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C O N T E N T S

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
1 Sherri Lynn Satmary	90	92	96	--
2 Susan Cramer	97	99	104	--
3 Patricia Marie Jensen	105	108	--	--
4 Daniel Arthur Willette	111	113	118	119
5 Roseanne Goldman	121	124	128	--
6 Gary Thomas LaTorre	131	134	--	--
7 Steve Paiewonsky	141	142	--	--
8 John Valinote, Jr.	146	161	--	--

E X H I B I T S

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
<u>Protestant's</u>		
16 No. 1 (AAA schedule for 17 intrastate moves for 9/97 and 10/97)	150	171
18 No. 2 (1996 Bell Atlantic 19 telephone page)	154	171
20 No. 3 (1997 Bell Atlantic 21 telephone page)	157	171

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certifying reporter.

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1 Reconsideration, that as the matter came up and the
2 hearing that the Commission did consolidate them just
3 because it was raised in the hearing. For whatever
4 reasons, as I say, it is the Commission's prosecutory
5 staff proceeding, and the Complaints were satisfied by the
6 payment of a fine.

7 JUDGE KASHI: Mr. Jennings, on that particular
8 point, do you have anything?

9 MR. JENNINGS: I just had a question, Judge. I
10 may have read this complaint number wrong. Is one of the
11 complaint numbers IC96121?

12 JUDGE KASHI: No, sir.

13 MR. JENNINGS: Yes, I have no objection to that
14 then.

15 JUDGE KASHI: My readings of the record when I got
16 those complaint proceedings was that I hadn't the vaguest
17 idea why they did that, but they did that, and the only
18 point is that I don't believe that they are of any
19 consequence at this particular point. Why they chose to
20 carry them on the caption is something beyond me.

21 Anything else, Mr. Haynes?

22 MR. HAYNES: No, Your Honor. It is my
23 understanding that this hearing is limited to public need
24 issues in the application?

25 JUDGE KASHI: Yes, that is correct.

1 Mr. Jennings?

2 MR. JENNINGS: Yes, I don't want to sequester the
3 witnesses if we don't have to. I indicated to Mr. Haynes
4 before the hearing that if they are not going to testify
5 about service directly related to my client -- in other
6 words, if they are going to testify about inadequacy, but
7 it is not about my client, then I don't have any problem
8 with the witnesses being present. But if there is going
9 to witnesses that are going to testify about that
10 particular issue, then I would ask that they be
11 sequestered.

12 JUDGE KASHI: Mr. Haynes?

13 MR. HAYNES: He raised this before the hearing and
14 I would have to -- could we take a brief recess?

15 JUDGE KASHI: Sure. Let me slip out and you can
16 talk about it. I will give you five minutes to get that
17 straightened out; all right?

18 (Brief recess.)

19 JUDGE KASHI: Let's go back on the record.

20 Were we able to sequester who we had to sequester,
21 or we didn't have to sequester anybody?

22 MR. HAYNES: Counsel had indicated that he would
23 not need to sequester them.

24 JUDGE KASHI: Let's call your first witness then.

25 MR. HAYNES: Yes. I call to the stand Sherri

1 Satmary.

2 MR. HAYNES: I think I am pronouncing it right?

3 MS. SATMARY: Yes.

4 JUDGE KASHI: Would you raise your right hand and
5 be sworn, ma'am? Could you please stand?

6 Whereupon,

7 SHERRI LYNN SATMARY

8 having been duly sworn, testified as follows:

9 JUDGE KASHI: Please be seated.

10 **DIRECT EXAMINATION**

11 BY MR. HAYNES:

12 Q Would you state your full name and address for
13 the record?

14 A It is Sherri Lynn Satmary. I live in Marshalls
15 Creek, Pennsylvania.

16 Q What county is that in?

17 A That is in Monroe.

18 Q Are you familiar with the application of
19 Valentino DiGiacomo trading as Stars Moving Company that
20 is the subject of this proceeding?

21 A Yes.

22 Q Do you have a public need for the moving
23 services that are the subject of this application?

24 A Not right at this time, but I am looking into a
25 house right now, and in the future I probably will be.

1 Q And based upon your future need you are here to
2 support the application?

3 A Yes.

4 Q Why is that?

5 A Well, I am looking at a house right now; it is
6 not confirmed. It is, like, three houses away from where
7 I am living right now. So I would really prefer using a
8 smaller moving company than a bigger moving company,
9 because it is such a short distance from where I am
10 moving.

11 Q Are you familiar with any other movers that are
12 located where you live?

13 A Just the big moving companies that you see in
14 the Yellow Pages, but other than that; no, I really
15 haven't contacted anyone about it because it is a future
16 thing.

17 Q When would this future move take place?

18 A Well, within a year.

19 Q Why do you want to use the Applicant?

20 A Well, I know it is a smaller moving company,
21 and like I said, it is such a short distance from where I
22 am moving, I would rather use someone less -- it would
23 probably be less expensive, I would think, only three
24 houses away, then someone, you know, coming from a
25 distance to move me, since it is local right in my

1 neighborhood.

2 MR. HAYNES: That is all the questions that I
3 have.

4 JUDGE KASHI: Cross?

5 MR. JENNINGS: Thank you.

6 **CROSS-EXAMINATION**

7 BY MR. JENNINGS:

8 Q When you say you are looking for a smaller
9 mover, are you looking for, like, smaller vehicles to move
10 you instead of a big moving van?

11 A No, not necessarily. Just someone that I would
12 know, someone that has -- you know, trying to make a
13 living, you know, that I know that is local.

14 Q Do you know Mr. DiGiacomo?

15 A He is my neighbor. I know him.

16 Q He is your neighbor?

17 A Yes.

18 Q I see. Has he helped in moving any items of
19 yours in the past?

20 A No.

21 Q How long have you known Mr. DiGiacomo?

22 A A couple of years.

23 Q Do you have any business activities with him?

24 A No.

25 Q What do you do, ma'am, for a living?

1 A I am a sales clerk at a Christmas factory.

2 Q What do you sell?

3 A We sell Christmas items.

4 Q Do you know if Mr. DiGiacomo or his wife are
5 customers of your company?

6 A They may have shopped in there. I've only been
7 there, like, a year.

8 Q How long have you lived in your present
9 address?

10 A I've lived there 11 years.

11 Q Do you feel that within one year you are going
12 to be moving? .

13 A We are looking. It is a very small house right
14 now, and I have a daughter that is getting older and I
15 just need something a little bigger.

16 Q And you are going to just move a couple of
17 doors down?

18 A We are looking at a house in our development
19 right now, because we like the area, and I like the school
20 district, and stuff. It will be right in the area.

21 Q Do you think that price is an important factor
22 as to whether you are going to use one moving service over
23 another?

24 A Yes.

25 Q If the Protestant, AAA Moving and Storage,

1 could give you a better price, would you be willing to use
2 them?

3 A Well, I would rather use somebody I know and
4 someone local.

5 Q So would it be fair to say that at this point
6 in time that you would prefer Mr. DiGiacomo because he is
7 a neighbor of yours and you know him?

8 A Well, he is local and he is in my area.

9 Q Where about does he live from where you live?

10 A Maybe, like, not even a half a mile from me.

11 Q Do you know him socially? Is that how you know
12 him?

13 A Well, as a neighbor.

14 Q How is it that you met Mr. DiGiacomo?

15 A I knew his wife.

16 Q And how is it that you knew Mr. DiGiacomo's
17 wife?

18 A From being in the neighborhood with her kids
19 going up to the bus stop, and the children.

20 Q If Mr. DiGiacomo's application were denied by
21 the Commission, how would you then move to the new
22 residence?

23 A More than likely I would probably get a moving
24 -- someone to help us move since it is so short of a
25 distance, like I said.

1 Q When you say someone to help you move, do you
2 mean like a carrier or just friends?

3 A Friends and family.

4 Q So that if Mr. DiGiacomo's application were not
5 granted, you would still be able to make this move by
6 using family and friends; is that correct?

7 A Well, I don't have a lot of family in
8 Pennsylvania; I have them out of state. It would be
9 easier to use someone that I knew that was close, then
10 having friends come out of state and help me.

11 Q So it would be easier to use a carrier than
12 your friends and family; would that be fair to say?

13 A Yes.

14 Q So I guess my question is, again; would you use
15 a certificated carrier, like a AAA, in the event that Mr.
16 DiGiacomo, either his application hadn't yet been approved
17 or was denied? Would you use a certificated carrier for a
18 move like that?

19 A That all depends on the price, too, on how
20 much. If not, I would probably rent the truck and move
21 myself.

22 Q How would you actually do that physically?
23 Would people help you?

24 A Yes.

25 Q I see. And so price is an important thing?

1 A Price is one of the important things; yes.

2 MR. JENNINGS: Thank you. I have no further
3 questions.

4 JUDGE KASHI: Any redirect?

5 **REDIRECT EXAMINATION**

6 BY MR. HAYNES:

7 Q Do you know where AAA Movers is located?

8 A I think there is a couple in the area;
9 Stroudsburg. I am not really -- I know there is one in
10 Stroudsburg.

11 Q But you don't know if it is AAA?

12 A No, I really don't know.

13 Q How far away is Marshalls Creek from --

14 A From where I live?

15 Q Yes.

16 A Well, it is probably --

17 MR. HAYNES: Excuse me; did I say Stroudsburg or
18 Marshalls Creek?

19 JUDGE KASHI: You said Marshalls Creek.

20 THE WITNESS: You said Marshalls Creek.

21 MR. HAYNES: I will withdraw the question. I have
22 no further redirect.

23 JUDGE KASHI: Thank you. You are excused, ma'am.

24 (Witness excused.)

25 JUDGE KASHI: Call your next witness.

1 MR. HAYNES: Yes. I will be calling Sue Cramer.

2 JUDGE KASHI: Ms. Cramer, could you raise your
3 right hand and be sworn, please?

4 Whereupon,

5 SUSAN CRAMER

6 having been duly sworn, testified as follows:

7 JUDGE KASHI: Please be seated.

8 **DIRECT EXAMINATION**

9 BY MR. HAYNES:

10 Q Would you state your full name and address for
11 the record?

12 A Susan Cramer; 93 Pocono Heights, East
13 Stroudsburg, Pennsylvania.

14 Q What county is that located in?

15 A That is in Monroe.

16 Q Are you familiar with the application of
17 Valentino DiGiacomo trading as Stars Moving Company that
18 is the subject to this hearing?

19 A Yes, I am.

20 Q Do you have a public need for moving services
21 offered by Valentino DiGiacomo that is the subject of this
22 hearing?

23 A Yes, I do.

24 Q Could you explain your public need for that
25 moving service?

1 A Yes. I have a brother-in-law that we are
2 trying to get committed into Pocono Hospital. And my
3 mother-in-law doesn't want to have anything to do with him
4 anymore. And she just asked us to get his stuff out of
5 his apartment, and you know, put it wherever I can. It's
6 going to have to go in our garage, our shed.

7 Q Why would you select the Applicant, Stars
8 Moving Company, as opposed to another available mover?

9 A Well, number one, I would prefer somebody
10 local. Number two, it would be cheaper. And it is
11 just -- he lives in a one bedroom apartment, it is a tiny
12 apartment, so it is not a big moving job.

13 Q Have you looked into other movers at this time?

14 A No, I haven't called any other movers because,
15 you know, I've never used a big mover.

16 Q Are you familiar with the Applicant?

17 A Yes.

18 Q Is that knowledge of his abilities important to
19 your decision?

20 A Um-hum.

21 Q Would you say yes or no for the record?

22 A Yes.

23 MR. HAYNES: That is all of the questions we have.

24 JUDGE KASHI: Cross?

25 MR. JENNINGS: Thank you.

CROSS-EXAMINATION

1
2 BY MR. JENNINGS:

3 Q You indicated that one of the reasons why you
4 would prefer to use a local mover is because that would be
5 cheaper. Do you remember saying that?

6 A Yes. A local mover would be cheaper. And in
7 my opinion, and in my experience, more friendly. I don't
8 prefer dealing with larger companies and I never have. It
9 is just that they are more expensive.

10 Q That is the next question I have, of course;
11 how would you know that Mr. DiGiacomo would be cheaper
12 than, let's say, the Protestant, AAA Moving and Storage?
13 How do you know that?

14 A I don't know that for a fact, but I do know,
15 you know, it is just as simple as going into a major
16 department store and purchasing an item or going into
17 K-Mart. I mean, there is going to be a big price
18 difference there.

19 Q And that is based upon your opinion and not
20 upon fact; is that fair to say?

21 A That is based upon my opinion. I have never
22 contacted a large moving company before, and we have moved
23 twice. It was a lot of hard work. It is just I don't
24 want to move Eddie out on my own; I don't have a pickup
25 truck to do so. I don't plan on making numerous,

1 numerous, multiple trips.

2 Q So that price is a factor; is that fair to say,
3 as to what mover you might want to use?

4 A Price would be a factor.

5 Q So if you were to call around and find out that
6 the Protestant was less expensive to use than the
7 Applicant, that would be a factor you would consider;
8 would that be fair to say?

9 A I would prefer a smaller company. I would
10 prefer somebody local.

11 Q Do you know where the Protestant, AAA Moving
12 and Storage, business is located?

13 A No, I don't.

14 Q Could it be that they are also a local company?

15 MR. HAYNES: Objection. She already answered the
16 question.

17 JUDGE KASHI: She said she doesn't know.

18 BY MR. JENNINGS:

19 Q If the Protestant were a local company, would
20 you consider using his services?

21 A No.

22 MR. HAYNES: Objection. It assumes facts not into
23 evidence.

24 JUDGE KASHI: Well, it is hypothetical.

25 If it were a local company would you consider it?

1 THE WITNESS: If it were a local company? If it
2 were someone that would cater to a small load of household
3 items. I mean -- like, I don't know. I mean, it depends
4 what the price would be.

5 BY MR. JENNINGS:

6 Q So if the price were right, and the Protestant
7 were a local mover who could cater to a small move, would
8 you be willing to use his services?

9 A Not a large mover.

10 Q So that would it come down to, then, the reason
11 for the supporting of the application is because Mr.
12 DiGiacomo, at least in your view of him as a small moving
13 versus the Protestant who is big mover; is that basically
14 why you would prefer Mr. DiGiacomo?

15 A Yes, because I would have a small household
16 content.

17 Q How do you know the Applicant?

18 A He lives in the same development.

19 Q Do you know his wife, too?

20 A I know his wife; yes.

21 Q How long have you known the Applicant?

22 A For less than a year.

23 Q Have you called the Applicant to get a price on
24 what this move might cost?

25 A We haven't discussed it yet.

1 Q When is your brother-in-law going to be moving
2 from his apartment to -- is it Pocono Hospital?

3 A No, we are going to have him committed into
4 Pocono Hospital.

5 Q And will that be a permanent thing? Is that
6 what you envision? He will be permanently a resident
7 there?

8 A No. They are planning on committing him for a
9 maximum of 20 days, and then to transfer him to Allentown
10 State Hospital. So it is a permanent thing; he is going
11 to be out of his apartment, and it is going to be up to me
12 to clean out his apartment.

13 Q And when do you envision that this will occur;
14 that he will go to Pocono Hospital for a 20-day
15 commitment?

16 A Very soon in the future.

17 Q Well, certainly within the month?

18 A Yes.

19 Q Do you understand that the Applicant will not
20 have PUC authority within 30 days? Do you understand
21 that?

22 A No, I didn't know that.

23 Q Well, if that were the case, then how are you
24 going to move his items of personal property?

25 A I don't know yet. I am here because, you know,

1 if this is a constant thing with Eddie. If he does manage
2 to get out of the hospital, and he does manage to get
3 himself an apartment, he will only function normally in
4 society for two to three months. So this will be a
5 continuing thing for me having to clean out his stuff. So
6 I would prefer a local mover in my area that would handle
7 smaller contents. I mean, I am not moving out a large
8 house, I am moving out contents of a one bedroom
9 apartment.

10 Q If you know this, Mrs. Cramer, if your brother-
11 in-law is going to be committed within the near future,
12 how will you then move his items from his apartment?

13 A I am going to have to contact everybody that I
14 can that I know of and ask if they could loan me all of
15 their pickup trucks. They would all have to help me.

16 Q So you will not use a mover for this initial
17 move?

18 A I don't want to have to contact everybody to be
19 able to help me because they have their own lives, you
20 know. Plus, I really don't want that many people knowing
21 about my brother-in-law. It is not something I am proud
22 of.

23 Q I don't mean to ask the question again, but I
24 don't think it was quite responsive. I am just asking for
25 this move now which is going to occur probably within the

1 next 30 days, how will you actually effectuate this move?

2 A I don't know.

3 MR. HAYNES: Objection. I think she answered that
4 she doesn't know.

5 JUDGE KASHI: All right.

6 MR. JENNINGS: I have no further questions.

7 JUDGE KASHI: Redirect?

8 **REDIRECT EXAMINATION**

9 BY MR. HAYNES:

10 Q Did you indicate you knew where AAA was
11 located?

12 A No, I did not.

13 Q Do you know where AAA is located?

14 A No.

15 Q Do you know if AAA charges a certain flat fee?

16 A All I know is we've never ever contacted a
17 large moving company before, because it is just too
18 expensive.

19 MR. HAYNES: That is all the questions I have.

20 JUDGE KASHI: Thank you. You are excused.

21 MR. HAYNES: Thank you for coming.

22 (Witness excused.)

23 JUDGE KASHI: Call your next witness.

24 MR. HAYNES: Yes. Patti Jensen.

25 JUDGE KASHI: Would you raise your right hand and

1 be sworn, ma'am?

2 Whereupon,

3 PATRICIA MARIE JENSEN

4 having been duly sworn, testified as follows:

5 JUDGE KASHI: Please be seated.

6 **DIRECT EXAMINATION**

7 BY MR. HAYNES:

8 Q Would you state your full name for the record?

9 A Patricia Marie Jensen.

10 Q What is your address?

11 A It is 10 Mountain Laurel Drive, East
12 Stroudsburg.

13 Q What county is that in?

14 A Monroe.

15 Q Are you familiar with the application of
16 Valentino DiGiacomo trading as Stars Moving Company for
17 moving household goods in Monroe and Pike Counties?

18 A Yes, I am.

19 Q Do you have a public need for the moving
20 services offered by Stars Moving Company?

21 A I don't at the present time, but I did have.
22 My parents moved up to our home from New Jersey, and we
23 cleaned out our double garage and we moved all of their
24 things in there. My father made phone calls. I really
25 don't know the moving companies that he did call. But he

1 called local moving companies and they were all too
2 expensive.

3 MR. JENNINGS: Objection; hearsay.

4 JUDGE KASHI: Yes, sustained.

5 BY MR. HAYNES:

6 Q Do you have any personal knowledge of the
7 efforts --

8 JUDGE KASHI: Let me explain to her what that is.

9 The testimony that we need to listen from you is;
10 what it is that you know, what it is that you've done,
11 what it is that you've had. If you begin to talk about
12 things that other people told you, people who are not here
13 in the courtroom, it denies the parties an opportunity to
14 cross-examine those statements to see if, in fact, they
15 are true.

16 THE WITNESS: All right. Well, my mother is here
17 and they lived with us.

18 JUDGE KASHI: Then she can testify by herself.

19 THE WITNESS: All right.

20 JUDGE KASHI: But just keep it to what it is that
21 you understand.

22 THE WITNESS: All right.

23 BY MR. HAYNES:

24 Q Would you use Stars Moving Company if they were
25 certificated by the PUC for any future moves?

1 A Yes, we would.

2 Q Why is that?

3 A Because of the cost.

4 Q Have you looked into the cost of other movers?

5 Are you aware of the costs of other movers?

6 A I am aware of the costs of other movers,
7 because we ended up moving them ourselves, back and forth,
8 back and forth, back and forth.

9 Q Are you familiar with the abilities of the
10 Applicant to provide moving services?

11 A I don't really understand the question.

12 Q Are you familiar with Valentino DiGiacomo as to
13 his abilities as a mover?

14 A Yes, he would be fine.

15 JUDGE KASHI: I am sorry; I didn't hear that.

16 THE WITNESS: Yes.

17 BY MR. HAYNES:

18 Q Is that important to your decision to use Stars
19 Moving Company in the future?

20 A Yes.

21 Q Would you recommend people, in the future, to
22 use Stars Moving Company if they were to receive their PUC
23 authority?

24 A Yes.

25 Q Do you anticipate any moving requirements for

1 yourself in the future if Stars Moving Company received a
2 certificate authority?

3 A No, I don't foresee any in the near future; no.

4 MR. HAYNES: That is all the questions that I
5 have.

6 JUDGE KASHI: Cross?

7 **CROSS-EXAMINATION**

8 BY MR. JENNINGS:

9 Q Is it Mrs. Jensen?

10 A Yes.

11 Q Mrs. Jensen, is it fair to say that you have no
12 present need for moving services; is that correct?

13 A Yes.

14 Q And it is also fair to say that you have future
15 need anticipated for moving services; is that correct?

16 A No, not that I know of at the present time; no.

17 Q You have no future need?

18 A Not that I know of right at this minute; no.

19 Q Now, you indicated that you were familiar with
20 Valentino DiGiacomo's abilities with regard to moving.
21 Why is that?

22 A Well, I just know him as a friend. I have
23 known the family for probably, I don't know, four or five
24 years, and I just can see all the things that Dino can do.

25 Q What kind of things can he do?

1 A Well, I mean, he has built a lot of things. I
2 see him move a lot of things, just in his own home, with
3 building; they are always adding on and taking apart.

4 Q Would it be fair to say that you are personal
5 friends with the family?

6 A Um-hum.

7 Q Has Mr. DiGiacomo provided any moving services
8 for you?

9 A No.

10 Q And you indicated that your folks came from New
11 Jersey to Pennsylvania; is that correct?

12 A Well, their house wasn't completed at the
13 promised date, so they had to move into my home and wait
14 for their home to be finished.

15 Q Are they living there now at your home?

16 A No.

17 Q So they've moved into the new home?

18 A Yes.

19 Q When was that?

20 A Two years ago.

21 Q How did they get their furniture from your home
22 to their new home?

23 A We did it with a truck, and it was not fun.

24 Q And who is the "we"?

25 A My husband and I.

1 Q Do you have a truck?

2 A Yes, we did have. We don't now.

3 Q Is that the truck that you used to move them?

4 A Yes.

5 Q What kind of a truck was that?

6 A A Ford F250.

7 Q That is a pickup truck?

8 A Yes. I know they rented a U-Haul, also, but it
9 was multiple trips back and forth.

10 Q You testified on direct examination that you
11 were familiar with Mr. DiGiacomo's moving abilities. Do
12 you recall that?

13 A Yes.

14 Q Yet, you have not seen him actually move any
15 items of furniture; is that correct?

16 A I've seen him move things in his own place.

17 Q In his own --

18 A I mean -- no, I haven't seen him load a truck
19 and drive it off if that is what you are asking.

20 Q Yes, that is it.

21 A No.

22 Q So your familiarity with his abilities would
23 only be limited to those things which you actually saw him
24 do in and around his own home; would that be fair to say?

25 A Yes.

1 Q How did your folks move their stuff from New
2 Jersey to Pennsylvania?

3 A They used a large mover because they came from
4 a pretty big home, so they had to.

5 MR. JENNINGS: Thank you. I have no further
6 questions.

7 JUDGE KASHI: Redirect?

8 MR. HAYNES: Nothing.

9 JUDGE KASHI: You are excused, ma'am.

10 (Witness excused.)

11 JUDGE KASHI: Please call your next witness, sir.

12 MR. HAYNES: Yes, Mr. Daniel Willette.

13 JUDGE KASHI: Would you raise your right hand and
14 be sworn, sir.

15 Whereupon,

16 DANIEL ARTHUR WILLETTE

17 having been duly sworn, testified as follows:

18 JUDGE KASHI: Please be seated, sir.

19 THE WITNESS: How are you guys doing today?

20 MR. JENNINGS: Good.

21 **DIRECT EXAMINATION**

22 BY MR. HAYNES:

23 Q Would you state your full name for the record?

24 A My name is Daniel Arthur Willette.

25 Q Do you want to spell the last name?

1 A W-i-l-l-e-t-t-e.

2 Q What is your address?

3 A 23 Mountain Estates, East Stroudsburg,
4 Pennsylvania.

5 Q What county is that in?

6 A Monroe County.

7 Q Are you familiar with the application of
8 Valentino DiGiacomo trading as Stars Moving Company for
9 PUC approval to move household goods in Monroe and Pike
10 Counties?

11 A Yes, I am.

12 Q Are you here to support the application as for
13 your present or future need for the moving services
14 offered?

15 A Yes, I am.

16 Q What is the nature of your public need for
17 Stars Moving Company's services?

18 A Well, I live in a trailer. I have three kids.
19 And I plan on moving into a house soon. My last move was
20 a nightmare.

21 Q Could you explain that?

22 A I have called up other companies and they
23 wanted a phenomenal amount of money, and I feel that a
24 smaller company in the area would be an asset to our area
25 because we don't have a lot of rich people where we live.

1 We can't afford all of these big companies.

2 Q Are you familiar with Mr. Valentino DiGiacomo?

3 A Yes, I am. I met him about a year ago. We
4 were building a playground together at the school.

5 Q Does your knowledge of his abilities influence
6 your decision to select him?

7 A He is a hardworking young man. He has a family
8 to feed like the rest of us.

9 Q When do you anticipate moving?

10 A Within the next year.

11 Q Would you recommend other people use Stars
12 Moving Company if he receives his PUC approval?

13 A If he did a good job for me; yes, I would.

14 MR. HAYNES: That is all the questions I have.

15 JUDGE KASHI: Cross?

16 MR. JENNINGS: Thank you.

17 **CROSS-EXAMINATION**

18 BY MR. JENNINGS:

19 Q Is it your impression, Mr. Willette, that Mr.
20 DiGiacomo would offer this service at a cheaper price
21 than, let's say, the Protestant, AAA Moving and Storage?

22 A My impression from other movers that I have
23 called up when I was moving, myself.

24 Q My question is directed to the difference
25 between Mr. DiGiacomo and the Protestant.

1 A Okay.

2 MR. HAYNES: I think he was in the middle of
3 answering and he was interrupted.

4 THE WITNESS: Yes, I was.

5 JUDGE KASHI: Wait. Let me give you the baseline.
6 If you just answer the question. If you can answer the
7 question directly, answer it directly, and then if you
8 feel the need that you have to explain something, we will
9 let you go on and do that.

10 THE WITNESS: All right.

11 JUDGE KASHI: So this question implies, one, that
12 you know something about what the price is of AAA, and if
13 you know something about the prices of Mr. DiGiacomo. Are
14 you able to answer that kind of question?

15 THE WITNESS: I do not know the price of Mr.
16 DiGiacomo's. I do know the price of AAA's.

17 BY MR. JENNINGS:

18 Q And has AAA provided moving service for you in
19 the past?

20 A No, they are much too expensive.

21 Q So you have contacted them to have them move
22 you?

23 A Yes, I have. Like I said before, my last move
24 I had contacted other movers and they are far too high
25 priced. It is common sense that somebody with a bigger

1 overhead would have to charge more; right or wrong.

2 Q So that, like, you would say that a big company
3 like Wal-Mart, let's say, with a big store and a lot of
4 product in it would have to charge more for their services
5 that, let's say, the same items at a local hardware store?

6 MR. HAYNES: Objection.

7 MR. JENNINGS: Would that be less --

8 THE WITNESS: Let's compare Wal-Mart to Macy's.

9 MR. HAYNES: Objection; that has no bearing or no
10 relevancy.

11 JUDGE KASHI: Well, he offered the opinion that
12 strictly on the basis that the guy had a bigger overhead,
13 he was definitely going to charge more. I think it is a
14 fair question. I mean, it points out economy and all of
15 that other kind of stuff.

16 Can you answer the question?

17 THE WITNESS: Could you repeat the question?

18 BY MR. JENNINGS:

19 Q The question is; would a big company such as
20 Wal-Mart, let's say, versus a local hardware store; would
21 you know or have an idea, based upon the formula that you
22 were using before about a large carrier versus a small
23 carrier as to which one might be able to give the better
24 price on any given item?

25 A I don't compare the department stores with

1 moving companies.

2 Q So you would not know?

3 A All I know is from like I said before from my
4 past experience by calling these people, other movers,
5 Allied, you got a whole bunch of them out there, you call
6 them and you get prices, and you call somebody smaller,
7 the price is going to be much cheaper.

8 Q So have you talked to Mr. DiGiacomo about
9 providing this service for you?

10 A No, I have not.

11 Q So would it be fair to say that you don't know
12 whether Mr. DiGiacomo's price would be less than, let's
13 say, the Protestant, AAA Moving and Storage?

14 A I don't know that as of yet.

15 Q And so is price a consideration?

16 A Of course it would be.

17 Q If, in fact, Mr. DiGiacomo's price was more
18 than AAA Moving and Storage, would you have any opposition
19 to using --

20 A That would depend on --

21 Q -- AAA Moving and Storage?

22 A That would depend on the service I would be
23 getting.

24 Q So price and service are an important thing
25 with you; is that correct?

1 A Wouldn't it be with you?

2 Q Are you familiar with the service that Mr.

3 DiGiacomo --

4 A Not --

5 Q -- the quality of the service -- would you just
6 let me finish the question? It has to go on the record.

7 Would you be familiar with the quality of moving service
8 that Mr. DiGiacomo would be providing?

9 A All I know is from Mr. DiGiacomo; he is a hard
10 working young man.

11 Q So would the answer be; no, you are not
12 familiar with his moves?

13 A I haven't seen him doing moves; no.

14 Q How is it that you know Mr. DiGiacomo?

15 A Like I stated the first time; we was building a
16 playground together, and we met through that.

17 Q That is the only way you know him?

18 A No, I know him on a personal basis; yes.

19 Q How long have you known him on a personal
20 basis?

21 A About a year.

22 Q Have you ever been employed by Mr. DiGiacomo?

23 A No, I have not.

24 Q How is it that you got to meet Mr. DiGiacomo
25 and you have known him for a year?

1 move my house.

2 Q And that prevented you from hiring them?

3 A The cost?

4 Q Yes.

5 A Sure it would.

6 Q Do you know the details of how they charge you?

7 Is it a per hour wage?

8 A I believe; yes, it was an hourly rate.

9 Q Do you know where AAA is located?

10 A I believe they are some where around

11 Stroudsburg.

12 Q But you don't know specifically?

13 A Not specifically; no. I found the ad in the

14 Yellow Pages.

15 MR. HAYNES: That is all the questions I have.

16 JUDGE KASHI: Do you have anything to follow on

17 that, sir?

18 MR. JENNINGS: Yes. I just needed the --

19 **RE-CROSS-EXAMINATION**

20 BY MR. JENNINGS:

21 Q When was the date of your call, sir?

22 A I don't recall. It was over a year ago.

23 Q And what had to be moved, sir?

24 A A whole household of items.

25 Q How big a household would you be talking about?

1 A Three bedrooms, a living room, kitchen.

2 Q And they quoted you an hourly rate; is that
3 what it was?

4 A I believe it was.

5 Q Do you recall what the hourly rate was?

6 A No, I don't, not offhand.

7 Q Where were you moving from?

8 A I was moving from Marshalls Creek to East
9 Stroudsburg. It is basically the same area.

10 Q In miles how far would you say it was?

11 A Miles? Three.

12 Q Three miles. And you would have been quoted an
13 hourly rate or a flat rate?

14 A I told you, it was a couple of thousand dollars
15 to move the whole household. They quoted me about \$2,000
16 to move the three bedrooms, the living room, and the
17 kitchen.

18 Q And that is based on a flat rate or an hourly
19 rate?

20 A I would say it is a flat rate. Like I said, it
21 was over a year ago. I don't recall.

22 Q You indicated a minute ago that you thought
23 they had quoted you an hourly rate. Do you recall that
24 testimony?

25 A I might have said that; yes.

1 Q Which was it? Was it a flat rate or was it an
2 hourly rate?

3 A They charge you so much to come out to the
4 house, whether it was them or who -- they charge you so
5 much to come out to the house and then they give you an
6 estimated price on the whole move.

7 Q Did they quote you an hourly rate, sir?

8 A No. They quoted me a rate of \$2,000 for the
9 whole household items.

10 MR. JENNINGS: I have no further questions.

11 JUDGE KASHI: You are excused, sir.

12 (Witness excused.)

13 JUDGE KASHI: Would you call your next witness,
14 please?

15 MR. HAYNES: Yes. Roseanne Goldman.

16 JUDGE KASHI: Raise your right hand and be sworn.

17 Whereupon,

18 ROSEANNE GOLDMAN

19 having been duly sworn, testified as follows:

20 JUDGE KASHI: Please be seated.

21 **DIRECT EXAMINATION**

22 BY MR. HAYNES:

23 Q Would you state your full name for the record?

24 A It is Roseanne Goldman.

25 Q What is your address?

FORM 2

9/97D

1 A Pocono Mobile Home Estates, East Stroudsburg,
2 Pennsylvania.

3 Q What county is that in?

4 A Monroe County.

5 Q And are you familiar with the application of
6 Valentino DiGiacomo trading as Stars Moving Company for
7 moving household goods in Monroe and Pike Counties?

8 A Yes, I am.

9 Q Do you have a present or future public need for
10 the moving services offered by Stars Moving Company?

11 A Not at the present time, but I did on April 26,
12 1997 when I moved from a one bedroom apartment to a mobile
13 home.

14 Q Can you recount for the record what your
15 experience is in that moving?

16 A It was terrible, because I could not find a
17 moving company that was affordable enough because I am on
18 Social Security disability, I am on a fixed income. I
19 also needed help with packing and unpacking. I needed
20 help with setting up, and most of the moving companies I
21 called, AAA included, were either not available on a day
22 that I had to move, or I had to fill a minimum amount of
23 space on the truck.

24 Q How much was moved?

25 A A bedroom set, a living room set, a kitchen

1 set, an entertainment center, and appliances.

2 Q Was price a factor?

3 A Very much so, and so was convenience, and also
4 helping with the packing. Being disabled I could not pack
5 everything. And unloading, I needed someone to help
6 unload. I am a single woman and I couldn't do it by
7 myself.

8 Q How did you end up moving?

9 A Friends of friends and working around everyone
10 else's schedule. It took me three days to finally get
11 everything into the house.

12 Q If Stars Moving Company had received its PUC
13 certificate, you would have used Stars Moving Company?

14 A I would have called. I called all of the
15 companies that were accessible to me in the Yellow Pages,
16 and none were affordable.

17 Q Why would you use Stars in the future?

18 A Because they offer the services, from what I
19 understand, of helping with the packing and unpacking, and
20 being a person who would want to help somebody who is on a
21 fixed income, a small company is more affordable. And I
22 wouldn't have to worry about arranging my moving schedule
23 around their time.

24 MR. HAYNES: That is all the questions I have on
25 direct.

1 JUDGE KASHI: Cross, Mr. Jennings?

2 MR. JENNINGS: Thank you.

3 **CROSS-EXAMINATION**

4 BY MR. JENNINGS:

5 Q Ma'am, do you anticipate moving again in, let's
6 say, within the next 12 months?

7 A Probably not.

8 Q And you are also indicating that you believe
9 that a smaller mover would be more affordable than, let's
10 say, the Protestant, AAA Moving and Storage. That was
11 your testimony, wasn't it?

12 A Yes, it was.

13 Q Now, why would you say that that was so? Why
14 do you say that Mr. DiGiacomo is going to be less than AAA
15 is?

16 A When I was moving I called AAA, I called
17 Starving Students, I called about six different movers in
18 the Yellow Pages. I either had to meet the qualifications
19 of the truck, or there was no truck available on the day
20 that I was moving. I needed help with the packing and
21 unpacking. I needed help with setting up a few things. I
22 was told by the larger companies was --

23 Q I am not interested in the --

24 MR. HAYNES: Please let the witness --

25 MR. JENNINGS: She is going on hearsay.

1 MR. HAYNES: No. Your Honor, he interrupted the
2 witness. The witness is entitled to finish.

3 JUDGE KASHI: Let's let her finish.

4 THE WITNESS: When I talked with the larger
5 companies and said that I would need the extra help, I was
6 told that that --

7 MR. JENNINGS: Well, Judge, I object to that.
8 That is not responsive to my question.

9 MR. HAYNES: He can move to strike when she is
10 finished.

11 JUDGE KASHI: We will let her finish.

12 THE WITNESS: I was told that there was one or two
13 men available for the move. If I needed the extra help,
14 extra men would have to be put on, and that was a charge
15 either per hour or they would come up with a flat fee for
16 me to have the extra people available to help me make the
17 move. And with a smaller company, I am assuming; I do not
18 know that this company was in force at the time, because I
19 did not know these people, and I am not friends with these
20 people -- I would assume that I would get more personal
21 attention being that I am on disability and on a fixed
22 income, and I could not do the move by myself. So I
23 needed that little extra care.

24 MR. JENNINGS: Your Honor, I move that it all be
25 struck; the whole answer.

1 JUDGE KASHI: I am not going to strike it. It
2 goes to the reason for her perception as to the need, and
3 I think it definitively sets the tone for what I have been
4 hearing from the witnesses, all the witnesses, as to where
5 they are coming from on a personal side about larger or
6 smaller. What it also states, as all the witnesses have,
7 is that with the smaller companies, none of them have
8 contacted any smaller companies, and all of their
9 information, all of their testimony is assumption that
10 this, in fact, would happen. But they have no knowledge
11 of it.

12 BY MR. JENNINGS:

13 Q Ma'am, did you indicate that you called the
14 movers in the Yellow Pages?

15 A Yes, I did.

16 Q Did you call all the movers in the Yellow
17 Pages?

18 A I called at least six movers in the Yellow
19 Pages, and AAA was one.

20 Q Did you also call the Applicant?

21 A No, because I did not know the Applicant.

22 Q Are you aware that the Applicant has ads in the
23 Yellow Pages?

24 A No, I am not.

25 Q How is it that you know the Applicant?

1 A I was introduced to him a month ago at my
2 cousin's house. He was doing some repairs for my cousin.

3 Q Would it be fair to say that you are not
4 familiar with his abilities as a mover?

5 A No, I am not.

6 Q And you are not familiar with any vehicles that
7 he would have for this purpose?

8 A No, I am not.

9 Q In fact, you said you needed to have somebody
10 to help you pack, and also help you to unload and maybe
11 set up some items; is that correct?

12 A Yes.

13 Q It is fair to say that you would not know
14 whether the Applicant has these abilities either? Is that
15 fair to say?

16 A No, I do not know if he has these abilities.

17 Q Since you haven't talked to the Applicant about
18 this move that you made in April, you wouldn't know
19 whether his rate would be less or more than AAA Moving and
20 Storage; is that fair to say?

21 A That is fair to say.

22 MR. JENNINGS: Thank you. I have no further
23 questions.

24 JUDGE KASHI: Redirect?

25 MR. HAYNES: Yes.

REDIRECT EXAMINATION

1
2 BY MR. HAYNES:

3 Q As a consumer for moving services in the last
4 six months, do you want to have more choices for movers or
5 less?

6 JUDGE KASHI: Wait. You said the last six months.
7 I thought she said April of 1996?

8 THE WITNESS: 1997, Your Honor.

9 JUDGE KASHI: I am sorry.

10 THE WITNESS: I am sorry?

11 BY MR. HAYNES:

12 Q Would you like to have more choices? Would you
13 like to call eight movers versus six?

14 MR. JENNINGS: Your Honor, I object to that. This
15 witness has testified that she has had her move, she is
16 not anticipating any future moves. That question is
17 irrelevant at this time.

18 JUDGE KASHI: I agree. The objection is
19 sustained.

20 BY MR. HAYNES:

21 Q Do you recall the charges that you were quoted
22 for your move?

23 A Not exactly. They were unaffordable to me.
24 But most importantly was the extra care that I had needed,
25 though. That was a very big factor.

1 Q And I take it by coming here today to testify,
2 you are testifying in support of the services that Stars
3 Moving Company can provide to you in the future?

4 A Yes.

5 MR. HAYNES: That is all the questions I have.

6 JUDGE KASHI: The simple fact, ma'am, is from your
7 testimony, you don't know what services Stars Moving
8 Company can provide. You testified to that. You have no
9 idea what kind of trucks they have. You have no idea
10 whether or not they can move anything. You have no idea
11 whether they can pack anything. Whether they can unpack
12 anything. So how can you answer his question and say that
13 you are here on the basis of the services they can
14 provide?

15 MR. HAYNES: I think the witness did --

16 JUDGE KASHI: Wait. It is my question.

17 MR. HAYNES: No, Your Honor, I am saying that the
18 witness did answer that question.

19 JUDGE KASHI: As far as I am concerned, there is a
20 conflict in her testimony in her answer to your last
21 question.

22 THE WITNESS: Can I answer it anyway?

23 JUDGE KASHI: Please.

24 THE WITNESS: It was explained to me that the
25 services that they would provide would be that if someone

1 needed to have something unpacked, they could do that. If
2 someone needed to have something set up, they could do
3 that. That was the service that I was looking for
4 initially in my move which I could not find.

5 JUDGE KASHI: Who explained that to you?

6 THE WITNESS: Star had explained that to me.

7 JUDGE KASHI: When did they explain that to you?

8 THE WITNESS: When I had first met them and I said
9 that I had just moved into the mobile home park. She
10 said: I wish I would have known, I could have helped you.
11 I said: My move was horrendous.

12 JUDGE KASHI: I have nothing further for the
13 witness.

14 Is there anything else from counsel? No?

15 You are excused, ma'am.

16 (Witness excused.)

17 JUDGE KASHI: Call your next witness.

18 MR. JENNINGS: Judge, if we might have just a
19 minute?

20 (Discussion off the record.)

21 MR. HAYNES: Gary LaTorre, please.

22 JUDGE KASHI: Raise your right hand and be sworn,
23 sir.

24

25

1 Whereupon,

2 GARY LaTORRE

3 having been duly sworn, testified as follows:

4 JUDGE KASHI: Please be seated, sir.

5 **DIRECT EXAMINATION**

6 BY MR. HAYNES:

7 Q Would you state your full name for the record?

8 A Gary Thomas LaTorre.

9 Q Would you spell your last name?

10 A L-a-T-o-r-r-e.

11 Q What is your address?

12 A Pike County, Bushkill, Pennsylvania.

13 Q Are you familiar with the application of
14 Valentino DiGiacomo trading as Stars Moving Company to
15 provide moving services in Monroe and Pike Counties?

16 A Yes, I am.

17 JUDGE KASHI: What does that mean, sir, to you?

18 THE WITNESS: What does that mean to me?

19 JUDGE KASHI: Yes.

20 THE WITNESS: That you have a young fellow here --

21 JUDGE KASHI: No, what are you familiar about the
22 application?

23 THE WITNESS: That he is trying to establish a
24 business from the beginning.

25 JUDGE KASHI: Where?

1 THE WITNESS: For Monroe and Pike Counties.

2 JUDGE KASHI: And to do what?

3 THE WITNESS: To service a local common area of
4 people in Pennsylvania that are down and out. It's hard
5 to make a living in the Pocono's. He would be able to
6 provide us with a small inexpensive service.

7 JUDGE KASHI: And that is your understanding of
8 the application to be?

9 THE WITNESS: Well, that is my interpretation of
10 it; yes.

11 JUDGE KASHI: Do you know where it goes from or
12 to?

13 THE WITNESS: Where the application goes?

14 JUDGE KASHI: Yes. Where he would be allowed to
15 pick things up from and where he would be allowed to go
16 to?

17 THE WITNESS: I would say locally in Pennsylvania.

18 JUDGE KASHI: Locally in Pennsylvania?

19 THE WITNESS: I would say, guessing, within an
20 hour or two circle.

21 JUDGE KASHI: Go ahead.

22 BY MR. HAYNES:

23 Q And you are here to support the public need for
24 the moving services?

25 A Yes, not only the public need but for my own

1 need.

2 Q Would you explain what your public need is for
3 the moving services offered by Stars Moving Company?

4 A I have many customers locally in the area
5 within an hour that need things that I sell and ship to
6 them, deliver to them on a spur of the moment type of a
7 schedule, and as inexpensively for me and the customer.

8 Q What type of frequency are we looking at?

9 A A few times a week.

10 Q Are you familiar with other movers in the area?

11 A Familiar? Yes.

12 Q Do you use any other movers?

13 A No, I do everything myself. That is what I am
14 trying to relieve is the overload on myself.

15 Q Have you ever contacted AAA?

16 A No. Well, years ago.

17 Q Do you recall your experience in contacting
18 AAA?

19 A When I moved ten years ago I went through all
20 of that, and I ended up moving myself from Long Island.

21 JUDGE KASHI: That is irrelevant.

22 BY MR. HAYNES:

23 Q Why would you use Stars Moving Company in the
24 future for any future moves?

25 A Well, I bumped into Dino in the past five years

1 around Stroudsburg and I see that he is a hard worker.
2 And when I am stuck I would call on Dino: Can you help me
3 with my truck, and help me to move from here to here? I
4 have a fare to do, or I have a platform to send to
5 somebody; give me a hand with it. And he was always there
6 when I needed him. So he is dependable and reliable. And
7 as far as I've seen in terms of seeing him, he is very
8 neat and careful.

9 (Pause.)

10 MR. HAYNES: That is all the questions that I
11 have.

12 JUDGE KASHI: Cross, Mr. Jennings?

13 **CROSS-EXAMINATION**

14 BY MR. JENNINGS:

15 Q Mr. LaTorre, I am sorry, the witness list here
16 that I have has you at 5062 Milford Road, East
17 Stroudsburg, Pennsylvania. Is that your address, sir?

18 A It is very confusing in Pennsylvania. You have
19 a location address, which is Marshalls Creek, and the
20 mailing address is East Stroudsburg; it goes to the Post
21 Office complication, so that is the same place; yes.

22 Q And you are indicating that you are, in fact,
23 Pike County, Pennsylvania?

24 A I live in Bushkill, Pike County. My first
25 store is in Monroe County on Milford Road.

1 Q Do you have more than one store, sir?

2 A Yes, I just recently opened up another store in
3 Westfall, which is Pike County, also.

4 Q Westfall Township, is that what it is?

5 A Yes.

6 Q Sir, you indicated that from time to time
7 you've had some difficulty moving items?

8 A Right.

9 Q And that you've used -- when you say Dino, do
10 you mean Mr. DiGiacomo?

11 A Yes.

12 Q And you have used his services for that
13 purpose?

14 A No, I haven't used his services. I asked him
15 to help me personally. Because I have a van and I have a
16 small business, and enough to crack. And I have to go the
17 most inexpensive way I can go. And Dino is good and he is
18 cheap.

19 Q And so you are paying him for the services that
20 he is providing?

21 A I will throw him a bone once in a while; he
22 doesn't want any money from me.

23 Q When you say you throw him a bone once in a
24 while, about how much are you talking about?

25 A \$20.

1 Q And how often would that be?

2 A Once a month, twice a month.

3 Q Would that be for over the last five years that
4 you've know Mr. DiGiacomo?

5 A More like the last three.

6 Q Three years?

7 A Yes, for the past three years.

8 Q And how is it that you know Mr. DiGiacomo?

9 A I used to go get gasoline and he used to work
10 there at a carwash.

11 Q And you just got to know him by the gas station
12 then?

13 A Because he's a local.

14 Q And when you say you need items to be moved,
15 what kind of items do you need to be moved?

16 A Well, instead of me moving them, or the people
17 that I have with me, it would be either a burden off of me
18 if I could say: Dino, could you move this over to here?
19 Items like platforms for stoves, stoves themselves.
20 People who buy stoves from me, they don't want me to
21 install them, they want to install them, so we have to
22 deliver. So he would be like a delivery person for me.

23 Q Those kinds of items? What other kind of items
24 do you sell?

25 A Brass, pellets, fuel.

1 Q Excuse me?

2 A Pellets, pellet fuel.

3 Q What other kind of items would he be moving?

4 A Decorative things for the house, you know,
5 ornaments that we sell.

6 Q And could I ask you, Mr. LaTorre, what is the
7 nature of the business that you have?

8 A It is a home heating speciality shop; pellet
9 gas stoves.

10 Q And items that would be related to that?

11 A Right; accessories. Like I said, there is a
12 lot of people that come in and they don't want to carry
13 things. This would be a good service for me.

14 Q And this would be at both of your locations in
15 Pike -- are both of your locations in Pike County?

16 A The one in Marshalls Creek I think it Monroe
17 County. I live in Pike County, Bushkill, and the other
18 store is in Pike County at Westfall.

19 Q Would it be the same for both of these stores
20 that those items would be the same?

21 A Yes, but instead of me running back and forth:
22 Get this, take this back up, I forgot a paper, while I am
23 getting that, get the paper, you know. It would be very
24 convenient for me. Because the way things are now, I am
25 cracking, and I am just trying to make a living.

1 Q And these are like heating stoves or
2 accessories to, like, heating stoves; would that be
3 correct?

4 A For peoples' homes, right.

5 Q For peoples' homes?

6 A For things that they need in their homes,
7 because people can't afford their electric bills, and that
8 is expensive. Everybody is looking to cut down. There is
9 guys like me around and there is big stove shops around.
10 They want to deal with me. They don't want to deal with
11 you. The rich people want to deal with you. The low
12 income people don't want to deal with you; it's as simple
13 as that. So there is enough here for everybody in this
14 world. It doesn't have to be all of yours or all of his.
15 He is not a threat. I am not a threat to the stove shops.
16 They are not a threat to me. They do their wood stoves
17 and coals stoves, and I do my pellet stoves, and
18 everybody's got their clinch. I don't know what the big
19 deal is here.

20 Q Could I ask you, Mr. LaTorre, how many years
21 have you had these businesses?

22 A I have been in the business here locally for
23 the past ten years in the stove business. Prior to that I
24 was a licensed master electrician for 25 years in Long
25 Island. And I am still struggling, still working until

1 12:00 at night, getting my wife pissed off.

2 Q May I ask you, sir, what is your market for
3 selling these items? What geographic area are we talking
4 about here?

5 A I would say from Honesdale to Milford, and
6 Stroudsburg, you know, an hour circle.

7 JUDGE KASHI: I didn't catch that last --

8 THE WITNESS: An hour circle. I don't know how to
9 describe it. If I am the center of a circle, I will go an
10 hour in any direction.

11 JUDGE KASHI: All right.

12 MR. JENNINGS: I have no further questions.

13 JUDGE KASHI: Thank you.

14 MR. HAYNES: No redirect.

15 JUDGE KASHI: You are excused, sir.

16 (Witness excused.)

17 JUDGE KASHI: Call your next witness, sir.

18 MR. HAYNES: Yes. I don't know if this was on
19 your list. This is Steve Paiewonsky.

20 JUDGE KASHI: Raise your right hand and be sworn,
21 sir?

22 Whereupon,

23 STEVE PAIEWONSKY

24 having been duly sworn, testified as follows:

25 JUDGE KASHI: Please be seated.

1 MR. JENNINGS: Your Honor, before questioning this
2 witnesses; maybe I missed something here. I have a list
3 of the witnesses that I received yesterday. Is this
4 witness on the list of witnesses?

5 MR. HAYNES: No, he was not. I am sorry.

6 MR. JENNINGS: Your Honor, I object to this
7 witness being taken at this time, Your Honor. There was a
8 list of witnesses that was given to me by counsel as of
9 August the 8th, and yesterday it was revised and I did
10 receive the fax of that. Of course, I had no objection to
11 the names on those lists; even on the revised list. But
12 this witness is not on the list, Your Honor, and I object
13 that he would be allowed to testify today. Thank you.

14 JUDGE KASHI: Mr. Haynes?

15 MR. HAYNES: Your Honor, I don't believe there is
16 anymore surprise than any of the other witnesses. Counsel
17 got the list of witnesses.

18 JUDGE KASHI: He is not on the list?

19 MR. HAYNES: Yes, I know. But he is here today.
20 There was no discovery done of the list of witnesses, and
21 to keep him off from testifying here would be a grave
22 injustice. The public interest likes to hear public need
23 witnesses. I apologize. I did not know. We've had three
24 witnesses changed around. I gave that information to
25 counsel. But to deny the development of the record of

1 public need, which is expressly what this Commission
2 wanted to hear, I think latitude should be allowed for
3 allowing this witness to testify.

4 JUDGE KASHI: Over the objection of counsel we
5 will allow the testimony of the witness.

6 Go ahead.

7 **DIRECT EXAMINATION**

8 BY MR. HAYNES:

9 Q State your full name for the record and spell
10 your last name?

11 A Steve Paiewonsky; it's P-a-i-e-w-o-n-s-k-y. I
12 live in East Stroudsburg, Pennsylvania, Monroe County.

13 Q Are you here today to testify to the public
14 need for the moving services offered by Stars Moving
15 Company?

16 A Yes, I am.

17 Q What is your need for the moving services?

18 A I will be looking to upgrade my house and move
19 locally. We need more room; the kids and et cetera.

20 Q And when do you expect this move to take place?

21 A As soon as possible. But most likely within
22 six months, I believe.

23 Q And why are you supporting Stars Moving Company
24 as opposed to using existing movers?

25 A Well, I've been involved with bad experiences

1 with larger moving companies in the past. I am familiar
2 with Mr. DiGiacomo in the neighborhood. I have been on
3 the Board of Directors there in our community for many
4 years. We are a volunteer community. Mr. DiGiacomo has
5 always helped us by moving things locally, sometimes with
6 my truck, or somebody else's truck. We have to move a
7 lifeguard stand from the lake back up to the clubhouse for
8 the winter and pull rafts out. We do everything ourselves
9 there. It is all volunteer. So Mr. DiGiacomo has been
10 quite an asset to us, not only with specifically moving
11 but also with repair and construction. I have seen his
12 work, I know what he is capable of doing.

13 Q And if Stars Moving Company receives its
14 certificate, you would use it in the future?

15 A Yes, I am certain I would.

16 Q Would you recommend other people using him?

17 A Yes, if he got his license I certainly would.

18 MR. HAYNES: That is all the questions that I
19 have.

20 JUDGE KASHI: Cross?

21 **CROSS-EXAMINATION**

22 BY MR. JENNINGS:

23 Q Sir, would you just pronounce your last name
24 for me again?

25 A Paiewonsky.

1 Q Paiewonsky; all right. Thank you.

2 You said that you are familiar with the Applicant
3 and his abilities; is that what you said?

4 A Yes.

5 Q Have you seen the Applicant provide any moving
6 services in the past?

7 A On a volunteer level within our community; yes.
8 Dino has helped us move lifeguard stands, table and chairs
9 as we set up little community gatherings in the
10 neighborhood; yes.

11 Q And what kind of vehicle do you know him to
12 use?

13 A Well, we've used my truck. I got a pickup
14 truck with a wooden stake body on it, and he has helped
15 us. Quite often we will use my truck, and there are a
16 couple of other guys with pickup trucks in the
17 neighborhood. And Dino has helped us many times to load
18 the trucks, and unload, and tie them up, and pack them
19 properly. I've learned a lot from him about moving,
20 actually, over the years.

21 Q So you are not familiar with the type of
22 vehicle that he would be using in this particular
23 business?

24 A No, not particularly; no.

25 Q Is price a factor as to who you would use in a

1 move?

2 A Price is partially a factor. I think, to me,
3 what is more important based on the last move that I used
4 a commercial company with, I am more concerned about the
5 service and the care, and having to -- I guess, I have to
6 get a little specific to tell you what I am talking about,
7 but my concern is service. And by service I mean timing
8 and proper care when moving my personal belongings around.
9 We suffered breakage. We suffered timing problems during
10 our move with a commercial carrier. It was very difficult
11 to actually get that corrected. The timing, of course,
12 couldn't be corrected. But the breakage was quite a
13 process to try to prove it, and we were never fully
14 compensated for everything that was broken, and we got
15 into quite a battle on that.

16 Q Where did you move from?

17 A It was in New Jersey. It was a local move in
18 New Jersey.

19 Q How long have you lived at the present address?

20 A I've been here ten years.

21 Q Where do you feel that you will be moving
22 within the next six months?

23 A Locally. Once again, we are very well
24 implanted in the community, we just need a bigger space.

25 Q Within the same development that you live right

1 now?

2 A Possibly within the development. Certainly, we
3 really wouldn't want to go much more than three miles
4 away. We want to stay right in the Marshalls Creek area.

5 MR. JENNINGS: Thank you, I have no further
6 questions.

7 MR. HAYNES: No redirect.

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

10 (Witness excused.)

11 MR. HAYNES: And that completes the public need
12 witnesses on behalf of the Applicant.

13 JUDGE KASHI: Is there anything from the
14 Protestant in the way of rebuttal on the public need
15 witnesses?

16 MR. JENNINGS: No, Your Honor.

17 JUDGE KASHI: Do the parties want to file anything
18 with this?

19 MR. JENNINGS: Your Honor, maybe I need a little
20 clarification. Is the Applicant, himself, going to
21 testify, or are you just going to assume that what we had
22 in the last record is going to be in this record?

23 JUDGE KASHI: That is what the Order says.

24 MR. JENNINGS: Just the public need witnesses?

25 JUDGE KASHI: That is what they said.

1 MR. JENNINGS: Well, then I will call Mr.
2 Valinote.

3 JUDGE KASHI: As I recall, we swore you in the
4 last time you were here and testified; is that correct?

5 MR. VALINOTE: Yes.

6 JUDGE KASHI: All right; so you are still under
7 oath, sir.

8 Whereupon,

9 JOHN VALINOTE, JR.
10 having previously been duly sworn, testified further as
11 follows:

12 **DIRECT EXAMINATION**

13 BY MR. JENNINGS:

14 Q Mr. Valinote, as the Judge indicated, you are
15 still under oath. Just to clarify the record; what is
16 your relationship with AAA Moving and Storage?

17 A I am the President.

18 Q How many shareholders are there?

19 A Just me.

20 Q Have you been authorized by the company to
21 testify today in protest of this particular application?

22 A Yes.

23 Q Mr. Valinote, you were present in the courtroom
24 this morning when the various needs testimony was given on
25 behalf of the Applicant, were you not?

1 A Yes.

2 Q Do you recall that Roseanne Goldman testified?
3 Do you recall that testimony?

4 A Yes, I do.

5 Q I believe that Roseanne Goldman testified that
6 she has some physical limitations and in order to make her
7 move, she needed certain services. Do you recall that?

8 A Yes, I do.

9 Q One of the areas I believe she testified was a
10 need for packing and unpacking some of her items. Do you
11 recall that testimony?

12 A Yes, that is correct.

13 Q What sort of services does the AAA Moving and
14 Storage offer in that particular regard?

15 A AAA Moving and Storage is a full service
16 company and they do packing of people's belongings,
17 clothing, and moving them, and unpacking them at the
18 destination.

19 Q So that is a service that AAA provides?

20 A That is correct.

21 Q What if there were some items of furniture such
22 as maybe a bed or some other item of furniture that had to
23 actually be set up and assembled? Would AAA Moving and
24 Storage have that kind of ability?

25 A Yes.

1 Q Do you recall Daniel Willette testified this
2 morning on behalf of the Applicant. Do you recall that?

3 A Yes.

4 Q Do you recall that Mr. Willette indicated that
5 he had contacted AAA Moving and Storage for his last move?
6 Do you remember that testimony?

7 A Yes, I do.

8 Q Do you remember that he said he was quoted a
9 fee by AAA Moving and Storage? Do you recall that?

10 A Yes.

11 Q How does AAA Moving and Storage actually quote,
12 if they do make quotes for moves?

13 A On a local move we quote by the hour. On
14 anything that large that he quoted \$2,000, we would send a
15 salesperson out to actually come and look at the things.
16 We charge \$75.00 an hour for three men and a truck. To
17 move a three bedroom home would usually be about six or
18 seven hours. So that move probably would cost between
19 \$500 and \$700.

20 Q Is it your testimony that the \$2,000 figure
21 would have actually been written up by a salesperson?

22 A Yes. Anything that large would have been
23 written up on an estimate form, and been in an in person
24 estimate.

25 Q And that would have been for a local move?

1 A Correct.

2 Q Mr. Valinote, are you familiar with the
3 business operations of AAA Moving and Storage?

4 A Yes, I am.

5 Q Are you familiar with the runs that are booked
6 from week to week through AAA Moving and Storage?

7 A Yes.

8 Q Have you compiled a list of the number of
9 intrastate, which would be PUC certified runs, that you
10 are scheduled to do for the month of September and into
11 October of 1997?

12 A Yes, I am.

13 MR. HAYNES: I would ask counsel for an offer of
14 proof of what he is handing out.

15 MR. JENNINGS: Judge, this is a document which the
16 witness will testify that he has prepared through the
17 records of the company for the amount of business activity
18 that he is going to be having in the months of September
19 and October. The list clearly shows that there are many
20 days when there is not a lot of work to do, or maybe no
21 work, whatsoever, to do.

22 JUDGE KASHI: It goes to the Protestant's burden.
23 What is this, Protestant's No. 1?

24 MR. JENNINGS: No. 1.

25 JUDGE KASHI: Mark this for identification

1 purposes.

2 MR. JENNINGS: Excuse me, Judge, just to keep this
3 clear. Now, I think we probably have exhibits of record
4 at the last hearing.

5 MR. HAYNES: I don't believe so.

6 MR. JENNINGS: Weren't there vehicle lists in the
7 last hearing?

8 JUDGE KASHI: Hang on a second. No exhibits.

9 MR. JENNINGS: No exhibits.

10 **(Whereupon, the document was marked**
11 **as Protestant's Exhibit No. 1 for**
12 **identification.)**

13 BY MR. JENNINGS:

14 Q Mr. Valinote, I am going to show you a document
15 which has been marked as Protestant's Exhibit No. 1 for
16 identification. Would you take a look at that and tell me
17 if you recognize it?

18 (Document handed to witness.)

19 A Yes, I do.

20 Q Could you tell us what that is?

21 A This is our schedule for September and October
22 for our intrastate moves for the authority that I have.

23 Q Would that authority encompass the applied for
24 areas of Monroe and Pike Counties?

25 A Yes, it does.

1 Q Does it encompass any other areas of authority
2 which you presently hold with the Commission?

3 A Yes, it does.

4 Q Which other areas?

5 A Northampton, Lackawanna, and parts of Luzerne
6 County.

7 Q So that is for your whole intrastate business
8 for the dates that are specified on that exhibit; is that
9 correct?

10 A Correct.

11 Q What is the first date of the exhibit?

12 A September the 2nd.

13 Q What is the last date of the exhibit?

14 A October the 31st.

15 Q Would they be for 1997?

16 A Yes, they would be.

17 Q You have -- there are various little colored
18 areas of this document. For instance, what does the
19 yellow that you've highlighted? The yellow colored area,
20 what is that supposed to specify?

21 A The yellow highlighted areas are moves that we
22 did within the Applicant's applied authority.

23 Q So that would be Monroe or Pike County; is that
24 correct?

25 A Correct.

1 Q And then you have a red area with a red magic
2 marker on that exhibit. What does that red area specify?

3 A It specifies that there are days there that
4 there is no work or work scheduled.

5 Q And some of these dates have already passed by.
6 In fact, all of September's have already passed by; is
7 that correct?

8 A Correct.

9 Q How many days in the month of September have
10 absolutely no work whatsoever?

11 A Five days.

12 Q And how many for the month of October?

13 A Fifteen days.

14 Q Mr. Valinote, what is the process by which a
15 request for service is handled by your company?

16 A We receive calls over the phone.

17 Q And what do you do when you receive a call?

18 A We proceed to give them a phone quote if it is
19 a small local move by the hour. And if the house is a
20 certain size, once they start telling us what they have,
21 then we would send a salesperson out there to actually --
22 or an estimator to go out and estimate what the house
23 would bring.

24 Q And after that happens, what happens after
25 that?

1 A Well, we either schedule the move, or they pick
2 somebody else to move them.

3 Q At this point in time, Mr. Valinote, is your
4 company turning away any business?

5 A No, we are not.

6 Q Do you have more business than you can handle?

7 A No, I don't.

8 Q Mr. Valinote, do you advertise your business?

9 A Yes, I do.

10 Q How, exactly, do you advertise your business?

11 A I advertise in the Yellow Pages. I also do
12 various promotional things.

13 Q When you say that you advertise in the Yellow
14 Pages, would you be advertising in, let's say, the Bell
15 Atlantic Yellow Pages?

16 A Yes, I would.

17 Q How about in the area that has been applied for
18 by the Applicant?

19 A Yes.

20 Q What phone book would that be in, if you know?

21 A That would be the Bell Book.

22 Q Would that be Bell Atlantic?

23 A Yes.

24 Q For how many years have you been advertising in
25 that particular Yellow Pages?

1 A Approximately ten years.

2 Q Is there a cost for advertising in the Yellow
3 Pages?

4 A Yes, there is.

5 Q So that is part of your business expense; would
6 that be fair to say?

7 A Correct.

8 JUDGE KASHI: That will be No. 2.

9 MR. JENNINGS: Protestant's 2.

10 **(Whereupon, the document was marked**
11 **as Protestant's Exhibit No. 2 for**
12 **identification.)**

13 BY MR. JENNINGS:

14 Q Now, Mr. Valinote, I am showing you a document
15 which has been marked as Protestant's Exhibit No. 2 for
16 identification. I would like you to take a look at that
17 and tell me if you recognize it?

18 (Document handed to witness.)

19 A Yes, I do.

20 Q What is that?

21 A It is a photocopied page out of the Bell
22 Atlantic Book.

23 Q Do you know what year that is?

24 A This one is 1966 (sic).

25 Q 1966?

1 A No, 1996; excuse me.

2 BY MR. JENNINGS:

3 Q And does your ad appear on that page?

4 A Yes, it does.

5 Q Where is your ad on that page?

6 A It is under the Mayflower ad.

7 Q So you are also an agent for Mayflower; is that
8 fair to say?

9 A Yes, that is correct.

10 Q Also, you've highlighted something on that ad
11 with a yellow and also a green high lighter. Do you see
12 what that is?

13 A Yes, I do.

14 Q What is that?

15 A That is Man with a Van.

16 MR. HAYNES: I am going to object to this
17 testimony, Your Honor.

18 JUDGE KASHI: Why are we going into this Man with
19 a Van stuff?

20 MR. HAYNES: This is a public need hearing.

21 MR. JENNINGS: Your Honor, I believe that these
22 records are going to show that Mr. DiGiacomo has been
23 advertising in the Yellow Pages; not only for 1995, 1996,
24 but also for 1997.

25 MR. DiGIACOMO: That was already --

1 MR. JENNINGS: Your Honor, this witness is not
2 under oath.

3 MR. HAYNES: Your Honor, this was rebuttal
4 testimony to public need witness testimony.

5 JUDGE KASHI: I understand. The Order clearly
6 speaks also in terms of operating legally. I mean, I
7 thought we were just here -- my concern is to not go over
8 old ground at this time.

9 Go ahead.

10 BY MR. JENNINGS:

11 Q Mr. Valinote, you've highlighted an area; is
12 that correct, on that particular document?

13 A Yes, I have.

14 Q What is that area that you've highlighted?

15 A I highlighted the date of this phone book and
16 also the advertising for Man with a Van.

17 Q What does the green highlighting indicate?

18 A Well, the name of the company.

19 Q Do you know who Man with a Van is?

20 A Yes.

21 Q Who is that?

22 A That is Stars Moving.

23 Q The Applicant?

24 A Correct.

25 JUDGE KASHI: Protestant's No. 3.

1 (Whereupon, the document was marked
2 as Protestant's Exhibit No. 3 for
3 identification.)

4 JUDGE KASHI: Just for the record, the Commission
5 Order on page ten specifically states that we accordingly,
6 and I quote, "Will shall confine our questions to need and
7 to the Applicant's propensity to operate legally and
8 safely."

9 BY MR. JENNINGS:

10 Q Mr. Valinote, I am going to show you a document
11 which has been marked Protestant's Exhibit No. 3 for
12 identification. Would you take a look at that and tell me
13 what that is?

14 (Document handed to witness.)

15 A Yes, that is photocopy out of the phone book
16 under the heading of movers for 1997.

17 Q Would this be a copy of the Yellow Pages?

18 A Yes.

19 Q And under what phone book, if you know?

20 A Pocono Mountains Bell Atlantic Book.

21 Q Is that highlighted in the yellow on the
22 corner?

23 A Yes, it is.

24 Q Again, you've highlighted an area with a yellow
25 line and a green line. What is that area?

- 1 A A mover that is called Man with a Van.
- 2 Q What does the green area indicate?
- 3 A Moving, hauling, lowest prices and discounts.
- 4 Q Does it indicate what area this is located in?
- 5 A Pocono Heights, East Stroudsburg.
- 6 Q Are you familiar again with who that might be?
- 7 A Yes.
- 8 Q Who is that?
- 9 A Valentino DiGiacomo.
- 10 Q The Applicant?
- 11 A Correct.

12 MR. JENNINGS: Excuse me a second. Could we go
13 off the record a minute. I don't want to get my exhibits
14 messed up.

15 JUDGE KASHI: We are going to take a ten minute
16 recess at this point.

17 (Recess.)

18 JUDGE KASHI: We are back on the record.

19 BY MR. JENNINGS:

20 Q Mr. Valinote, you indicated that you would take
21 these ads out with the Yellow Pages; is that correct?

22 A Correct.

23 Q Do you know when the following year's ad for
24 the Yellow Pages must be placed in order to get into the
25 following book?

1 A Yes, April.

2 Q So for the ads for the 1997 book, when would
3 they have been placed?

4 A Sometime in April.

5 JUDGE KASHI: April of?

6 BY MR. JENNINGS:

7 Q Of what year?

8 A 1997.

9 JUDGE KASHI: Now, wait a minute. That doesn't
10 make sense. You are telling me that in order to get into
11 the --

12 THE WITNESS: July book.

13 JUDGE KASHI: It is a July book of 1997, it has to
14 be in by April of 1997?

15 THE WITNESS: Correct.

16 BY MR. JENNINGS:

17 Q Would that be the same for the year of 1996?

18 A Correct.

19 Q Is there a charge for an ad in the Yellow
20 Pages?

21 A Yes, there is.

22 Q And you are familiar with these two exhibits;
23 P-3, for instance, which is a 1997 Bell Atlantic Yellow
24 Pages ad?

25 A Yes.

1 Q And it does have, as you indicated in your
2 testimony, Man with a Van?

3 A Correct.

4 Q You see that there?

5 A Yes.

6 Q Do you know whether there is a charge for that
7 line on the ad?

8 A Yes. There is an extra charge for the,
9 "moving, hauling, lowest prices and discounts," part of
10 the ad. Providing that the phone number is listed under
11 Man with a Van.

12 Q Which is the case here?

13 A Correct.

14 MR. HAYNES: Your Honor, not to belabor this; I am
15 going to renew my objection. In terms of the Commission's
16 Order on page 14, it clearly indicates, "To clarify the
17 record as to need and inadequacy of existing service."
18 That is the direction of the Commission's remand. But
19 just to note that for the record, Your Honor.

20 JUDGE KASHI: And as previously noted, we already
21 said the Commission took a look at what the existing
22 record was at that particular time on the question that
23 affects all applications on operating legally.

24 MR. HAYNES: But it is the Applicant's position
25 that the Commission decided that -- that is on page 13 of

1 the Decision.

2 JUDGE KASHI: You think the Commission concluded
3 it on one record and now we are going to get a second bite
4 at the apple, but not him?

5 MR. HAYNES: I am just noting that that's what the
6 Commission's direction was, Your Honor.

7 MR. JENNINGS: Your Honor, I presume the objection
8 is overruled?

9 JUDGE KASHI: Yes.

10 MR. JENNINGS: Thank you.

11 JUDGE KASHI: But, you know, let's not belabor the
12 point here.

13 MR. JENNINGS: I have no further questions of Mr.
14 Valinote, Your Honor.

15 JUDGE KASHI: Thank you. Cross?

16 MR. HAYNES: Yes.

17 **CROSS-EXAMINATION**

18 BY MR. HAYNES:

19 Q Now, turning to Protestant's Exhibit No. 1, you
20 indicated this was a result of your procedures whereby
21 somebody contacted your company to arrange for moving and
22 a contract was entered into?

23 A No. This is a list of moves that we have done
24 and a schedule of moves that will be performed.

25 Q So for all of the September moves, those were

1 that somebody contacted your company and you were
2 contracted with that perspective customer to perform the
3 moving services, and in September you actually did the
4 moving services?

5 A I don't know if we would call it contracted,
6 but we were assigned the move.

7 Q Did you expect to get paid for your services?

8 A Correct.

9 Q What do you charge for your services?

10 A It depends on how many men and a truck.

11 Q Could you recount what the local moves would
12 be?

13 A The local moving rates?

14 Q Yes.

15 A Two men and a truck is \$55.00 an hour. Three
16 men and a truck is \$75.00 an hour. And they are filed
17 with the Commission.

18 Q Do you have any hourly minimums?

19 A Yes. I have a three hour minimum.

20 Q And that would be for either the two or three
21 man crew?

22 A Correct.

23 Q Just to clear the record, that is \$55.00 an
24 hour for a total of two men?

25 A Two men and a truck.

1 Q Not per a man?

2 A Correct; two men and the truck making a minimum
3 move -- is that \$165.

4 Q When did you commence the hourly rate? When
5 your trucks leave the depot?

6 A No, when they arrive to when they are done;
7 from origin to destination.

8 Q Origin at the customer's residence?

9 A Correct.

10 Q Now, have you ever in the past 12 months had to
11 turn down somebody requesting a moving service because you
12 didn't have the equipment or you couldn't handle it?

13 A Not to my knowledge.

14 Q Would you have knowledge of that?

15 A Not to my knowledge.

16 Q Would you have knowledge? Have you reviewed
17 the corporate records to determine if anyone was turned
18 down for service because you didn't have the equipment or
19 men available to do the move at the time the customer
20 would have wanted it?

21 A No.

22 Q Is it fair to say that moving is seasonal in
23 nature with many people trying to move at a certain time
24 of the year?

25 A Yes, it is seasonal.

1 Q When is your high busiest season?

2 A My busiest season is from April to the end of
3 October.

4 Q And the rest of the time is --

5 A Slower, off peak you would call it.

6 Q Now, what counties are you authorized to
7 operate in Pennsylvania?

8 A Northampton, Monroe, Wayne, Carbon, Pike,
9 Lackawanna, and parts of Luzerne.

10 Q Are you seeking additional authority at this
11 time?

12 A Yes, I am.

13 Q And where would that be?

14 A In Lehigh County.

15 Q Where is your headquarters located?

16 A Two Park Drive East, Pocono Summit.

17 Q And what county is that in?

18 A That is in Monroe.

19 Q Do you believe that you would be unable to
20 compete with Stars Moving Company if the PUC granted
21 certificated authority?

22 A Well, what I am concerned about is the quality
23 of service, and also, that I have about 15 people on the
24 payroll, and that when things get slow there is -- like, I
25 already have no work in September that I will have men

1 that will not be having work that I will have to lay off
2 and that kind of thing.

3 Q Why would you lose work to Stars Moving
4 Company?

5 A Because he is taking moves away from the
6 picture.

7 Q Why would he be taking moves away from you?

8 A I don't know.

9 Q Do you know the average dollar amount for each
10 of these moves that is shown on Protestant's Exhibit
11 No. 1?

12 A I would say it would be fair to say about \$400
13 or \$500.

14 Q What do you base your testimony on?

15 A General knowledge.

16 Q What percentage of your business is
17 Pennsylvania jurisdictional moving?

18 A About 50 percent.

19 Q And the rest would be interstate?

20 A Correct.

21 Q What was your annual revenue in 1996?

22 A I don't know.

23 Q Approximately, you don't know?

24 A We had that in the other hearing, didn't we?

25 JUDGE KASHI: I believe it is part of the record.

1 BY MR. HAYNES:

2 Q So just to revisit; you have no personal
3 knowledge of whether or not AAA was able to provide all of
4 the requested moving service in Monroe and Pike Counties
5 in the last 12 months?

6 A Could you say that again?

7 Q You don't have any personal knowledge whether
8 your company was able to fulfill all of the requests for
9 moving services in Monroe and Pike County in the last 12
10 months?

11 A I don't have no personal knowledge?

12 Q You don't have any personal knowledge?

13 A Could you rephrase that? I don't understand
14 the question.

15 Q You indicated you hadn't looked over the
16 corporate records to be able to testify whether or not you
17 provided service to everybody that requested it in Monroe
18 and Pike Counties in the last 12 months; is that not
19 correct?

20 A Yes, I would be comfortable to say that I know
21 that I didn't turn away any work.

22 Q I am asking you what your personal knowledge --
23 did you look at the records to make that determination?
24 Previously you said --

25 A Did I look at the records?

1 Q Yes.

2 A No, I didn't look at the records, only because
3 there might not be any records. Some people call on the
4 phone and they just ask for a price of a move, and then
5 they hang up.

6 Q And you don't keep records of that?

7 A No.

8 Q You testified concerning Protestant's Exhibit
9 No. 2 and Protestant's Exhibit No. 3, based upon your
10 knowledge of procedures that AAA followed to get its ad in
11 the Bell Atlantic Yellow Pages; is that correct?

12 A Correct.

13 Q You have no knowledge of the circumstances by
14 which the ad, Man with a Van, was included in the Bell
15 Atlantic Yellow Pages as listed on Protestant's Exhibits
16 Nos. 2 and 3? No personal knowledge?

17 A The only knowledge I have is that is in the
18 book.

19 Q So you don't know whether a mistake was made by
20 Bell Atlantic or whether --

21 JUDGE KASHI: He said he doesn't have any
22 knowledge other than what is in the book.

23 MR. HAYNES: All right.

24 BY MR. HAYNES:

25 Q Do you ever send out a one man crew to provide

1 moving services?

2 A Yes, I do. Sometimes if they request it.

3 Q What is the rate for that?

4 A That is \$35.00 an hour for a man and the truck.

5 Q Are you familiar with your application for
6 additional authority as filed with the Commission?

7 A Am I familiar with it?

8 Q Yes.

9 A Yes, I am.

10 Q Do you know what the profit level was as set
11 forth in that application?

12 A No, I don't.

13 MR. HAYNES: Your Honor, I would ask the
14 Commission to take official notice of the Commission's
15 files at Docket No. A-00106910F1, Amendment A.

16 JUDGE KASHI: For what purpose, sir?

17 MR. HAYNES: The credibility of the witness.

18 MR. JENNINGS: Your Honor, I believe the witness
19 testified he just didn't know. He didn't remember what
20 the profits were.

21 JUDGE KASHI: That is what I don't understand.
22 Why are we taking notice of something for credibility when
23 you don't have an answer?

24 MR. HAYNES: Well, I am asking that as
25 evidentiary. It is what he is sworn to the Commission on

1 what his financial situation is.

2 JUDGE KASHI: And he said: I don't remember, I
3 don't know.

4 MR. HAYNES: This would provide that information
5 into the record.

6 JUDGE KASHI: I understand you are trying to get
7 the information in the record. But then my next question
8 is; why do we want that information in the record for?

9 MR. HAYNES: Well, he has testified in this record
10 that he would be harmed by the competition.

11 JUDGE KASHI: That is correct. So you want it in
12 that if, in fact, he gets the new application, and if, in
13 fact, he is profitable in that new application, then, in
14 fact, he wouldn't be as harmed as he has already
15 testified.

16 MR. HAYNES: No. It is based on historic income
17 statements as set for to the Commission. I have the
18 figures if I can ask the witness?

19 BY MR. HAYNES:

20 Q Would you accept, subject to check, that your
21 application showed a profit of \$889,000?

22 MR. JENNINGS: Your Honor, I am going to object.
23 It is totally irrelevant what the witnesses profits are in
24 this particular instance. It is totally irrelevant.

25 MR. HAYNES: He's testified that he is possibly

1 going to have to lay people off because he has to compete
2 with my client. He opened the door for it.

3 MR. JENNINGS: I think that was on cross-
4 examination. You elicited that testimony on cross-
5 examination. I didn't ask him a question like that. I
6 asked if he has turned any business down. He said: No.

7 MR. HAYNES: Well, it is still in the records.

8 JUDGE KASHI: I lost that train as to; that was
9 cross-examination?

10 MR. JENNINGS: That was cross-examination, Judge.
11 I didn't ask him that question.

12 JUDGE KASHI: All right; we will exclude it. Go
13 ahead.

14 MR. HAYNES: Also, I noticed from the initial
15 transcripts that this witness did put in testimony of no
16 profits. So it goes to the quality of record in this
17 proceeding, Your Honor.

18 JUDGE KASHI: All right; I will take official
19 notice of that, sir.

20 MR. HAYNES: That is all the questions that I
21 have.

22 MR. JENNINGS: I have no questions.

23 JUDGE KASHI: Thank you. You are excused, sir.

24 (Witness excused.)

25 JUDGE KASHI: Anything further?

1 MR. JENNINGS: I have no further witnesses; except
2 I would move at this time for the admission of
3 Protestant's Exhibits Nos. 1 through 3.

4 MR. HAYNES: I just note my objection for the
5 record, Your Honor, as previously argued.

6 JUDGE KASHI: I am sorry?

7 MR. HAYNES: I just note my objection for the
8 record on Exhibits Nos. 2 and 3.

9 JUDGE KASHI: All right; they are received over
10 the objection.

11 **(Whereupon, the documents marked as**
12 **Protestant's Exhibits Nos. 1, 2,**
13 **and 3 were received in evidence.)**

14 JUDGE KASHI: Are the parties going to brief this?

15 MR. JENNINGS: Your Honor, I do have a motion.

16 JUDGE KASHI: In written form?

17 MR. JENNINGS: No, Your Honor, I don't have it in
18 written form.

19 JUDGE KASHI: Do you want to put your motion on
20 the record?

21 MR. JENNINGS: Yes, Your Honor.

22 JUDGE KASHI: All right.

23 MR. JENNINGS: Your Honor, in accordance with
24 the Commission Remand Order which was adopted May 22,
25 1997 and entered May 28, 1997, there are several

1 documents which are attached to that Order. Specifically,
2 there are several letters by a Joe Battisto; that is
3 B-a-t-t-i-s-t-o. There are three such letters attached
4 to that document. Mr. Battisto is not present in the
5 Courtroom --

6 JUDGE KASHI: Wait. I have no such documents
7 attached. Are you talking about the Commission's Decision
8 entered May the 28th, and that there are, in fact,
9 attachments to that Order?

10 MR. HAYNES: I looked at the Commission's file and
11 I don't think that they are attached. I would submit that
12 this motion is -- I don't think you have the authority to
13 delete things from a Commission Order anyway.

14 JUDGE KASHI: It has nothing to do with that. It
15 has to do with whether or not the gentleman is making the
16 statement that there are items that were attached to the
17 Commission Order. I have nothing attached to the
18 Commission Order. I don't know that there is anything in
19 the Commission's Order that speaks of attachments.

20 MR. JENNINGS: Excuse me, Your Honor. I think you
21 are correct. I am sorry. I think you are correct. I
22 have a separate letter of May 12, 1997 which has these
23 letters attached to it.

24 JUDGE KASHI: I have seen no letters.

25 MR. JENNINGS: And the Order indicates on page 14

1 that there are certain representations made by
2 Representative Battisto, and asks if the Protestants are
3 going to enter into a compromise, et cetera.

4 Accordingly, these letters were made part of the
5 record on the Remand as well as, supposedly, my objection
6 to the grant of the Petition for reconsideration.

7 JUDGE KASHI: When was that done?

8 MR. JENNINGS: That was done May 12, 1997.

9 JUDGE KASHI: The letters are made part of this by
10 virtue of what? Do you have an Order doing that?

11 MR. JENNINGS: The Order simply refers to
12 Representative Battisto. It says, "Based upon the
13 representations of Representative Battisto."

14 JUDGE KASHI: Where are we, sir?

15 MR. JENNINGS: Page 14 of the Order by the
16 Commission remanding this case on May 22, 1997 and entered
17 May 28, 1997. On page 14 under the conclusion it
18 indicates, "In the alternative, if the Protestant were to
19 stipulate to need based upon the representations of
20 Representative Battisto, or if the Protestant were to
21 enter into a compromise as to territory and withdraw its
22 protest, the ALJ could resolve the proceeding without
23 further hearing.

24 JUDGE KASHI: Right.

25 MR. HAYNES: Well, that is basically an

1 alternative that the Commission is encouraging your client
2 to stipulate to need, and your client did not.

3 MR. JENNINGS: And then I have a letter from the
4 Commission, Secretary Alford, dated May 12, 1997,
5 indicating that there was a review of the record and that
6 there were no certificates served on myself regarding this
7 particular Petition for Remand, and then giving me ten
8 days to reply. Although the reply was timely made, the
9 Order came down in the interim. My motion is that these
10 letters from Representative Battisto, which are now a part
11 of this file, are a part of this record.

12 JUDGE KASHI: I still don't know what that is.
13 Let me take you to page ten. "We have referred previously
14 to Representative Battisto's letter. It may seem apparent
15 from the representation of the Applicant that Mr. Battisto
16 the need, in addition to the inadequacy of existing
17 service, argument could be proven by probative competent
18 admissible evidence from supporting witnesses where the
19 Applicant is afforded the opportunity to call this
20 witnesses. We hasten to emphasize, however, that neither
21 in the letters nor the Applicant's assertion are evidence
22 of need or inadequacy of existing service. Mr. Battisto
23 did not testify in a representative capacity, the letters
24 were not even provided to the Protestant until May the
25 12th. At best, the letters, as well as the Applicant's

1 assertion serve as a proffer of proof to what the
2 Applicant would seek to prove if he were permitted to
3 present additional evidence." I don't read that those
4 letters are in here at all.

5 MR. JENNINGS: Your Honor, I believe that you are
6 correct, and thank you for pointing that out to me, and I
7 do withdraw the motion.

8 JUDGE KASHI: All right.

9 MR. JENNINGS: And with that, I have nothing
10 further, Your Honor.

11 JUDGE KASHI: I like that better. Now, do the
12 parties want to brief this?

13 MR. JENNINGS: Yes, Your Honor.

14 MR. HAYNES: Yes.

15 MR. JENNINGS: Your Honor, may I just ask one
16 question? Are we going to be using the testimony from the
17 first hearing as well as the second hearing on this?

18 JUDGE KASHI: Well, I think arguably that, in
19 fact, can be the case. The Commission has apparently, in
20 its Order, precluded some of the issues already on the
21 basis of the first while giving the Applicant the
22 proverbial second bite on the basis of what the proffer
23 might be had he had an opportunity to present this
24 evidence. So I think that it would be best served to
25 limit ourselves to this hearing on the Remand as opposed

1 to going back and picking it up.

2 MR. HAYNES: Well, that raises the point that I
3 eluded to earlier, the public need as being the folks at
4 this hearing as opposed to the fitness of the Applicant.

5 JUDGE KASHI: I already found fitness. I had a
6 question about his propensity to operate legally. And I
7 told Mr. Jennings that if were going to present further
8 stuff as to new as opposed to old -- I don't know if the
9 1997 stuff or the 1996 stuff is the stuff that we already
10 hashed the first time around. I think the Commission has
11 rejected that.

12 MR. HAYNES: As I said, that was a surprise to me.
13 I read that Order, it says public need. I think the
14 conclusion paragraph indicates that. If I may just have a
15 short consultation with my client on this. If we are
16 going to go down that route, to explain that, if it isn't
17 already explained on the record in the Commission's Order.
18 I think that Yellow Pages advertising was addressed by the
19 Commission, but I guess I am hesitant, I am cautious right
20 now to not explain that on this record.

21 JUDGE KASHI: I think we have the explanation of
22 that in the record. I mean, I thought we had his
23 testimony on that in the record.

24 MR. HAYNES: Well --

25 JUDGE KASHI: Did I miss it?

1 MR. HAYNES: The explanation of my client?

2 JUDGE KASHI: Yes.

3 MR. HAYNES: In the prior record?

4 JUDGE KASHI: Right.

5 All right? Is everybody onboard? We are all on
6 the same page? Thirty days upon the receipt of the
7 transcript? Any time after that? Ten days, fifteen days?

8 MR. JENNINGS: It is not that complicated. If we
9 could just go off the record for a minute on this.

10 JUDGE KASHI: Off the record.

11 (Discussion off the record.)

12 JUDGE KASHI: Main briefs 30 days upon the receipt
13 of the transcript and no reply briefs.

14 MR. JENNINGS: Thank you.

15 JUDGE KASHI: Anything further?

16 MR. JENNINGS: I have nothing further, Your Honor.

17 JUDGE KASHI: Anything further?

18 MR. HAYNES: Nothing further.

19 JUDGE KASHI: We stand adjourned. Thank you very
20 much.

21 MR. JENNINGS: Thank you.

22 (Whereupon, at 12:18 p.m., the hearing was
23 adjourned.)

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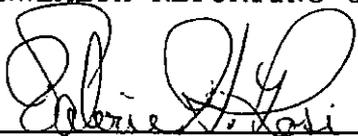
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C E R T I F I C A T E

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