 CROSS-EXAMINATION

6 BY MS. ABOUTANOS:

7 Q Did you ever have more than one transportation
8 from the Poconos to any other place with regard to -- from
9 Mr. Danielewicz?

10 A I have used their service about six times in total
11 over the last three years.

12 Q Can you tell me from what point to what --

13 A For me to remember exact -- it has always been
14 either from Scranton to New York or from the Poconos to New
15 York. I have also gone from the Poconos to New Jersey, but
16 that is it.

17 Q Now you are stating that you never took these
18 services from Scranton --

19 A Not from Scranton.

20 JUDGE LOVENWIRTH: Just a moment please. The Court
21 Reporter, she is going to go nuts. All these voices at once.

22 BY MS. ABOUTANOS:

23 Q You have never taken his services from Scranton to
24 the Poconos?

25 A No.

1 Q I am not sure how you misunderstood that.

2 A I am very nervous and what I thought you were
3 implying is what places I had left to use the service, what
4 places I have left from to use instead of what I thought you
5 were asking me.

6 Q When we broke for lunch, did anybody tell you at
7 all that you should change your answer?

8 A No.

9 Q So what you are testifying now is the truth?

10 A Yes.

11 Q You said you knew Mr. Danielewicz from a friend.
12 Do you know if Mr. Danielewicz had a family?

13 MR. CAMPBELL: I am going to object, Your Honor, just
14 for the reason it is beyond the scope.

15 JUDGE LOVENWIRTH: Let me hear the question. Is that
16 the end of the question?

17 BY MS. ABOUTANOS:

18 Q Do you know Mr. Danielewicz's family?

19 JUDGE LOVENWIRTH: Objection sustained. It goes
20 beyond the scope of redirect.

21 MS. ABOUTANOS: Your Honor, if I may, with regard to
22 her changing her answer, I am trying to establish there could
23 have been some bias from the witness if she knew Mr.
24 Danielewicz pretty well.

25 JUDGE LOVENWIRTH: Well you have already established

1 that she knew people who were related to him. That is
2 already part of the record.

3 She said she is telling the truth. She said that
4 nobody spoke to her over the recess in order to alter her
5 former testimony.

6 MS. ABOUTANOS: Now, I think it is essential for me to
7 establish how well she knew Mr. Danielewicz where before it
8 didn't seem that --

9 JUDGE LOVENWIRTH: Overruled.

10 How well did you know Mr. Danielewicz, or do you know
11 him at all?

12 THE WITNESS: I have been in his presence maybe twice
13 or three times. I am friends -- my friend is friends with
14 his daughter.

15 BY MS. ABOUTANOS:

16 Q Have you ever been to his house before?

17 A Once.

18 Q What was that for?

19 A His daughter was having a party and I went there
20 with a friend of mine on the holidays.

21 Q Do you know if this friend of yours has ever
22 been -- well she has been to his house. She was there that
23 one time too with you; right?

24 THE WITNESS: It is a man.

25 JUDGE LOVENWIRTH: Pardon me? I can't hear two voices

1 at once. What was your question, Madam, please?

2 MS. ABOUTANOS: I am going to rephrase it, Your Honor.

3 BY MS. ABOUTANOS:

4 Q You just stated that your friend was with you at
5 one time at his house. Do you know if your friend had ever
6 been there more than once before, at Mr. Danielewicz' house?

7 MR. CAMPBELL: Object, Your Honor. This is getting
8 into how close her friend is to --

9 JUDGE LOVENWIRTH: Sustained.

10 MS. ABOUTANOS: I have no more questions, Your Honor.

11 JUDGE LOVENWIRTH: Thank you so much. Any redirect?

12 MR. CAMPBELL: Just one.

13 REDIRECT EXAMINATION

14 BY MR. CAMPBELL:

15 Q Immediately after the Judge's comments, was it you
16 who approached Mr. Danielewicz and me and told me that you
17 had not meant to say what the Judge said?

18 A Yes.

19 Q Nobody came to you and said --

20 A No.

21 MR. CAMPBELL: Thank you, that's it.

22 May the witness be excused, finally, and thank you for
23 staying over.

24 JUDGE LOVENWIRTH: Any objection to the witness being
25 excused? There being none, thank you very much, Madam.

(Witness excused.)

JUDGE LOVENWIRTH: What is this all about?

MR. CAMPBELL: I would like to call Mr. --

JUDGE LOVENWIRTH: Wait a minute. You want to get rid of Mr. Hanyon, don't you?

MR. CAMPBELL: Yes, but I thought I would recall Mr. Danielewicz so he can hear the statement and attest to the truth --

JUDGE LOVENWIRTH: All right, you are still under oath, Mr. Danielewicz.

Whereupon,

JAMES DANIELEWICZ

having been previously duly sworn, testified further as follows:

JUDGE LOVENWIRTH: You're still under oath.

THE WITNESS: Yes, Your Honor.

MR. CAMPBELL: Mr. Hanyon, correct me if I may have mis-stated -- but it is my understanding, Your Honor that what we have agreed to is that the application will be amended to contain the same basic restriction that is in Mr. Danielewicz' existing authority so that even if this application were approved, the grant would not include the right to originate service from points more than ten miles from, statute miles, from the limits of the Borough of Stroudsburg which points are in Monroe County.

1 ed more than ten statute miles from the limits of the
2 Borough of Stroudsburg, Monroe County.

3 Is that correct, or should it --

4 MR. CAMPBELL: I think that is exactly correct, Your
5 Honor.

6 MR. HANYON: Yes, that is exactly right.

7 THE WITNESS: Yes, Your Honor, that is correct.

8 JUDGE LOVENWIRTH: So, we can originate service and
9 say Lackawanna County, even though it is more than -- under
10 this amendment, if the application is granted -- even though
11 it is more than ten statute miles from Stroudsburg?

12 MR. CAMPBELL: That is the understanding.

13 MR. HANYON: That is the understanding.

14 JUDGE LOVENWIRTH: Very good, it sounds to me like it
15 can be in the public interest, so I wouldn't have any trouble
16 with that restrictive amendment. Very well.

17 MR. HANYON: I think that disposes of my protest
18 then, Your Honor.

19 MR. CAMPBELL: And then relies upon --

20 JUDGE LOVENWIRTH: Do you withdraw your protest?

21 MR. HANYON: I withdraw my protest, Your Honor, yes.
22 I don't have any grounds to protest at this point with that
23 amendment.

24 JUDGE LOVENWIRTH: Very good. So the protest having
25 been withdrawn, and you may be excused, Mr. Hanyon. It is

1 very nice to see you, sir. Take good care of yourself, sir.

2 MR. HANYON: Thank you.

3 JUDGE LOVENWIRTH: You may step down, Mr. Danielewicz.

4 THE WITNESS: Thank you, Your Honor.

5 (Witness excused.)

6 MR. CAMPBELL: May we call our next witness, Your

7 Honor?

8 JUDGE LOVENWIRTH: Please do. You have four more

9 witnesses right?

10 MR. CAMPBELL: I am only going to call two more, Your

11 Honor.

12 JUDGE LOVENWIRTH: Good afternoon, sir.

13 MR. CAMPBELL: We call Mr. Blasko, Your Honor.

14 JUDGE LOVENWIRTH: Good afternoon, Mr. Blasko.

15 What is your full name, please?

16 MR. BLASKO: Arthur George Blasko, B-L-A-S-K-O Jr.

17 JUDGE LOVENWIRTH: B-L-A-S-K-O, Jr.

18 MR. BLASKO: Yes, sir.

19 Whereupon,

20 ARTHUR GEORGE BLASKO, JR.

21 having been duly sworn, testified as follows:

22 JUDGE LOVENWIRTH: Please be seated, Mr. Blasko. Mr.

23 Campbell.

24 DIRECT EXAMINATION

25 BY MR. CAMPBELL:

1 Q You have given us your name, Mr. Blasko. Would you
2 tell us where you reside?

3 A I live at 1100 Water Street in Moosic, sir.

4 Q And is Moosic in Lackawanna County?

5 A Yes, sir, it is.

6 JUDGE LOVENWIRTH: M-O-O-S-I-C.

7 BY MR. CAMPBELL:

8 Q I am going to show you a document which has been
9 identified as Applicant's Exhibit No.1, and you don't have to
10 study it carefully, but were you present when Mr. Danielewicz
11 was describing the scope of his present application to the
12 Public Utility Commission?

13 A Yes, sir.

14 Q And, do you understand from his testimony that the
15 rights being sought are to originate in this area here?

16 A Yes, sir. Within this yellow line, yes, sir.

17 Q And either to go between points that are bounded
18 in yellow or from points in the yellow to other points in
19 Pennsylvania?

20 A Uh-huh.

21 Q Sir, in the past, have you ever had occasion to
22 use the service of Limo's for Less to points outside
23 Pennsylvania?

24 A Yes, sir.

25 Q And where have you used the service and for what

1 reason if you would explain to the Judge?

2 A We have gone to New York City to the theater on
3 numerous occasions.

4 Q On numerous occasions did you say?

5 A Yes, sir, in the last six months, we have probably
6 used the service about four times.

7 Q And when you say we, to whom are you referring?

8 A They are a small group of friends and I who like
9 to go to the theater and we will take his services.

10 Q On the occasions when you have used the services
11 of Limousines for Less to New York for theater trips, have
12 you found that service satisfactory, unsatisfactory?

13 A Oh, very, very good. That is why we go back to
14 it.

15 Q And, if the present application were approved, are
16 there any points in Pennsylvania where you would like to use
17 applicant's services?

18 A Most assuredly. Since we are theater people,
19 probably a bad term, we like to go to theater and things like
20 that, there are places in the Philly area, the Harrisburg
21 area, Hershey that we would like to go, but we don't go to
22 now.

23 Q And in the event that this application were
24 approved, would you actually use the service for such trips?

25 A Yes, sir. No doubt.

1 Q Can you estimate how frequently you would do that?
2 MS. ABOUTANOS: If the witness wouldn't mind using
3 "I". For him to say "we", he is speaking for others and
4 they are not here.

5 JUDGE LOVENWIRTH: Objection sustained.

6 THE WITNESS: All right. I can say for myself that I
7 would probably go to theaters or functions about once every
8 two months. That is my average.

9 BY MR. CAMPBELL:

10 Q Has that been your previous experience with the
11 group of friends that you previously described to the points
12 outside Pennsylvania?

13 A Yes, sir.

14 MR. CAMPBELL: That is all I have, Your Honor.

15 JUDGE LOVENWIRTH: Cross-examine please if you have
16 any.

17 MS. ABOUTANOS: Yes, Your Honor.

18 CROSS-EXAMINATION

19 BY MS. ABOUTANOS:

20 Q Did you know Mr. Danielewicz before you went to
21 him for his services?

22 A No ma'am. As a matter of fact, I did not know him
23 until this morning. That is the first time I met him.

24 Q What made you seek Mr. Danielewicz services?

25 A I had attempted on occasions to get limousine

1 service locally.

2 My friends and I, I must include them in this now, my
3 friends and I wanted to get limousine service from here.

4 Q From here -- Scranton?

5 A From local, yes, ma'am.

6 JUDGE LOVENWIRTH: From Lackawanna County you mean?

7 THE WITNESS: Yes, sir. We wanted to keep the monies
8 within the area if we could, of course.

9 Had no luck. We had one service that we went to and
10 we were not pleased with them, and one of my friends had
11 contacted this organization here. I don't know where she got
12 the information from.

13 JUDGE LOVENWIRTH: Which organization where?

14 THE WITNESS: I believe it was a company at the time
15 called Top Hat, or something. I don't remember. I did a
16 data dump and I erased it from my memory because I wasn't
17 happy with it.

18 BY MS. ABOUTANOS:

19 Q Before you get into that, how do you know your
20 friend contacted this --

21 A Contacted them?

22 Q Yes.

23 A Because she made the arrangements for us.

24 Q Did she tell you that?

25 A Yes.

1 MS. ABOUTANOS: I am going to object to any further
2 testimony about his friend, what she told him. She is not
3 here to testify to that.

4 MR. CAMPBELL: That was responsive to her question,
5 Your Honor.

6 MS. ABOUTANOS: I was only asking with regard to his
7 seeking the limousine services.

8 JUDGE LOVENWIRTH: Just a moment please. You asked
9 him, I am not sure, but as I recall, you asked him how he
10 came to first use the services of the applicant. I think
11 that was the question.

12 MS. ABOUTANOS: Yes, and he went beyond the scope of
13 my question.

14 JUDGE LOVENWIRTH: Why did he go beyond the scope of
15 your question?

16 MS. ABOUTANOS: I just wanted to know how he came to
17 know -- who told him -- not what that person did.

18 JUDGE LOVENWIRTH: Objection is -- who is objecting?
19 You are objecting to him answering your question with a
20 hearsay response; is that correct?

21 MS. ABOUTANOS: Yes, Your Honor.

22 JUDGE LOVENWIRTH: All right, objection overruled
23 because you can ask questions that call for hearsay answers
24 on cross-examination, at least you used to be able to when I
25 practiced law.

1 BY MS. ABOUTANOS:

2 Q Did you ever call C.W.G. Holdings, Inc. for their
3 limousine services at all?

4 A Never heard of them, ma'am.

5 Q Have you ever heard of Savage Limousine, Inc.?

6 A No, ma'am.

7 Q Have you ever contacted Gilbride Limousine
8 Services?

9 A No, ma'am.

10 Q Do you know of their existence at all?

11 A No, ma'am.

12 Q Have you ever contacted Northeast Transit
13 Limousine Services?

14 A No, ma'am.

15 Q Have you ever contacted -- okay, you did say you
16 contacted other limousine services besides --

17 A Tried to, yes, ma'am. Would you like their names,
18 ma'am?

19 JUDGE LOVENWIRTH: She will let you know what she
20 wants.

21 THE WITNESS: I am sorry, sir.

22 BY MS. ABOUTANOS:

23 Q Have you ever been turned down by any limousine
24 service that operates in Scranton, Lackawanna County before?

25 A I have never been able to reach one, ma'am.

1 Q But you never called any of the three limousine
2 services that I just mentioned to you before?

3 A No, ma'am.

4 Q How long have you resided in Moosic?

5 A I returned here in July of '90.

6 JUDGE LOVENWIRTH: Where were you before that?

7 THE WITNESS: I was in the military for over 20 years,
8 sir. I traveled a lot.

9 MS. ABOUTANOS: I have no further questions.

10 JUDGE LOVENWIRTH: Redirect?

11 REDIRECT EXAMINATION

12 BY MR. CAMPBELL:

13 Q Sir, on cross-examination, you were asked -- I
14 don't mean to mischaracterize the question. Your response
15 was to the question that you have never been able to reach
16 one, referring to attempts to arrange service with local
17 carriers.

18 A Yes, sir.

19 Q Explain that further. What carriers did you
20 contact? Why couldn't you contact anyone?

21 A The two carriers that I contacted, one, I believe
22 was Touch of Class, and the other was Elegance, and my
23 understanding, at least I believe in the Yellow Pages, they
24 advertise the type 24 hour service.

25 I work during the day, often times I don't get home

1 till 8:00 in the evening, and when I tried to contact these
2 people, I got no answer, and when I tried a couple of times,
3 I just eliminate them after a few times and don't go back to
4 them.

5 Q Why did you select those particular two companies?

6 A They were in the yellow pages, quite simply.

7 MR. CAMPBELL: I have nothing further.

8 RECROSS EXAMINATION

9 BY MS. ABOUTANOS:

10 Q Are you aware that Savage Limousine, Inc. is also
11 in the Yellow Pages in Scranton?

12 A They probably are, ma'am, but like most people, I
13 look for a large ad, and I didn't see them at the time. They
14 may well be now, I don't know.

15 Q Are you aware that Savage Limousine, Inc. has a
16 large ad in the --

17 A No, ma'am, I am not.

18 Q They do, it is a big square. Are you aware of
19 that?

20 JUDGE LOVENWIRTH: You can't testify.

21 THE WITNESS: No, ma'am, I do not know.

22 MS. ABOUTANOS: I have no more questions, Your Honor.

23 JUDGE LOVENWIRTH: Thank you very much, Mr. Blasko.

24 THE WITNESS: Thank you, sir.

25 JUDGE LOVENWIRTH: What were you in the Army, the

1 Navy?

2 THE WITNESS: Yes, sir, the Army.

3 JUDGE LOVENWIRTH: I am so sorry!

4 (Laughter.)

5 MR. CAMPBELL: Can the witness be excused, sir?

6 JUDGE LOVENWIRTH: Yes. Thank you very much.

7 (Witness excused.)

8 MR. CAMPBELL: I would call my next witness, sir.

9 JUDGE LOVENWIRTH: Who is?

10 MR. SREBRO: My name is Joseph Srebro, S-R-E-B-R-O.

11 JUDGE LOVENWIRTH: All right. It is very nice to have
12 you with us, Mr. Srebro.

13 MR. SREBRO: Thank you.

14 Whereupon,

15 JOSEPH SREBRO

16 having been duly sworn, testified as follows:

17 JUDGE LOVENWIRTH: Please be seated, sir.

18 Mr. Campbell.

19 DIRECT EXAMINATION

20 BY MR. CAMPBELL:

21 Q Mr. Srebro, you have given us your name. Would
22 you give us your residence address for the record?

23 A My residence address is 625 Boulevard Avenue,
24 Dixon City, Pennsylvania, 18519.

25 Q Dixon City is in Lackawanna County?

1 A That is correct.

2 Q And by whom are you employed and in what capacity?

3 A I am employed by Limousines' for Less as a
4 professional limousine driver for the company.

5 Q How long have you been so employed?

6 A I have been driving for Limousines for Less at
7 least ten years, eight to ten years.

8 Q And in the, not the last ten years, but directing
9 your attention to the last six months or a year, as a
10 resident of Lackawanna County, have you received any
11 inquiries concerning the availablity of service from Limo's
12 for Less?

13 A Yes, I could tell you two specific incidents.

14 Q How has this come up?

15 A I was contacted by an Attorney to request
16 limousine service, to have a trip going to Philadelphia.

17 Q Excuse me, when was this?

18 A This was within the last couple of weeks, like
19 three weeks, in that area there. And that Attorney's name
20 is, I can name him specifically, Attorney John E.V. Pieski,
21 who is running for Lackawanna County Judge.

22 He asked me if I could arrange --

23 JUDGE LOVENWIRTH: That is P-I-E-S-K-I.

24 THE WITNESS: -- limousine service to Philadelphia to
25 accommodate him for probably business or a trip. He didn't

1 get into those details.

2 And we had to refuse him because we couldn't provide
3 him service, and he was very interested in getting there on
4 an important date.

5 Q Before you go to your next one, how did he happen
6 to contact you? Why would he contact you?

7 A Well, I guess he saw the limousine and how nice it
8 was and he needed the service.

9 MS. ABOUTANOS: I am going to object.

10 JUDGE LOVENWIRTH: Sustained. If you don't know, say,
11 I don't know.

12 BY MR. CAMPBELL:

13 Q Well, you must know how he contacted you. Did he
14 see you standing by your limo?

15 A Personal reference, yes.

16 JUDGE LOVENWIRTH: Well wait, personal reference, or
17 he saw you standing by your limo?

18 THE WITNESS: Well he knows that I drive a limousine.

19 JUDGE LOVENWIRTH: Oh, you are acquainted with the
20 gentleman?

21 THE WITNESS: The gentleman, he is an Attorney, yes.

22 JUDGE LOVENWIRTH: You are acquainted with him?

23 THE WITNESS: Not on a personal level, no. He is a
24 Judge, yes.

25 BY MR. CAMPBELL:

1 Q Was he referred to you by some common acquaintance
2 then? I am just trying to find out how he would pick you out
3 of the whole world to try to figure out if he could get a
4 limousine.

5 A Well, ~~I probably mentioned in his acquaintance one~~
6 ~~time that I drive a limousine.~~

7 MS. ABOUTANOS: I am --

8 JUDGE LOVENWIRTH: Pardon me, you are going to do
9 what?

10 MS. ABOUTANOS: -- going to move to strike that
11 answer.

12 JUDGE LOVENWIRTH: Why? On what grounds?

13 MS. ABOUTANOS: He probably mentioned, I mean that is
14 not a specific answer.

15 JUDGE LOVENWIRTH: Read the answer back, Ms. Santos.

16 (Answer read back)

17 JUDGE LOVENWIRTH: Your motion to strike the answer
18 that he probably mentioned it to him sometime when they were
19 together or words to that effect, your motion to strike that
20 is granted.

21 MR. CAMPBELL: Let me try again, Your Honor. I am not
22 trying to make this complicated.

23 BY MR. CAMPBELL:

24 Q On the occasion that you referred to, when Mr.
25 Pieski inquired of you with respect to the availability of

1 limousine service, did he speak to you personally?

2 A Yes.

3 Q Do you know of your own personal knowledge, how he
4 had occasion to come to you to raise such an inquiry?

5 A We were just in the presence of one another, and
6 he asked me what I am doing now. I says, I drive a
7 limousine, and he said, oh, I need a trip to Philly.

8 Q Fine, and you described the rest of those
9 circumstances?

10 A Yes.

11 Q If you would like to go to the second specific
12 instance to which you had referred when you had received an
13 inquiry or request for service to a Pennsylvania point?

14 A Well, it was my own personal service. I was
15 taking a trip to Las Vegas of '96 in August and I wanted a
16 limousine service to Newark Airport, so I looked in the
17 Yellow Pages. I must have called five limousine services to
18 get a ride to Newark Airport and I couldn't get a limousine
19 service that would give me the service when I needed it the
20 next day, because my plane was scheduled, and I couldn't even
21 talk to anyone beyond a secretary.

22 They told me to call back in a day or so, and I needed
23 to get on a plane because I had a vacation planned, and I
24 called about four people, and I couldn't get any contacts
25 with anybody on my own personal trip to Las Vegas with my

1 family.

2 I ended up taking my own personal car, which I felt is
3 a little dangerous car to be driving around with a family to
4 the Newark Airport and I had to park it there myself.

5 When I came back, I would rather have limousine
6 service home than driving home at 2:00 in the morning with a
7 family after five hours on a plane.

8 MR. CAMPBELL: That is all I have of this witness,
9 Your Honor.

10 JUDGE LOVENWIRTH: Any cross-examination?

11 MS. ABOUTANOS: Yes, Your Honor.

12 CROSS-EXAMINATION

13 BY MS. ABOUTANOS:

14 Q With regard to the first instance that you had
15 with Mr. Pieski, you testified that he needed a ride to
16 Philly and you couldn't provide him with that service.

17 Do you know if he contacted any other limousine
18 services?

19 A As a matter of fact, I just saw him when we went
20 on break. He was in the area and I asked him if he ever got
21 to Philly and he said no.

22 A Did he tell you whether he ever contacted any
23 other limousine service?

24 Q Yes, he said he couldn't -- can you repeat that
25 again?

1 JUDGE LOVENWIRTH: Did he say that he obtained a
2 limousine service to Philly?

3 THE WITNESS: That I wouldn't know.

4 JUDGE LOVENWIRTH: You don't remember whether he said
5 it? He never said it?

6 THE WITNESS: Right.

7 JUDGE LOVENWIRTH: He never said it one way or the
8 other?

9 THE WITNESS: Right.

10 BY MS. ABOUTANOS:

11 Q Did he tell you at all that he attempted to get a
12 limousine service and he got turned down and he couldn't get
13 one?

14 JUDGE LOVENWIRTH: Did he ever tell you that?

15 THE WITNESS: He just said he never got to Philly.

16 JUDGE LOVENWIRTH: Okay.

17 BY MS. ABOUTANOS:

18 Q With regard to the second instance, you stated
19 that you contacted four or five limousine services. In what
20 area was that?

21 A That was in this area.

22 Q Can you tell me what they are?

23 A What they are?

24 Q Yes.

25 A One was located I think over here. I can tell you

1 where it is at. I don't know the exact address but is it
2 Capouse Avenue, A-1 Limousine is it?

3 Q I am sorry?

4 A A-1 Limousine.

5 Q Okay.

6 A There was another service up in Archibald area
7 which is Mid-Valley area, and their name is, if you give me
8 the phone book, I can tell you the phone, right there.

9 Q I just want to know the names.

10 A The name is, an oil company, Probst.

11 JUDGE LOVENWIRTH: P-R-O-B-S-T.

12 THE WITNESS: Yes, and I think there was another one,
13 let me check through the Yellow Pages.

14 (Witness perusing Yellow Pages)

15 THE WITNESS: Savage.

16 BY MS. ABOUTANOS:

17 Q You did contact Savage?

18 A Yes, Northeastern Transport, and I called up
19 Rainbow, Rainbow, is there a name like that, Rainbow Tours or
20 something? They couldn't provide me. I couldn't even
21 schedule a limousine to the airport.

22 Q Did you contact Gilbride Limousine at all?

23 A Gilbride, no, because I was so frustrated calling
24 the first five, I said, I am not getting anywhere.

25 Q Did you call Northeast Transit?

1 A Yes, I mentioned that.

2 Q Oh, I am sorry, I missed that.

3 You testified that you have been a limousine driver
4 for ten years?

5 A Yes, somewhere around that, eight to ten years.

6 Q That is for Mr. Danielewicz?

7 A Yes.

8 Q Yes. And, can you tell me how your customary
9 practice is with regard to somebody calling needing a
10 service, how much advance notice do you need ahead of time to
11 give them that service?

12 A Well, our company will give them service 24 hours
13 a day, anytime you call. I experienced that personally.
14 Limousines for Less has a good reputation to do that.

15 Q As a limousine driver have you ever been cited for
16 any traffic violation at all?

17 A No.

18 Q Have you ever been convicted for D.U.I.?

19 A I have no criminal record.

20 JUDGE LOVENWIRTH: Just a minute, please.

21 THE WITNESS: I am sorry.

22 MR. CAMPBELL: You have to let her finish the
23 question.

24 THE WITNESS: Okay.

25 JUDGE LOVENWIRTH: Have you ever been convicted --

1 BY MS. ABOUTANOS:

2 Q For driving under the influence?

3 A I don't even drink. I have a casual drink once or
4 twice a year at a holiday. I am a non-drinker.

5 JUDGE LOVENWIRTH: She asked if you have ever been
6 cited for driving under the influence?

7 THE WITNESS: I don't drink.

8 JUDGE LOVENWIRTH: The answer is you have never been
9 cited?

10 THE WITNESS: No, I have never been cited for
11 drinking.

12 BY MS. ABOUTANOS:

13 Q Have you ever been cited for any speeding
14 violation?

15 A A long time ago.

16 Q What year?

17 A It was probably '81.

18 Q Were you working at the time?

19 A I believe so. First trip.

20 Q As a limousine driver?

21 A Yes.

22 Q Have you ever been cited for a speeding violation
23 more than once?

24 A No.

25 Q And how fast were you driving; do you recall?

1 A 52 miles an hour.

2 Q Do you remember who your customers were in the
3 car?

4 A There was no one in the car then. It was on a
5 return trip.

6 MR. CAMPBELL: Your Honor, I think this point has been
7 made. It was 16 years ago.

8 JUDGE LOVENWIRTH: No it wasn't 16 years ago, it was
9 six years ago. Oh, it was 16 years ago. You said 1982?

10 MR. CAMPBELL: '81 I think was the answer, and probing
11 for details I think doesn't serve any purpose.

12 MS. ABOUTANOS: Your Honor, I think it is relevant to
13 ask who was in the car.

14 JUDGE LOVENWIRTH: That question has been asked and
15 answered. Now, he is objecting to a continued exploration of
16 this particular violation.

17 I am going to sustain the objection.

18 MS. ABOUTANOS: I was going to stop now. That was
19 going to be my last question.

20 JUDGE LOVENWIRTH: Then in that case, you withdraw
21 your objection, right?

22 MR. CAMPBELL: Yes, I do, Your Honor.

23 MS. ABOUTANOS: I thought he was objecting to my
24 question.

25 I have one last question.

1 BY MS. ABOUTANOS:

2 Q Have you ever called C.W.G. Holdings, Inc. at all
3 for your services when you were attempting to go to Las
4 Vegas?

5 A I know of them, but I didn't call them because I
6 don't like the way -- no I didn't call them.

7 Q You didn't call them?

8 A No, I didn't call them.

9 Q Thank you.

10 A But I am aware of them.

11 MS. ABOUTANOS: I have no more questions.

12 JUDGE LOVENWIRTH: Any redirect?

13 MR. CAMPBELL: No, Your Honor.

14 JUDGE LOVENWIRTH: Thank you very much Mr. Srebro. It
15 is nice to have you with us, sir.

16 (Witness excused.)

17 JUDGE LOVENWIRTH: Do you have any other testimony?

18 MR. CAMPBELL: No, Your Honor, the applicant rests.

19 JUDGE LOVENWIRTH: Ms. Aboutanos, do you have any
20 witnesses to present?

21 MS. ABOUTANOS: No, Your Honor, I don't.

22 JUDGE LOVENWIRTH: All right, then that will conclude
23 the evidentiary portion of this hearing.

24 Do you folks want to file briefs to make sure I don't
25 miss any points? Mr. Campbell?

1 MR. CAMPBELL: I think that might be useful, Your
2 Honor. Not a federal project, perhaps, but a brief brief for
3 a change.

4 JUDGE LOVENWIRTH: How about you, Ms. Aboutanos, do
5 you also want to file a brief in this case?

6 MS. ABOUTANOS: Yes, Your Honor.

7 JUDGE LOVENWIRTH: Very good. When I get a
8 transcript, and that will be sometime around the 20th of
9 April or so, I will get a letter out to each of you and it
10 will request the Applicant, I think, to file an initial
11 brief, and then sequentially, it will afford the Protestant
12 to file a reply brief, and since the record isn't too long,
13 it will probably give the applicant two weeks to file his
14 main brief and give the Protestant another ten days to file a
15 reply brief.

16 How does that comport with your schedules, Ms.
17 Aboutanos and Mr. Campbell?

18 MR. CAMPBELL: No problem for me, Your Honor.

19 MS. ABOUTANOS: I am sorry, Your Honor. After he
20 files his, I didn't hear how much time we have to file.

21 JUDGE LOVENWIRTH: Ten days. Is that all right?

22 MS. ABOUTANOS: That's fine, Your Honor.

23 JUDGE LOVENWIRTH: Very good.

24 MR. CAMPBELL: Your Honor, before we close the record,
25 just at the risk of having loose ends, may I understand that

1 I am not required to provide answers to interrogatories since
2 the record is being closed at this point on the receipt of
3 briefs?

4 JUDGE LOVENWIRTH: Yes.

5 MR. CAMPBELL: Thank you, Your Honor.

6 JUDGE LOVENWIRTH: Now, so that there is no
7 misunderstanding, there are two exhibits in the record. They
8 are both applicant's exhibits. There are no other exhibits
9 which have been moved into the record; is that correct? Does
10 that comport with everybody's understanding?

11 THE COURT REPORTER: He marked it and you admitted it,
12 but --

13 MR. CAMPBELL: Right. It was not a move for admission
14 and since his protest is withdrawn, I see no purpose in
15 admitting it. I am not going to request that it be part of
16 the record.

17 JUDGE LOVENWIRTH: Very well.

18 So, if it hasn't been moved then you need to give it
19 back to me, please, Ms. Santos and have it removed from the
20 record.

21 (Whereupon, the document marked and admitted as
22 Pocono Cross-Examination Exhibit No. 1 was
23 withdrawn.)

24 JUDGE LOVENWIRTH: Just tear it up so it doesn't mix
25 me up.

1 Is there any other business we should transact.

2 MR. CAMPBELL: Nothing for applicant, Your Honor.

3 JUDGE LOVENWIRTH: All right, the record will not close
4 until the conclusion of the briefing schedule.

5 There being no further business to transact, then we
6 stand adjourned.

7 Thank you so very very much.

8 MR. CAMPBELL: Thank you, Your Honor.

9 JUDGE LOVENWIRTH: Yes, madam?

10 MS. ABOUTANOS: I understand that you granted
11 Counsel's request for not answering the interrogatories,
12 however, I would just like to make an objection on the record
13 with regard to that, since the record is not closing, and we
14 are required to submit briefs, I think it is essential for
15 him to answer those interrogatories because, this may be
16 relevant to my answer in the brief.

17 MR. CAMPBELL: Your Honor, it would not make the
18 answers part of the record and --

19 JUDGE LOVENWIRTH: No, the answer would not become
20 part of the record anyway.

21 The evidentiary record is closed. The answer will not
22 be part of the record.

23 Now, Ms. Aboutanos, I understand your interest in
24 receiving answers to the questions. However, your associate,
25 Mr. Pendolphi, has been in this case since he filed a protest

1 on behalf of Savage Limousine on July 8, 1996.

2 Now, in this petition, in the said Protestant's
3 petition to intervene or be substituted as a party
4 Protestant, it is stated in Paragraph 3, that the operating
5 rights of Savage were transferred to C.W.G. Holdings, Inc. on
6 July 25, 1996, so either Savage and/or C.W.G. Holdings Inc.
7 have been in this case since July 8, 1996.

8 That is more than eight months that you have been in
9 this case, and you just filed interrogatories four days ago?

10 No, I can't allow that.

11 Now, it is true that C.W.G. Holdings hasn't been in
12 the case that long, but they could have been in the case that
13 long. They could have been.

14 They acquired the rights of Savage a long time ago and
15 to that reason, and also because the evidentiary record is
16 closed, I won't allow it.

17 I think that the position of the Applicant is
18 meritorious. He shouldn't have to answer them.

19 You have an exception of course -- thank you.

20 MS. ABOUTANOS: Thank you, Your Honor.

21 JUDGE LOVENWIRTH: Thank you.

22 MR. CAMPBELL: Thank you, Your Honor.

23 (Whereupon, at 1:34 p.m., the hearing was adjourned.)

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FORM 2

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C E R T I F I C A T E

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

COMMONWEALTH REPORTING COMPANY, INC.

BY: *Vicki E. Santos*
Vicki E. Santos
