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BEFORE

THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: A-00108292 James Danielewicz, t/d/b/a
Limousine for Less For the right to transport, as a
common carrier, persons, in limousine service,
between points in the borough of Stroudsburg,
Monroe County, and within an airline distance of
sixty statute miles of the limits thereof.
Further hearing.

Scranton, Pennsylvania
May 23, 1989

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SECRETARY'S OFFICE
Public Utility Commission

Pages 188 to 201, inclusive

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DIRECT CROSS REDIRECT RECROSS

APPLICANT:

Khris M. Wolfington 191 193

1 JUDGE LOVENWIRTH: Good afternoon. I now commence a
2 further hearing in the application of James Danielewicz
3 trading and doing business as Limousine for Less docketed at
4 A-00108292.

5 I have before me an appearance sheet, and I will fill
6 it out, and it will reflect the presence this morning
7 telephonically of Salvatore Vito on behalf of the applicant;
8 Richard A. Mulcahey on behalf of the protestant, the House
9 Scene, Inc.; Mark Jennings on behalf of the protestant
10 Pocono Limousine.

11 The purpose of this afternoon's hearing, and the sole
12 purpose, is to receive testimony from a witness offered by
13 the applicant. Are you ready to proceed, Mr. Vito?

14 MR. VITO: Yes, Your Honor.

15 JUDGE LOVENWIRTH: All right. Mr. Wolfington, sir,
16 are you going to hear us?

17 MR. WOLFINGTON: Yes, I am, Your Honor.

18 JUDGE LOVENWIRTH: Please spell your name for the
19 record.

20 MR. WOLFINGTON: Khris, M as in Michael, Wolfington,
21 W-o-l-f-i-n-g-t-o-n.

22 JUDGE LOVENWIRTH: How do you spell Khris?

23 MR. WOLFINGTON: K-h-r-i-s.

24 KHRIS M. WOLFINGTON, called as a witness, having been
25 duly sworn, was examined and testified as follows:

1 JUDGE LOVENWIRTH: All right. You may examine your
2 witness, Mr. Vito.

3 DIRECT EXAMINATION

4 BY MR. VITO:

5 Q. Thank you. Mr. Wolfington, are you familiar with
6 a business operation known as Limousine for Less?

7 A. Yes, I am.

8 Q. How are you familiar with that?

9 A. On several occasions I entertain clients in a
10 Pocono house I have in Pocono Manor. And most of my clients
11 are located in northern New Jersey and New York. And it's
12 been Limousines for Less that just is -- like called an
13 amenity to my client relationships.

14 I have them brought over by limousine when they spend
15 a weekend to play golf. Sometimes I stay there at the
16 house, or sometimes I just let them use the house when I'm
17 not there.

18 Q. Have you had occasion to use these services
19 during these weekend jaunts?

20 A. Oh, yes. As a matter of fact, one time more
21 recently I got back from a trip in Florida in March. And
22 when Eastern Airlines went on strike, another airline
23 couldn't fly me into Philadelphia where I lived. They had
24 to fly me into Newark. And I didn't know that until about
25 an hour before take off.

1 I called Jim Danielewicz about an hour beforehand,
2 and he had a car waiting for me at Newark to take me to me
3 home which was pretty short notice. I was pretty impressed.

4 Q. During that trip, how was your luggage handled?

5 A. That along with he always has -- luggage is
6 handled good. He always has all the bar stocked with snacks
7 and all that, and he doesn't charge anything for that.
8 That's what I always liked.

9 Q. What about the courtesy of the driver?

10 A. Very good, unless he has gotten some new ones. I
11 know them by name. That's how friendly they were.

12 Q. Would you use the service in the future?

13 A. As long as it continues the way it has been, I
14 see no reason to change.

15 Q. Approximately how frequently would you use it?

16 A. I have to check my actual tax returns to figure
17 out how often, but I would say during the summer months,
18 pretty aggressively, twice a month for that particular
19 reason. During the winter months for skiing -- most of my
20 clients are elderly, so I don't get to use it as frequent.
21 But I would say enough that it warrants me enough to know
22 the names of the drivers.

23 MR. VITO: Thank you.

24 JUDGE LOVENWIRTH: You have no additional questions..
25 Is that correct, Mr. Vito?

1 MR. VITO: That's correct, Judge Lovenwirth.

2 JUDGE LOVENWIRTH: Who is going to cross examine
3 first? Are you prepared to go ahead, Mr. Mulcahey?

4 MR. MULCAHEY: Yes, I am, Your Honor.

5 JUDGE LOVENWIRTH: You may proceed Mr. Mulcahey.

6 CROSS EXAMINATION

7 BY MR. MULCAHEY:

8 Q. Mr. Wolfington, I am Richard Mulcahey. I am
9 representing Top Hat Chauffeured Limousine Service?

10 A. How are you, sir?

11 Q. Fine. Thank you. May I have your address in the
12 Poconos?

13 A. There is no actual numerical address. It's just
14 Pocono Manor in Mount Pocono, Pennsylvania. I try to have
15 most of my mail forwarded to my address down in
16 Philadelphia.

17 Q. Might I have your Philadelphia address?

18 A. 34 Wentworth Lane in Rosemont, PA.

19 Q. Are you associated with a company known as Eagle
20 Wolfington Leasing Corporation?

21 A. I'm sorry?

22 Q. Are you associated with the company called Eagle
23 Wolfington Leasing Corporation?

24 A. No, I'm not.

25 Q. Have you ever heard of --

1 A. Eagle Wolfington?

2 Q. Yes.

3 A. No, but I have 105 cousins on my dad's first
4 side. It is very difficult to keep track of who's in what
5 business.

6 Q. You don't have any relatives in the limousine
7 business?

8 A. Yes. My uncle owns the nation's largest
9 limousine company.

10 Q. Eagle Wolfington?

11 A. No. Carey Limousine is the largest limousine
12 company in the world.

13 JUDGE LOVENWIRTH: How do you spell Carey?

14 THE WITNESS: C-a-r-e-y. One of the main reasons I
15 started using Limousines for Less was because my uncle
16 doesn't have an operation in northern Pennsylvania. For
17 anything I do down here or in New York City I use Carey
18 Limousine. I mean -- believe me, that's how I know they are
19 a good limousine business and one that does operate
20 efficiently.

21 I don't know if you are familiar with Carey or --
22 obviously, you are the attorney and you wouldn't know.
23 Pocono Limousine and Top Hat would know who Carey is. They
24 are the biggest in the country as well as international.

25 Q. What is your business, sir?

1 A. I'm in the financial services business.

2 Q. Who are you with?

3 A. A company called Midlantic Company. Where is
4 Eagle Wolfington?

5 JUDGE LOVENWIRTH: All right. Let's not -- each of
6 us has a function here, and the witness' function is to
7 answer questions.

8 THE WITNESS: Sorry, sir.

9 JUDGE LOVENWIRTH: That's all right, Mr. Wolfington.

10 BY MR. MULCAHEY:

11 Q. Thank you. Am I to understand that you have
12 engaged the services of the applicants only once in a trip
13 from Newark Airport to your home in Philadelphia?

14 A. That was the most present. You mean with me
15 actually in the car?

16 Q. Engaging service.

17 A. No. He's helped me -- see, my clients are all
18 over north Jersey and in Manhattan, some in southern
19 Connecticut. So if I invite them to my house -- right where
20 Pocono Manor is there is a 36 hole golf course. I invite
21 them out to join my wife and I in golf.

22 Or sometimes during the winter, as I said, I won't
23 even go. I will just let them use the house for skiing
24 because it is right near Camel Back. In my business, those
25 types of things go over very well.

1 Q. You pay for them or your company pays for them?

2 A. I pay for them myself.

3 Q. You pay for them?

4 A. Yes, sir. I have all the applicable receipts and
5 I could --

6 JUDGE LOVENWIRTH: He didn't ask you for receipts.

7 THE WITNESS: I thought that's where he was leading,
8 Your Honor.

9 JUDGE LOVENWIRTH: He'll let us know.

10 BY MR. MULCAHEY:

11 Q. Do you have any clients in northeastern
12 Pennsylvania, sir?

13 A. Not as of yet. I have worked with a few.
14 Unfortunately, I haven't closed any yet.

15 Q. Have you engaged in limousine service between
16 points in northeastern Pennsylvania?

17 A. No. I never had a need to do that.

18 MR. MULCAHEY: No further questions, Your Honor.

19 JUDGE LOVENWIRTH: Mr. Jennings, would you like to
20 cross examine the witness?

21 MR. JENNINGS: I have no questions, Your Honor.

22 JUDGE LOVENWIRTH: Any redirect examination, Mr.
23 Vito?

24 MR. VITO: No redirect, Your Honor.

25 JUDGE LOVENWIRTH: Thank you very much, Mr.

1 Wolfington. It's nice to have you with us. You are
2 excused.

3 THE WITNESS: I would like to thank you for not
4 having me drive up there again.

5 JUDGE LOVENWIRTH: So we will excuse Mr. Wolfington,
6 and you may remain on the line or you may disconnect.
7 Whatever you choose to do, Mr. Wolfington?

8 THE WITNESS: I appreciate it, Your Honor. Thank
9 you.

10 JUDGE LOVENWIRTH: If there isn't any other stated
11 purpose for this telephonic hearing, do I, therefore, assume
12 correctly that you have presented your case completely, Mr.
13 Vito?

14 MR. VITO: That's correct, Your Honor.

15 JUDGE LOVENWIRTH: You don't have any rebuttal
16 testimony or anything like that?

17 MR. VITO: Nothing further.

18 JUDGE LOVENWIRTH: All right. Being that Mr. Vito
19 presented the last witness, I guess the protestants are
20 entitled to surrebuttal. Is there any?

21 MR. JENNINGS: I have nothing to present, Judge.

22 JUDGE LOVENWIRTH: Thank you.

23 MR. MULCAHEY: Your Honor, the only thing that we
24 would present is our certificate of public convenience.

25 JUDGE LOVENWIRTH: I think that was stipulated to,

1 but you can file that as a late filed exhibit. At the last
2 hearing which was last week, it was a stipulation entered
3 onto the record whereby Mr. Vito stipulated that you have
4 pending authority in Monroe County. Is that the only thing
5 that was stipulated to, Mr. Vito?

6 MR. VITO: That's correct.

7 JUDGE LOVENWIRTH: Did you want to add anything to
8 that, Mr. Mulcahey?

9 MR. MULCAHEY: I would want to add that the
10 protestant has authority in the counties of Lehigh,
11 Northampton, and Monroe docketed at -- bear with me for a
12 minute.

13 JUDGE LOVENWIRTH: Okay. Take your time. If you
14 want to, you can file something as a late filed exhibit as
15 well. Whichever way you want to do it, Mr. Mulcahey.

16 MR. MULCAHEY: Why don't I do that?

17 JUDGE LOVENWIRTH: I think your client has authority
18 at A-00 -- that isn't right. I made a mistake. I don't
19 know where your client has authority.

20 MR. MULCAHEY: A-00107980.

21 JUDGE LOVENWIRTH: Do you want-- is there any problem
22 there stipulating to that authority, Mr. Vito, or do you
23 want to file a late filed exhibit?

24 MR. VITO: No, Your Honor. That's fine with me.

25 JUDGE LOVENWIRTH: So by stipulation a witness has

1 the authority to transport persons in limousine service
2 between points in the counties mentioned and from said
3 points to points in Pennsylvania and vice versa. Is that
4 the idea, Mr. Mulcahey? Is that what your client has?

5 MR. MULCAHEY: I think it is and return, not vice
6 versa.

7 JUDGE LOVENWIRTH: And return. Very good. Okay.
8 You gentlemen want to file briefs I suppose. Is that
9 correct?

10 MR. JENNINGS: Yes, Your Honor.

11 MR. VITO: Yes, Your Honor.

12 MR. MULCAHEY: Yes, Your Honor.

13 JUDGE LOVENWIRTH: All right. Then what I'll do is
14 this. Unless you gentlemen would prefer a different type of
15 briefing schedule because of vacations or because of
16 whatever other reasons you might want to assign, when I get
17 the transcript, which will be in about three weeks or so, I
18 will get a briefing letter out.

19 And the briefing letter will direct that an initial
20 brief be filed by the attorney for the applicant within 15
21 days and that a sequential reply brief will be filed by
22 attorneys for the protestants 10 days thereafter.

23 Now, three weeks from now will be around the middle
24 of June. So around the first of July, the first brief will
25 be due, and around the 10th of July, the reply briefs will

1 be due. Is there any problem with that, gentlemen?

2 MR. JENNINGS: No, Your Honor.

3 MR. MULCAHEY: No, Your Honor.

4 JUDGE LOVENWIRTH: What about you, Mr. Vito?

5 MR. VITO: That's fine, Your Honor.

6 JUDGE LOVENWIRTH: Is there any other business to
7 transact this afternoon?

8 MR. JENNINGS: Can we go off the record?

9 JUDGE LOVENWIRTH: Off the record.

10 (Discussion off the record.)

11 JUDGE LOVENWIRTH: Anything other business to
12 transact, gentlemen?

13 MR. VITO: Nothing, Your Honor.

14 MR. MULCAHEY: No, sir.

15 JUDGE LOVENWIRTH: There being no other business to
16 transact, although the record will remain open until the
17 conclusion of the briefing schedule, we stand adjourned.

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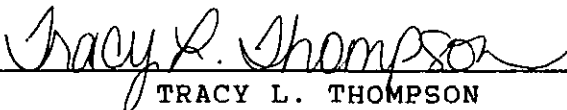
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