

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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: :  
Application of Gardner Moving Company : Docket No.  
For amendment to its common carrier certificate: A-00108945  
SO AS TO PERMIT the transportation of household: F0001AMA  
goods in use, between points within an airline :  
radius of seventy-five (75) statute miles of :  
the Allegheny County Courthouse, located in the:  
city of Pittsburgh, Allegheny County. :  
: :  
: :  
: :  
-----X

Initial Hearing.

Pages 1 through 102 State Office Building  
300 Liberty Avenue  
Pittsburgh, Pennsylvania

Thursday, August 12, 1999

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

JOHN H. CORBETT, JR., Administrative Law Judge

APPEARANCES:

MARK C. STEPHENSON, Esquire  
Cozen & O'Connor  
1900 Market Street  
Philadelphia, Pennsylvania 19103  
(For the Applicant)

WILLIAM A. GRAY, Esquire  
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Pittsburgh, Pennsylvania 15219  
(For Protestants)

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APPEARANCES (Continued):

JOHN A. PILLAR, Esquire  
1106 Frick Building  
Pittsburgh, Pennsylvania 15219  
(For Protestants)

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FORM 2

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NUMBERS

FOR IDENTIFICATION IN EVIDENCE

For the Applicant

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FORM 2

P R O C E E D I N G S

10:35 a.m.

1  
2  
3 ADMINISTRATIVE LAW JUDGE JOHN CORBETT: We will go on  
4 the record at this time. This is the time and place  
5 scheduled for a hearing on the application of Gardner  
6 Moving Company. This application was docketed with the  
7 Pennsylvania Public Utility Commission at A-00108945,  
8 Folder 1, Amendment A. I am Administrative Law Judge John  
9 Corbett and I have been assigned to hear this case and to  
10 render an initial decision.

11 We have in the hearing room this morning, Mark  
12 Stephenson representing the applicant, Gardner Moving  
13 Company. We also have counsel representing the  
14 protestants, John Pillar and Bill Gray. I am going to  
15 dispense with reading the names of the protestants because  
16 by my count, there are 13 protestants and they appear on  
17 the appearance sheet.

18 I should note that we are getting started at  
19 approximately 10:35 this morning. Prior to going on the  
20 record, the parties have had a discussion among themselves  
21 relating to mutual interests and the possibility of  
22 restrictive amendments that would satisfy the interest of  
23 the protestants, and to this point, those discussions have  
24 not been fruitful so we are going proceed.

25 Are there any other preliminary matters that need to

1 be addressed before we proceed to hear testimony?

2 MR. STEPHENSON: No, Your Honor.

3 JUDGE CORBETT: Mr. Stephenson, we will turn it over  
4 to you. Will you call your first witness, please?

5 MR. STEPHENSON: Thank you. My first witness will be  
6 Joseph Gardner.

7 JUDGE CORBETT: Mr. Gardner, would you raise your  
8 right hand, please, and be sworn?

9 Whereupon,

10 JOSEPH P. GARDNER

11 having been duly sworn, testified as follows:

12 JUDGE CORBETT: Would you begin by giving us your  
13 full name, please?

14 THE WITNESS: My name is Joseph P. Gardner.

15 JUDGE CORBETT: Mr. Stephenson, you may continue.

16 MR. STEPHENSON: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. STEPHENSON:

19 Q By whom are you employed?

20 A Gardner Moving.

21 Q What position do you hold with Gardner Moving?

22 A I'm the president.

23 Q Are you a shareholder of the company?

24 A Yes.

25 Q How many shares do you hold?

1 A Fifty percent.

2 Q Are there any other shareholders?

3 A Yes, my brother and father, Joseph F., and  
4 Michael William.

5 Q What shares do they hold?

6 A My father holds a 15 percent share and my brother  
7 a 35 percent share.

8 Q What is your home address?

9 A My home address is 130 Pinewood Drive, South  
10 Fayette, Bridgeville, 15017.

11 Q How long have you worked for Gardner Moving?

12 A I've owned Gardner Moving with my father,  
13 originally 23 years ago worked for him through high school.

14 Q How old are you now?

15 A Forty-seven.

16 Q So, you started working there in high school. Is  
17 it fair to say you have been working there...

18 A I answered the phones probably at 12, 13 years  
19 old.

20 Q Is it fair to characterize Gardner Moving as a  
21 family-run business?

22 A It doesn't get any more family than Gardner  
23 Moving.

24 Q What, until two years ago, was the primary  
25 business address of Gardner Moving?

1 A It was 3236 Beacon Hill Avenue in Dormont.

2 Q What place is that?

3 A That's my father's home. More specifically,  
4 Gardner Moving was run out of the dining room.

5 Q At this point, where does Gardner Moving maintain  
6 office space?

7 A We built a self-storage facility in South Fayette  
8 Township near Cecil, Pennsylvania. It's -- we opened it  
9 up, I believe, in March of 1997. Along with the self-  
10 storage, we built a small office and we park our trucks and  
11 operate our business out there now.

12 Q Does your father still conduct any of the  
13 business of Gardner Moving from his home?

14 A Yes, oh, yes. He does a lot of the paperwork and  
15 books at home.

16 Q Cecil, Pennsylvania is in what county?

17 A Washington County.

18 Q How long has Gardner Moving been in operation?

19 A Legend has back to the 1920's; 1921 is the oldest  
20 receipts we can find. I could have been longer than that.  
21 My grandfather started the business over in the south side.  
22 They used to move coal, very few homes, but they used to  
23 move buildings, pick them up and move them.

24 They participated in moving the city morgue to its  
25 present location. They moved a few of the buildings around



1 it. People may recognize out on West Liberty Avenue,  
2 there's the Congregational Home. They moved that up onto  
3 the hill. That's how we got our start.

4 Q If your grandfather formed Gardner Moving, did  
5 your father work there?

6 A Yes. My father worked for my grandfather, I  
7 guess is how you would put it. Then when my grandfather  
8 passed away, my father ran the company for his mother to  
9 support her. He was also a full-time steel worker, so it  
10 was kind of a part-time thing for my dad to help support my  
11 grandmother.

12 When she passed away, he got full authority over it  
13 and ran it, continued to run it part-time, weekends and an  
14 after work kind of thing until I came along and took it  
15 over in 1976. That's when we turned Gardner Moving to  
16 full-time again.

17 MR. STEPHENSON: Your Honor, I have taken the liberty  
18 of already providing copies of our exhibits to counsel. I  
19 would provide the three sets to you now in full rather than  
20 go through constantly handing them out.

21 JUDGE CORBETT: All right. You can hand two to the  
22 court reporter and one to myself.

23 MR. STEPHENSON: All right.

24 (Counsel distributing document.)

25 JUDGE CORBETT: Thank you.

1 BY MR. STEPHENSON:

2 Q I would ask you to take a look at what has been  
3 marked as Exhibit Number 1. Can you identify that  
4 document, please?

5 (Whereupon, the document was marked  
6 as Applicant's Exhibit No. 1 for  
7 identification.)

8 A That's our operating authority.

9 Q As it stands right now?

10 A As it stands right now.

11 Q In summary, what does your current operating  
12 authority permit you to do?

13 A It permits to move to and from, to all points in  
14 Allegheny County and to take people from Allegheny County  
15 to all points in Pennsylvania except for, I believe, part  
16 of Dauphin County, Harrisburg, Chester County and Bucks  
17 County, I think. Let me see.

18 (Witness reviewing document.)

19 Dauphin County and Montgomery County; it's not Bucks  
20 County, it's Montgomery. It's around Philadelphia  
21 somewhere.

22 Q You filed an application for additional  
23 authority; is that correct?

24 A Yes.

25 Q I am showing you Exhibit Number 2. Is this a

1 copy of the application that has been filed with the  
2 Commission?

3 (Whereupon, the document was marked  
4 as Applicant's Exhibit No. 2 for  
5 identification.)

6 A Yes.

7 Q In there, I direct your attention specifically to  
8 what is called Attachment A.

9 A Okay.

10 Q Can you identify Attachment A?

11 A Yes.

12 Q Is this the additional authority you are asking  
13 for in this application?

14 A Yes.

15 Q Could you briefly summarize the additional  
16 authority you are asking for?

17 A Well, the authority would give me -- we have  
18 Allegheny County and points out and it covers all these  
19 points within this 75 miles. What we would like to have is  
20 the authority to go out to these points and move people  
21 back or in between those points. I guess that's what...

22 Q Basically point to point within the 75 mile  
23 radius?

24 A Point to point within 75 miles, yes.

25 Q Before we leave this, I would like direct your

1 attention to one other piece of Exhibit Number 2. In  
2 Exhibit Number 2, you have filed a statement of financial  
3 position as of 12-31-97; is that correct?

4 A Yes.

5 Q At my request, have you made an attempt to update  
6 that information for purposes of this hearing?

7 A Yes.

8 Q Is Exhibit 4 that update?

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

12 A Yes.

13 Q What is currently the financial position of  
14 Gardner Moving Company?

15 A We are as strong as we have every been. We don't  
16 owe anyone anything other than a loan or two on a pickup  
17 truck and a car. We have no outstanding debts. We have  
18 very few receivables. We maintain a cash balance, roughly,  
19 month in and month out, and we support three families from  
20 it.

21 Q Does the statement submitted as part of the  
22 application in Exhibit 2 and Applicant's Exhibit 4  
23 accurately reflect the current financial position of your  
24 company?

25 A Yes.

1 Q Has Gardner Moving contemplated either  
2 liquidating itself or seeking the protection of the  
3 Bankruptcy Act?

4 A No.

5 Q Is there any obligation to which Gardner Moving  
6 is subject that would cause you to be unable to continue to  
7 performing services?

8 A No.

9 Q Let's turn to the questions of your ability to  
10 provide service.

11 A Yes, sir.

12 Q What equipment does Gardner Moving have that it  
13 uses for the purposes of providing service?

14 A We own three trucks, three moving vans, one  
15 pickup truck and a car. We provide -- I think I lost track  
16 of your question.

17 Q I appreciate your candor and I know you're  
18 nervous.

19 A Yes.

20 Q If you need to take a break for a moment, just  
21 say so, and I'm am sure the Judge will accommodate you.

22 A No, that's all right.

23 Q The question, in terms of your ability to provide  
24 service to the public, could you provide the kinds of  
25 equipment that you have that you use to perform the kind of

1 transportation we are talking about here?

2 A Well, basically we own three vehicles to perform  
3 moving services, and we own a pickup truck. They are  
4 fully-equipped, modern, up to date.

5 Q That's the three trucks?

6 A Yes.

7 Q How big are the trucks?

8 A They are all -- one is a 28-foot cab-over  
9 configuration. Two are 26-foot conventional trucks. One  
10 is the extra wide, one is the regular. They are all  
11 capable of handling moves up to eight, nine rooms. They  
12 are among the largest you can put out on the highway  
13 without getting into a tractor trailer.

14 Q What is their current condition?

15 A All the trucks are maintained to the highest  
16 standard. I mean we operate them ourselves, so we get  
17 everything taken -- they are not the newest trucks on the  
18 road, but they are certainly worthy.

19 Q Are they all currently inspected by the state?

20 A They are inspected by the state twice a year. We  
21 do our own maintenance. Anything major, we farm out to  
22 qualified Mack Truck repair service or Freightliner, but  
23 minor repairs we do ourselves.

24 Q Have you ever been stopped by Commission  
25 enforcement officers for the purposes of a safety check?

1           A    Never Pennsylvania PUC; we have been stopped out  
2 of state on -- we operate out of state on -- we lease  
3 through South Hills Movers, and we have had several safety  
4 checks at weigh stations and we have never failed a safety  
5 check.

6           Q    So, it's accurate to say that you have never been  
7 cited for a safety violation on your equipment?

8           A    Of any kind, no.

9           Q    Have you ever been cited by the Commission for  
10 any reason?

11          A    No.

12          Q    Is Gardner Moving up to date with all that its  
13 required filings with the Commission?

14          A    Yes, to the best of my knowledge. My father does  
15 all that.

16          Q    I show you the 1998 Assessment Report marked as  
17 Exhibit Number 3. Has that been filed with the Commission?

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

21          A    Yes.

22          Q    In addition to the equipment, does Gardner Moving  
23 maintain any storage space that it uses in to assist in the  
24 transportation of these goods?

25          A    We lease space through our own -- we own Secure

1 Storage, which is a self-storage facility; not Gardner  
2 Moving, but my brother, father and I.

3 We lease space from Secure Storage for Gardner Moving  
4 for storage of cartons, moving equipment, dollys that type  
5 of things, pads. We rent space to customers for self-  
6 storage, for storage purposes. We don't have a warehouse  
7 facility to speak of.

8 Q But, your company has access to storage space?

9 A Oh, yes. We rent some storage space when people  
10 ask us to do that. We will arrange the storage for them.

11 Q Is this space adequate and safe for the purposes  
12 of maintaining customers' household goods?

13 A Yes.

14 Q At my request, have you gone back and examined  
15 your claims history to determine what claims for damages  
16 have been made against you by customers?

17 A I talked to our insurance agent yesterday, and we  
18 have a pretty good record for not having any problems. I  
19 had them check all the way back to 1993. We had no claims  
20 in 1999 so far. We had no claims in 1998, 1997 and 1996.

21 In 1995, we had one claim. Excuse me. In 1996, we  
22 had one claim. In 1995, we had no claims. In 1993, we had  
23 one small claim and in 1994, we had one small claims. All  
24 those claims total less than \$775 in six years.

25 Now, there are always small, little things we handle



1 in-house. There is going to be a here or there type of  
2 little thing that we handle, but anything of any  
3 significance we file it.

4 Q Have you ever had a complaint brought against you  
5 with the Commission --

6 A None.

7 Q -- by a customer of your move resulting from  
8 damage or the way movers handled it?

9 A None.

10 Q Now, sir, you have brought an application on  
11 behalf of Gardner Moving seeking additional authority in a  
12 75-mile radius from the Allegheny County Court House. Is  
13 that correct?

14 A Yes.

15 Q What reason do you have to believe that there is  
16 a need for additional service within the area that you have  
17 requested?

18 A We spent a lifetime building a reputation for  
19 doing a good job for people at a fair price. Hopefully, I  
20 like to think that that is paying off to the point where we  
21 get a lot of calls from people, from friends of people we  
22 have moved, daughter, sons, whatever, and a lot of those  
23 folks we have moved out to these outlying areas.

24 Not just in recent years, but over the last eight,  
25 ten years, I have noticed that that number is increasing.

1 We get a lot of calls from not just friends and  
2 recommendations, but we also have people that we have moved  
3 out that now want to move back or relocate in these areas.

4 It's hard to explain to somebody that we can't do  
5 that for them. They call on the phone and they say, you  
6 know, my daughter wants to move a dining room set back to  
7 Squirrel Hill. I can't help them with that. You know, I  
8 want to give a piano to my niece or nephew. I can't help  
9 you with that.

10 We get quite a few of those calls. I can't give you  
11 a definite, definitive number, but we get a lot of those  
12 calls.

13 Q Let me direct your attention to the area of  
14 Washington County. Would that fall within the area that  
15 you are requesting additional authority for?

16 A Yes.

17 Q Do you receive any contact from people in  
18 Washington County seeking to use Gardner Moving?

19 A Yes, we get quite a few.

20 Q Could you explain why that happens?

21 A Well, not only have we built the reputation that  
22 I was just speaking of, that we have done a lot of moving  
23 out there, taking people from Allegheny County out to  
24 Washington County, but since we have moved to the storage  
25 facility, it is so close to Washington County now and we

1 are right along the four-lane highway, people see us. We  
2 are highly visible. We have our name out there.

3 Obviously, we put a sign out on the road. We are  
4 less than -- as they are driving by, within the next 45  
5 seconds, they are in Washington County and they are  
6 starting to call. They want our storage facility or they  
7 want just a local move. It's starting to generate calls,  
8 as you would hope in any business.

9 I have to tell those people that are literally less  
10 than a mile from where we are at that I can't help them.  
11 If they are moving from Bridgeville out there, I can help  
12 them, but I can't take them from Cecil to my storage  
13 facility or Cecil across the line into South Fayette. So,  
14 we are in that position where we need to be able to do a  
15 little more.

16 Q Do you know a person by the name of Bob Rose?

17 A Yes.

18 Q Who is Bob Rose?

19 A Bob Rose is a gentleman that we have moved from  
20 Green Tree, Allegheny County, out to Washington County.  
21 He's a real estate agent. I didn't do the job personally.  
22 I think one of our men did. But, apparently he was quite  
23 happy with the job and he refers us a lot.

24 Q Is there anything unusual about Mr. Rose's move  
25 that you understand impressed him?

1           A    Well, yes. I guess, it's a simple fact and I'm  
2 sure their clients do close to the same. He had all white  
3 carpeting, as everybody does now, and we did this job.  
4 Apparently it was pouring down rain, and we did this job  
5 without leaving a foot print, as he says, on his carpeting.

6           Q    Getting back to the question...

7           A    We took a lot of care, I guess.

8           Q    Getting back to the question of your reputation,  
9 have you had circumstances to do a move that would give you  
10 a fair bit of other work, and I direct your attention to a  
11 Mr. Rogers?

12           A    Mr. Rogers does a series of books for children,  
13 first trip to the doctor, first trip to the dentist, this  
14 that and the other thing.

15                    One of the books they did was for children who are  
16 going to be moving since moving is traumatic to small  
17 children sometimes. We did that book with him.

18                    We were asked to do that because we had done some  
19 work for QED. We had moved some antiques from the Museum  
20 of Fine Arts over to QED. This was years and years ago.  
21 When they were doing the filming for their renaissance,  
22 they were doing Shakespeare kind of things. I never saw  
23 the film, so I don't know, but we picked up certain pieces  
24 from that era for when they were doing this filming.

25                    We did some work for QED and we also did some work

1 for Mr. Rogers and they asked us to participate in this  
2 book that was published.

3 Q Have these different things helped to improve  
4 Gardner Moving's reputation in the community?

5 A Yes, I would hope so.

6 Q Let's direct your attention up to the Butler  
7 County area. Have you had contact with any realtors in the  
8 Butler County area who service the Butler County area?

9 A Yes.

10 Q Who would that be?

11 A You are referring to Madge Hamel. She refers us  
12 regularly for business. Her home is out Route 8, just  
13 about almost to the Butler County line. She works out  
14 there as a real estate agent. We moved here many years  
15 ago, and she refers us constantly.

16 Q Do you have an understanding as to why the real  
17 estate agents are seeking out Gardner Moving?

18 MR. PILLAR: Objection, hearsay.

19 MR. GRAY: Objection.

20 JUDGE CORBETT: I will sustain that.

21 BY MR. STEPHENSON:

22 Q Does Gardner Moving provide any services that, to  
23 your understanding, may not be offered by other moving  
24 companies in the Washington County area, for example?

25 A Well, we all primarily have the same service or

1 else we wouldn't be full-service movers, but some movers  
2 charge differently than others. Our rates are competitive  
3 with most family operations within \$5 one way or another.

4 Some have restrictions that others don't. Some will  
5 charge minimums that we don't. Some charge a five-hour  
6 minimum. Some charge different on Saturdays. Some charge  
7 whatever they do.

8 We don't charge a minimum. We do a lot of small  
9 movings, and hopefully people get what they pay for.

10 Q Do you charge any minimum travel time?

11 A Yes. We charge an hour travel time no matter  
12 where we go in the county. That's in our tariff.

13 Q Is that typical?

14 A Yes, I think that's pretty much of an industry --  
15 I don't know of any that don't.

16 Q Would it be fair to say then that for people are  
17 looking to move, for example, a piece of furniture or a  
18 small amount of furniture, you provide an extra service of  
19 transporting that property for the time actually spent  
20 rather than a minimum?

21 A Yes.

22 Q Are you aware of anyone in Washington County who  
23 provides that same type of rate charge for that service?

24 A I believe the people in question in Washington  
25 County charge minimums.

1 Q What is your understanding of the minimum rate  
2 being charged by other moving companies in Washington  
3 County?

4 A I think some have as high as a *four plus one*,  
5 which is a five-hour minimum. I am not aware of what they  
6 all charge, but I have been told that's what some of them  
7 charge.

8 Q If you were granted this additional authority,  
9 what is your anticipation of the increased number of  
10 household moves that you moves that you would expected to  
11 service, let's say, on a weekly basis?

12 A It's hard to...

13 MR. PILLAR: If I could interrupt for just a minute,  
14 are we confining this to Washington County or is this the  
15 entire area?

16 MR. STEPHENSON: I would be happy to clarify the  
17 question. Thank you, Mr. Pillar.

18 BY MR. STEPHENSON:

19 Q If you take a look at the entire request for  
20 additional authority, what do you anticipate would be the  
21 additional work load that Gardner Moving would be accepting  
22 under this additional authority; how many additional moves  
23 do you think you would have to perform in a week on  
24 average?

25 A Well, I would be happy -- I think one a week,

1 maybe two, and that's really hard to say. In the winter  
2 time when things are slow, there may be -- a month could go  
3 by without doing anything in this area, but in the summer,  
4 people are searching for movers. Lots of movers are booked  
5 solid.

6 We have been turning down work. They've been turning  
7 down work, I'm sure, because they are booked, so people are  
8 desperate for a mover that can do the job that they want.  
9 In the summer, there is a need, a true need for service.

10 Q That leads me to the next question which is to  
11 what extent is Gardner Moving already occupied in its  
12 capacity on any given week during the general moving season  
13 in the summer?

14 A In the summer, we run pretty strong. We could  
15 always do a little more. Some weeks you can't do more.  
16 Some weeks you are looking for work. Mid-month is not as  
17 heavy as the end of the month, which is a problem in our  
18 business.

19 You try to keep good quality help. You can work them  
20 to death at the end of the month. You can be a little  
21 short of hours in the middle of the month. I'm hoping that  
22 this will even out my business a little bit, or help even  
23 it out.

24 Q Let me direct your attention -- we have talked  
25 about Washington County specifically and Butler County.



1 There are other geographic areas inside this radius. What  
2 needs you to believe that there is additional service in  
3 those areas?

4 A Well, we occasionally get calls.

5 Q With what frequency do you get those kinds of  
6 calls?

7 A That's really hard to say. My father answers  
8 most of the calls and a lot of them I don't hear about, but  
9 when I am in the office, I occasionally pick up a call.  
10 What frequency, that's kind of hard to say, but maybe a  
11 couple a week that I would answer

12 Q Generally what is the nature of the inquiries you  
13 are getting?

14 A Just somebody from Beaver, Butler, wherever, out  
15 in Westmoreland, will call, you know, somebody that we've  
16 moved out there, maybe even somebody that just heard of us.  
17 We will get a call and they'll say I've got this move or  
18 I'm moving back to Monroeville or I'm moving out to  
19 wherever, and we basically have to say we can't do that.

20 Q What reaction do you get from people when you  
21 tell them that?

22 A Well, we are all familiar with the PUC and how it  
23 works. Most people aren't. Most people don't understand.  
24 They see your name in the Yellow Pages under moving. They  
25 don't understand why you can't move them.

1 In fact, with older people, it's harder to explain.  
2 With younger people, you just kind of explain it, but older  
3 folks -- we do a lot of that type of work. We do a lot of  
4 senior work. They don't understand, and sometimes I  
5 honestly get the feeling that they think you don't want to  
6 help them.

7 Q We have talked about the frequency of contacts  
8 you get from Washington County and Butler County, but if  
9 you were granted authority for this other area, how  
10 frequently would you be expecting to receive requests for  
11 service that you would be able fill from those area?

12 A I would hope there would be at least a few  
13 movings a week, a few jobs a week. You would get a lot of  
14 calls. That doesn't always mean that you could service  
15 every call or are going to get every job that calls in.

16 I would like to at least be able to -- you know, if  
17 somebody calls me from Westmoreland or wherever and says,  
18 you know, you moved a friend of mine and they said you did  
19 a great job, I would like to be able to say that I will try  
20 and do the same kind of great job for them.

21 Q If Gardner Moving were to be granted the  
22 additional authority that is requested in this application,  
23 do you believe that you have sufficient financial resources  
24 and equipment and man hours to provide service to the areas  
25 that you requested?

1           A    Oh, yeah. We run a schedule. You book them  
2 first come, first serve, excluding people that you really  
3 try to help out, you know, that are stuck. Yes, I think we  
4 would be able to service the customer base that we build  
5 up.

6           Q    Have you kept yourself familiar with, for  
7 example, residential building and sales and that sort of  
8 thing in the area?

9           A    I think all the outlying areas are growing and I  
10 think maybe that is why this is becoming an issue with me.  
11 Allegheny County people are spreading out. We're moving  
12 them out. I think we need to be able to go out and make  
13 their next move wherever that might be. I mean, you build  
14 that reputation and you do a good job not hoping for just a  
15 one-time shot.

16          Q    Is it your understanding that there is sufficient  
17 increase in residences in, for example, Washington County  
18 and Butler County to warrant additional need?

19          A    Absolutely. All the counties are building up  
20 surrounding the area. People are leaving Allegheny County.  
21 I like Allegheny County, but the taxes are little high, and  
22 you hear that frequently.

23                People are moving out to Washington or out to Butler,  
24 Beaver, wherever, because you can buy the same house and  
25 pay half the taxes, so there is a lot of movement out. If

1 you check the demographics, I think Allegheny County has  
2 lost some serious amount of folks to the other outlying  
3 counties.

4 MR. STEPHENSON: No further questions.

5 JUDGE CORBETT: Who wants to go first?

6 MR. PILLAR: I'm ready.

7 JUDGE CORBETT: All right, Mr. Pillar.

8 CROSS EXAMINATION

9 BY MR. PILLAR:

10 Q Mr. Gardner, who is Patricia?

11 A That's my mother.

12 Q That's your mother; is she still living?

13 A Yes.

14 Q And, your Attachment B to your application shows  
15 that Patricia actually owns 15 shares; is that correct?

16 A Yes. That's my father and mother. That's their  
17 portion of it.

18 Q They own 15 shares together?

19 A Yes.

20 Q Aside from you, your brother and your father,  
21 what other employees do you have?

22 A We have -- my son joined us recently. He works  
23 for us.

24 Q What is his name?

25 A Michael.

1 Q How old is he?

2 A He's 23.

3 Q Is he full-time?

4 A Yes, and we have, I would say, counting the three  
5 of us, we probably have a total of 11 people working.

6 Q Full-time, part-time?

7 A Full and part; as I said, the moving business  
8 fluctuates up and down. Sometimes they are fuller than  
9 they want to be. Sometimes they are parter (sic) than they  
10 want to be, but it does go up and down.

11 Q So, these people are people who would be there  
12 either on a regular basis or who would be on call when you  
13 needed them?

14 A Yes.

15 Q So, when you don't need their services, you are  
16 not paying them; they are just sort of on temporary layoff?

17 A Yes, but they average -- we try to make work when  
18 it's slow, you know, a little bit of truck cleaning and  
19 that kind of thing. We try to generate some time for them  
20 in slow times, but sometimes in the winter, you can't do  
21 that.

22 Q The PUC rights that you have now authorize  
23 service, the household goods rights that is, between points  
24 in Allegheny County and from points in Allegheny County to  
25 virtually all points in Pennsylvania?

1 A Yes.

2 Q With a few exceptions?

3 A With a few exceptions, yes.

4 Q How did you obtain that authority?

5 A We got that, I am just going to guess, ten years  
6 ago, 12 years ago, something like that. We applied for it  
7 and we were granted it. We had a 15-mile radius of the  
8 city, which encompassed all but -- because Allegheny County  
9 is more square than it is round, it took us into Washington  
10 County, actually, but it lopped off part of the northern  
11 part of Allegheny County, so what we did was we just tried  
12 to make it more reasonable.

13 Q At the time you acquired that authority, you,  
14 your brother and father were all active in the business?

15 A Yes.

16 Q So, you were operating under that 15-mile radius  
17 authority up until about ten years ago?

18 A Yes, approximately.

19 Q For the past ten years, you have had state-wide  
20 authority as well as county-wide authority in Allegheny  
21 County?

22 A Yes.

23 Q Did you prepare, for this hearing, any type of  
24 study, a map, anything showing what service area would be  
25 encompassed by the 75-mile radius?

1 A Well, did I prepare it to hand out?

2 Q Did you prepare one at all?

3 A Yeah, well, I did the same thing that you have in  
4 front of you. I swung the 75-mile radius from the center  
5 of the city. That's what I did.

6 Q Do you have that with you?

7 A No.

8 Q Did you actually do a type of map that would  
9 actually show accurately where the court house is and what  
10 the 75-mile radius reaches?

11 A From the exact court house, no. I took a map,  
12 the same as what you have, and I took a center point and a  
13 radius and I -- actually, what I did was I tried to figure  
14 out what would encompass Hidden Valley and Seven Springs.  
15 That's how I based it.

16 That's because we have moved a lot of folks out there  
17 and we have had a lot of people that buy summer homes and,  
18 for one reason or another, the kids don't want to go up and  
19 ski anymore or this or that. They want to move back and we  
20 cannot do that.

21 Q Are Seven Springs and Hidden Valley the extremity  
22 of 75 miles?

23 A Yes, I believe so.

24 Q When you did the financial statement, you  
25 attached to your application, the 12-31-97 balance sheet of

1 the corporation. There is no income statement attached.

2 Am I correct on that?

3 A I don't see one.

4 Q You did what you characterized, or what your  
5 counsel characterized, as sort of a follow-up balance  
6 sheet, this Exhibit 4?

7 A Yes.

8 Q As of what date is this balance sheet?

9 A As of yesterday.

10 Q As of yesterday?

11 A Yeah, I called my accountant. He gave me the  
12 numbers and I filled it in.

13 Q Now, I take it that since the 1997, which would  
14 be about two years ago, it looks like motor vehicle  
15 equipment...

16 A I think it was on the wrong line on the one  
17 that's in the application because we have no buildings or  
18 structures and it shows buildings and structures, and it  
19 was just...

20 Q So that's a...

21 A Yes, that's a typo. I'm sorry. It's listed  
22 under building and structures. He advised me yesterday  
23 that that was on the wrong line, so we moved it up one.

24 There's been a little bit of a change of equipment.  
25 I'm not sure if it's the pickup truck that we purchased or



1 the car or whatever that changed that number a little bit  
2 upward, but that's what the difference on that line is.

3 Q Okay. You have something called Other Current  
4 Assets, \$17,460. That's considerable more than you had in  
5 1997. What is that number?

6 A Oh, well, we are keeping a higher cash -- cash in  
7 our checking account, I think is what most of it is.

8 Q I'm sorry, that's the total. I'm looking at the  
9 wrong line. I see it. You have answered it.

10 A Okay.

11 Q These vehicles that you operate, the 28-foot cab-  
12 over, what year and make is that?

13 A That's a Mack mid-liner, 1985 or 1986. The other  
14 conventional is a 1985 or 1986 Mack also. The Freight  
15 Liner is a 1993. That's a conventional, 26-foot also. We  
16 own a 1997 pickup truck and a car.

17 Q Are you the person that would go out and do  
18 estimates and things like that?

19 A Fortunately, my brother does a lot of that, but  
20 yes, my brother and I do that. He does most of it.

21 MR. STEPHENSON: For the record, give his name.

22 THE WITNESS: Michael William Gardner.

23 BY MR. PILLAR:

24 Q You indicated you work for South Hills Movers; is  
25 that correct?

1 A No. What we do is we have a lease, I think it's  
2 called a lease agreement, with them. This is another  
3 example of people will call us and say we are moving to  
4 Florida, we're moving wherever, can you do this for us.  
5 For the longest time, we didn't. We didn't even think  
6 about doing any long distance until we got into these new  
7 types of trucks, these diesels.

8 We spoke with South Hills and they said we could sign  
9 this. I didn't want to go with a national van line to do  
10 these things. I didn't want to lose Gardner Moving in the  
11 shuffle. I signed with them and all I do is pay them a  
12 percentage of the line haul.

13 Q So, you don't have an agency agreement with a  
14 national van line?

15 A No, I do not.

16 Q As I understand it -- when did you establish this  
17 relationship with South Hills Movers?

18 A I am just going to guess in the early 1980s,  
19 somewhere like that.

20 Q On your annual report, your assessment report,  
21 you do not report any interstate revenue?

22 A No, I don't think we do. We would have to ask my  
23 dad about that, but I don't think so.

24 Q I am looking at your 1998 assessment report and  
25 it shows \$280,794 in total intrastate revenues and no

1 interstate revenues.

2 A Yeah. I think we list that -- I could be wrong.  
3 I'm just trying to tell you what I think. I think we list  
4 that as other income and it's not on the PUC report. I  
5 don't know. You would have to...

6 Q If you don't know, I don't want you to guess.

7 A I'm not sure.

8 Q But, what I am asking, though, is you do have  
9 interstate revenues that you earn for moves you make under  
10 the operating rights of South Hills Movers?

11 A Yes. I think last year -- I counted those  
12 yesterday when I was going over it to try to get an idea of  
13 how many moves we do a year. I think we did less than, and  
14 last year was the most we ever did -- I think we did 11  
15 actual out of state moving. Years prior to that, it would  
16 be less than five.

17 Q What was your revenue from those 11 moves; do you  
18 know that?

19 A I didn't total them, sir. I don't know.

20 Q When you handle these moves with South Hills  
21 Movers, do I understand that you bill the customer after  
22 you make the move?

23 A We don't do any billing. They usually give us a  
24 check at the end of the job.

25 Q In other words, --

1 A I just...

2 Q -- the bill of lading shows Gardner Moving as the  
3 carrier?

4 A No, it shows South Hills Movers as the carrier.

5 Q If that's the case, then does South Hills Movers  
6 collect the money from the customer?

7 A No, we give them the money and they pay us.

8 Q You give whom the money?

9 A South Hills Movers.

10 Q How do you get the money?

11 A They pay.

12 Q The customer pays you?

13 A The customer pays us and sometimes they make the  
14 check out to Gardner Moving and sometimes they make it out  
15 to South Hill, whichever case. Then we pay them or they  
16 pay us back whatever our share of it is.

17 Q So, there's no consistency here. It's not always  
18 made out to South Hills Movers and sometimes it's made out  
19 to Gardner Moving?

20 A Yes, because it's confusing. Because the bill of  
21 lading says South Hills Movers on it, a lot of times they  
22 will make the check out to South Hills Movers. Sometimes  
23 the people don't look at the top of the bill of lading and  
24 they make it out to Gardner Moving, whichever.

25 Q Do you enter into a lease arrangement every time

1 you make one of these moves for South Hills Movers?

2 A No, it's an ongoing.

3 Q So you sort of have a master lease where the  
4 trucks are leased to South Hills Movers?

5 A Two of them are, only two.

6 Q And, they are leased continuously. In other  
7 words, the lease doesn't terminate in each...

8 A I believe the way it is written is that at any  
9 time, they can terminate it, at any time, we can terminate,  
10 but it's an ongoing thing.

11 Q In fact, the leases are not terminated. Every  
12 time you make a move for South Hills Movers, you don't then  
13 terminate the lease --

14 A No.

15 Q -- and redo the lease the next time?

16 A Yes, correct.

17 Q So, the lease that you have entered into is a  
18 lease where the trucks are really under lease to South  
19 Hills Movers at all times even though you may be using them  
20 in service for Gardner Moving?

21 A I can't answer that yes or no. I'm not sure how  
22 that works.

23 Q I wanted to ask you a little bit about this  
24 storage space. You indicated that you established this  
25 facility when?

1 A About two years ago.

2 Q In Cecil?

3 A No, it's in South Fayette.

4 Q Is it in Allegheny County?

5 A Yes, it is.

6 Q Where exactly is that?

7 A It is right on the border. As you go out 79, if  
8 you want directions if you want to come out and store  
9 something, you take the Bridgeville exit, but instead of  
10 heading in to Bridgeville, you would head out towards  
11 Cecil.

12 Q Take Route 50?

13 A And, right before it turns into Cecil, where the  
14 farmers' market is, you turn the opposite way of the  
15 farmers' market. We are along Millers Run Road in  
16 Allegheny County.

17 Q Okay. Do I understand that you lease space in  
18 that building?

19 A Yes. We...

20 Q You are a renter?

21 A Yes.

22 Q And, it's owned by Secured Storage?

23 A Secure Storage.

24 Q What do you rent there?

25 A We rent a locker to a large space.

1 Q How large?

2 A It's ten by thirty, and that's sufficient to keep  
3 our boxes, our dollys, grinders and everything that we use  
4 to maintain the trucks, the oil and all that stuff. It's  
5 my dad's little heaven.

6 Q You park your trucks there?

7 A We park our trucks there.

8 Q And, you have an office there?

9 A And, we have an office there.

10 Q What else do you rent there, anything else at  
11 this time?

12 A No.

13 Q If somebody wants to move something and put it in  
14 storage, you indicated that you also provide the facilities  
15 for that two; is that in that same building?

16 A Yes. It is a self-storage facility. Our  
17 customers are explained that we do not do the storage.  
18 It's not like going to Gardner Moving's warehouse. It is  
19 going to a self-storage facility.

20 Q So, when somebody wants to store something, you  
21 make arrangements for them to self store it?

22 A Yes.

23 Q You do not take possession and store it in a  
24 warehouse?

25 A No, we do not. There's no overlapping in -- you

1 know, that we are charging them, as Gardner Moving, a  
2 storage fee. No, it's not done that way. It's just done  
3 on a per move basis.

4 Q Have you actually done that; have you actually  
5 arranged for a customer to put his or her household goods  
6 into storage at that facility in self storage?

7 A Well, I guess the answer to that is yes. When  
8 somebody calls us and needs storage, they have three  
9 options. They can find a place, they can store it in  
10 somebody's basement or garage, they can find a self-storage  
11 facility or they can go with a moving company that has  
12 storage.

13 We have, for years, been taking people to various  
14 warehouse, various self-storage units around the city, and  
15 as anybody else, we saw the need for self-storage, so we  
16 built our own facility.

17 Now, when people call, many of our customers have  
18 already made arrangements with self-storage facilities near  
19 where they are at in the county. Some of them ask us if we  
20 have storage, and we do, so we service people to and from  
21 their own facilities. Some go to our facility. Some go a  
22 warehouse type of storage, and we will take them to whoever  
23 they want to make arrangements with.

24 Q Does your family, or you, or someone in your  
25 family have -- do you own Secure Storage?



1 A Yes. That's what I stated. The family owns  
2 Secure Storage, yes.

3 Q Is that a separate corporation?

4 A Yes, it is.

5 Q With the same stockholders as Gardner Moving?

6 A Yes, and we did that basically for purposes of  
7 liability. We didn't want Gardner Moving to own this and  
8 we felt the need for it.

9 Q So, Secure Storage then, if I wanted to store my  
10 household goods, if I wanted you move them, but the house  
11 is not ready to move into, you would then arrange for me to  
12 store my goods in Secure Storage. I would enter into a  
13 contract with Secure Storage --

14 A Yes, it's a separate...

15 Q -- and pay them a storage fee?

16 A Yes. Gardner Moving has nothing to do with the  
17 storage.

18 Q You indicated that Madge Hamel is a potential  
19 witness for you?

20 A Yes.

21 Q And, she is employed by Howard Hanna Real Estate?

22 A Yes, I think.

23 Q I think you said you moved her once?

24 A Yes, my brother moved her locally a long time  
25 ago.

1 Q Within Allegheny County?

2 A Yes.

3 Q So, she lives in Allegheny County?

4 A Yes, she does. It's similar to our situation.  
5 She lives right near the border, so a lot of the moves she  
6 refers to us are within Allegheny County.

7 Q She does make referrals to you, but they are  
8 referrals, for the most part, they are referrals -- in  
9 fact, they are referrals you can handle now?

10 A No, I wouldn't go that far.

11 Q Why can't you handle them?

12 A Because of her area, because of where she's at,  
13 they sell home that are in Butler County.

14 Q Let me just ask you this, if Madge referred the  
15 first client to you from Butler County and you said,  
16 "Madge, we can't serve Butler County," are you telling me  
17 that Madge then keeps referring people from Butler County  
18 knowing that you can't serve it?

19 A What I am telling you is, yes, we do get calls.  
20 I really don't...

21 Q I'm talking about Madge now, not others.

22 A Yeah.

23 Q You told Madge you can't serve Butler County, and  
24 if Madge were here to testify, she would know that, right?

25 A Yes.

1 Q Are you saying that nevertheless, she keeps  
2 referring people from Butler County to you saying to call  
3 Gardner Moving?

4 A Yes, she does occasionally. I don't know why,  
5 but yes, we get calls from people say, "Madge told us to  
6 call you," and we can't do them. I think they don't keep  
7 track of our business. Somebody just says they need a  
8 mover kind of thing.

9 Q And, Bob Rose is someone you moved to Washington  
10 County; is that right?

11 A Yes.

12 Q And, he's also a realtor?

13 A Yes.

14 Q You testified that you have occasions when you  
15 move people to another county and then they may call you,  
16 or their sister may call you, or their brother may call you  
17 to say they want you to move a piano back or two rooms of  
18 furniture, or they may want to move, and one of your  
19 reasons that you have indicated for filing this application  
20 is you want to be able to service those customers?

21 A Yes.

22 Q You recognize, by the same token, there are many  
23 moving companies located in the outlying counties who move  
24 people into Allegheny County and then get calls from those  
25 customers to move them and they can't serve them because

1 they can't serve Allegheny County. You know it's a two-way  
2 street, don't you?

3 A Yes.

4 Q You recognize that?

5 A I recognize that.

6 Q You recognize that there may be moving companies  
7 like Gardner Moving in other counties that serve those  
8 counties, as you serve Allegheny County, who want to be  
9 able to serve customers that they transport to other areas,  
10 but because of Commission regulations, they can't do so?

11 A Yes.

12 Q Do you have a copy of your tariff?

13 A No, I didn't bring one with me. I'm sorry.

14 Q You testified somewhat about your minimums. I'm  
15 not sure it's clear to me about that. You indicated that  
16 you do have a one-hour minimum?

17 A No, I...

18 Q You testified that you have a one-hour minimum?

19 A No, I testified that we have a one-hour travel  
20 time.

21 Q One-hour travel time?

22 A Yes.

23 Q I'm sorry. I mis-spoke. It's a one-hour charge  
24 over and about the actual working...

25 A Yeah, the actual working time. It's a charge

1 that is made to cover time coming to and from a job.

2 Q What if it takes you more than one hour to get to  
3 the job?

4 A We do not charge any more than one hour.

5 Q So, your charge is one hour regardless of the  
6 distance it takes...

7 A That's pretty standard. I think all your  
8 customers will back -- that's a standard thing.

9 Q You think most movers have the same kind of  
10 thing?

11 A Yes.

12 Q When don't you charge a minimum; do you always  
13 charge a minimum?

14 A We don't charge a minimum.

15 Q I'm sorry, the one-hour travel time, you always -

16 -

17 A Yes, the...

18 Q -- charge that?

19 A Yes, that's in the tariff.

20 Q So, if you are moving a piano --

21 A A piano...

22 Q -- from Washington, PA to Canonsburg, PA, there  
23 will always be a one-hour travel time?

24 A I would be a one-hour travel time.

25 Q Both before and after the move?

1 A No, that encompasses to and from. If you book a  
2 moving with me, no matter how small, no matter to and from,  
3 you are going to pay for the time that it takes to do that  
4 moving plus one hour.

5 Q Do you happen to know, Mr. Gardner, of the  
6 revenues that you had in 1998, of the \$280,794 in gross  
7 revenues intrastate, how many moves, independent moves,  
8 that represented.

9 A Yes. I counted them yesterday.

10 Q How many?

11 A For 1998, I am equipped with that, 425 movings.

12 Q When you counted those, you counted each separate  
13 move; for example, that would include a move of a whole  
14 household or it could have involved --

15 A Yes.

16 Q -- a movement of a single item, an object, a  
17 refrigerator?

18 A Yes, that was all the movings. They could have  
19 ranged in anything from a piano to a two or three day  
20 moving encompassing two or three trucks, but those are just  
21 per customer.

22 Q On top of that 425 moves, you had 11 interstate  
23 moves?

24 A I believe that's what the number was, yes.

25 Q You indicated that you do get calls from outlying

1 areas. Do you get calls where people ask you to quote them  
2 a rate for a move?

3 A Yes.

4 Q Would you say that the majority of the calls you  
5 get, what the people are looking for is a rate; they are  
6 looking for -- they are comparison shopping?

7 A No. No, I -- it's hard to say majority.  
8 Everybody you talk to, whether they are an old customer or  
9 not, always wants to know what the rates are that year.  
10 Most of them, we haven't moved in a year or two or  
11 whatever, but to say that they are only calling for the  
12 rates, many people call when you have done work for them  
13 time after time. They call to say to do it, and oh, by the  
14 way, what's your hourly rate now.

15 Q You testified about that, but my question has to  
16 do with the fact that would you agree with me that many of  
17 the calls you get from customers outside -- from customers  
18 you may not have served before, they are always asking you  
19 for a rate?

20 A Surely, yes, I will agree with that.

21 Q You have indicated that there has been a  
22 migration of population from Allegheny County to some of  
23 the surrounding counties?

24 A Yes.

25 Q Particularly, you have indicated Washington

1 County and Butler County. To the extent that there has  
2 been this migration from Allegheny County to those  
3 counties, Gardner Moving has benefitted from that because  
4 you have been able to make those moves?

5 A Yes.

6 Q To the extent that there will continue to be this  
7 migration of moves from Allegheny County to Butler and  
8 Washington Counties, Gardner Moving should benefit from  
9 that because you have authority to make those moves,  
10 correct?

11 A Yes.

12 Q Do you handle any moves going to Philadelphia, to  
13 Harrisburg -- well, I guess you can't say Harrisburg, but  
14 to other points in Pennsylvania; for example, of the 425  
15 moves you made last year, how many of them involved moves  
16 beyond the 75-mile radius; did you do a study on that?

17 A Did I do a study on it.

18 Q Or, can you give me an idea?

19 A Can I give you an idea? I can give you a guess.  
20 I think we do Pennsylvania moves, a handful, ten, maybe a  
21 dozen. It depends on the year. I just did one up to  
22 Danville recently, but so far this summer, outside that  
23 area -- for some reason, last year I was traveling all the  
24 time. This year, I'm all local. I don't know why, but it  
25 changes up and down.



1 Q How many of the 425 moves you handled were within  
2 Allegheny County?

3 A With just Allegheny County?

4 Q Or...

5 A I didn't -- the only ones that were required to -  
6 - I can tell you a definite -- within the city of  
7 Pittsburgh is the only ones that we are required to say  
8 that this one started in Pittsburgh and this ended in  
9 Pittsburgh because of some tax that they have, so we have  
10 to keep those separate.

11 Q How many of those were there?

12 A Probably around -- I am just going to have to  
13 give you a guess.

14 Q I'd rather you...

15 A Maybe a fourth of what we do...

16 Q Don't guess.

17 A Okay. I don't know.

18 MR. PILLAR: Thanks. That's all.

19 THE WITNESS: Okay.

20 JUDGE CORBETT: Let's take a five-minute break at  
21 this point..

22 (Whereupon, a recess was taken.)

23 JUDGE CORBETT: We are back on the record.

24 Mr. Gray, you may proceed

25 MR. GRAY: Thank you, Your Honor.

## CROSS EXAMINATION

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BY MR. GRAY:

Q I just have a few questions, additional questions, I should say. Mr. Gardner, as I look at the scope of your application requests, I note that, by my calculation, this application seeks authority in all or part of 17 different counties.

A I didn't count them.

Q I am going to go down the counties, and you tell me if there's any of them that you think this application does not request service in. I will just go down them.

A Do you have a copy of that because I don't know the counties by name, so I wouldn't know.

Q Do you want to look at a map?

A If that's okay. I really don't...

MR. STEPHENSON: Your Honor, I could move over while Mr. Gray asks his questions and he could sit here.

MR. GRAY: That's okay.

BY MR. GRAY:

Q This is just my drawing of the 75 miles. Would you agree with me that the 75 miles would include all or part of Mercer, Venango, Clarion, Jefferson, Lawrence, Butler, Armstrong, Indiana, Clearfield, Beaver, Allegheny, Westmoreland, Cambria, Washington, Greene, Fayette and Somerset counties?

1 A Do you want me to...

2 Q Do you know any of those counties that your map  
3 of the 75 miles didn't include?

4 A No.

5 Q You do not intend to establish facilities in any  
6 of the other 16 counties besides Allegheny County, correct?

7 A No. No, I don't.

8 Q You do not intend to advertise your service in  
9 any of the other 16 counties besides Allegheny County, do  
10 you?

11 A How would I -- that was -- I don't intend to, but  
12 that was something that I offered as something that might  
13 acceptable to the other movers.

14 Q I understand that. My question is simply, do you  
15 intend to do that?

16 A No, I have no intentions at this time to do any  
17 advertising in those counties.

18 Q As I look at your operating authority in Exhibit  
19 1, Applicant's Exhibit 1, do I understand that paragraphs  
20 1 and 2 were authorities that have been in existence for  
21 many years?

22 A Yes.

23 Q Paragraph 3, do I understand replaced a paragraph  
24 that had been in existence for many years that authorized  
25 the transportation of household goods?

1           A    I'm going to answer that, yes, because I am  
2 assuming that that was the paragraph that said we had  
3 household goods authority within 15 miles of the normal  
4 traveled routes, and that would have been similar to  
5 paragraph 1, --

6           Q    Right.

7           A    -- and that was our authority, yes, as I  
8 understood it.

9           Q    Then was it in 1989 that you said that you got  
10 this authority?

11          A    Something like that, yes. I'm not sure exactly  
12 when.

13          Q    Have you provided service from Allegheny County  
14 to Chester County or Montgomery County; have you ever  
15 provided any service from Allegheny County to Chester  
16 County or Montgomery County?

17          A    Nothing that...

18          MR. STEPHENSON:  Objection as to when, prior to  
19 the...

20          MR. GRAY:  Obviously, 15 miles...

21          THE WITNESS:  No, I haven't.

22          MR. STEPHENSON:  That's okay. I withdraw the  
23 objection.

24          THE WITNESS:  I haven't. I'm not even sure -- I  
25 think Chester County is west of Philadelphia. Montgomery

1 County, I think is the city of Philadelphia proper.

2 BY MR. GRAY:

3 Q The city of Philadelphia is Philadelphia County.

4 A Where's Montgomery? There's a couple of them  
5 their. I'm not -- I haven't...

6 Q When you get a call for service to the  
7 Philadelphia area, do you bother to check to see whether --

8 A Yes, I would.

9 Q -- it's one of these counties?

10 A I'm just confused at where that Montgomery County  
11 is. I know it's like part of that, and the Harrisburg  
12 thing is a definite -- you know, we're not allowed near  
13 Harrisburg.

14 JUDGE CORBETT: Please wait for Mr. Gray's question.

15 THE WITNESS: Okay.

16 BY MR. GRAY:

17 Q Have you ever provided service from Allegheny  
18 County to Harrisburg or points within ten miles of  
19 Harrisburg?

20 A No.

21 Q You indicated that you have a lease with South  
22 Hills Movers for interstate trips.

23 A Uh-huh.

24 Q Do you ever lease your equipment to South Hills  
25 Movers for intrastate trips?

1 A No.

2 Q Do you ever lease your equipment to any other  
3 moving company --

4 A No.

5 Q -- for...

6 MR. STEPHENSON: Just wait for the question, okay.

7 THE WITNESS: I'm sorry.

8 Q For intrastate trips?

9 A To any other company for trips within the state  
10 of Pennsylvania, no.

11 Q Where do you park the three vehicles when they  
12 are not in use?

13 A In South Fayette at the Secure Storage site.

14 Q You agree with me, do you not, that there are a  
15 number of very qualified household goods movers in  
16 Washington County?

17 A I agree that I know of several that I feel are  
18 quality companies.

19 Q And, they are physically located in Washington  
20 County, correct?

21 A Yes.

22 Q You indicated that Bob Rose has referred  
23 customers to you. If, in fact, Bob Rose or anyone else who  
24 is a realtor would refer a customer to you, they, the  
25 realtor, be it Bob Rose or any other realtor, would not pay

1 your for the service that you provide?

2 A No. I don't pay anyone for referrals. I never  
3 have.

4 Q They wouldn't pay you and you wouldn't pay them,  
5 correct?

6 A I don't, yes.

7 Q In other words, you just deal directly with any  
8 customer that wants their household goods moved, correct?

9 A Yes.

10 Q And, certainly the fact that Bob Rose or anybody  
11 else might give your name to somebody doesn't mean that  
12 that party is going to use your service, correct?

13 A No, it does not. It just gives me a chance.

14 Q It's correct, is it not, that it is sort of  
15 standard in the industry for someone who is having their  
16 household goods moved to get estimates from a number of  
17 companies?

18 A Yes.

19 Q And, you find that out all the time, that...

20 A Yes, more so than I wish, yes.

21 Q You are competing against somebody else for the  
22 business, correct?

23 A Yes.

24 Q You indicated that some companies, and I believe  
25 you were referring to Washington County, may charge

1 minimums. Are you prepared to state unequivocally what any  
2 minimums of any other companies are, or is this just your  
3 sense that they...

4 A I will be honest with you. All movers check  
5 other movers' prices. We checked who is doing what. It is  
6 my opinion that the last time that I checked, several of  
7 the movers in Washington County, and other movers, that  
8 they were charging minimums.

9 Q When was the last time that you checked?

10 A Yesterday.

11 Q Who did you check on yesterday?

12 A Yesterday I checked on Fife, Barber's company,  
13 Anderson and All Ways Moving.

14 Q Did you call those companies directly yourself?

15 A I had an employee call.

16 Q Surreptitiously?

17 A I didn't think they would want to hear from Joe  
18 Gardner.

19 Q So, the answer is, yes, surreptitiously?

20 A I think they probably gave their name. No, I  
21 mean...

22 Q You didn't tell this is Gardner Moving?

23 A That I was checking on their rates? No, I did  
24 not, sir. I'm sorry. I did not, but I'm sure that in my  
25 conversation with Barbara a week or so ago, she would have



1 told me her rates if I had asked.

2 Q Have you done a study, Mr. Gardner, of your own  
3 moves as to what percentage or what number of your own  
4 moves involve five hours or more of service?

5 A No, I have not. I have not done a study. We  
6 do -- a large number of our movings are under the \$450,  
7 \$500 range, which would tell me that a large percentage of  
8 our movings are, as with everybody, apartments that run  
9 three and four hours of work.

10 Q And, those generally are movements within  
11 Allegheny County?

12 A Well, yes, but they have apartments in other  
13 counties also.

14 Q But, you can't go to other counties to pick up,  
15 correct?

16 A Yes, but I mean I move people from Allegheny  
17 County to apartments in other counties. That's what I am  
18 referring to.

19 Q If you were to pick someone up in Pittsburgh and  
20 take them to Butler to move them to an apartment, that  
21 certainly is going to take you longer than five hours, is  
22 it not?

23 A Not necessarily; it would depend. They could  
24 move from Cranberry -- I mean Wexford into Butler and it  
25 could be -- it's the same move. Because of the hour travel

1 time, it doesn't really matter where the origin is. You  
2 could move somebody from Bethel Park to Butler, yes, it's  
3 going to be -- obviously, it's going to be a longer move  
4 than somebody from Wexford to Butler County.

5 Q Your hour travel time is at the same rate as your  
6 work time?

7 A Yes.

8 Q So that I understand that, if I live in Cecil and  
9 I want to move to another location in Cecil and it takes  
10 you two minutes to get from your garage to my house in  
11 Cecil to move me and two minutes to get back, you are going  
12 to charge me an hour --

13 A Yes, I am.

14 Q -- even though you didn't...

15 A But, I'm not going to do the move because that's  
16 Washington County.

17 Q But, if you get this authority, that's the case?

18 A Yeah.

19 Q I'll move my location inside Allegheny County.

20 A I thought you were trying to trip me up on that.

21 Q No, I wouldn't do that.

22 A I was going to say to call Barbara Anderson and  
23 you will pay a five-hour minimum whether you like it or  
24 not.

25 Q It's going to take you two minutes to get to --

1 A Yeah, I understand your question.

2 Q --- my place in Allegheny County. You are going  
3 to charge me an hour, right?

4 A Yes.

5 Q And, then you are going to charge me whatever --

6 A Whatever the moving time is.

7 Q -- the moving time is?

8 A Yes.

9 Q At the same rate?

10 A Yes, and when I get a customer -- we will talk  
11 Allegheny/Allegheny now. When I get a customer and they  
12 ask us to explain our rates, many people will have trouble  
13 understanding that hour travel time.

14 I explain to them in the best way I can that we are  
15 registered with an hour travel time. I cannot deviate from  
16 my tariff. Whether you live across the street from where I  
17 park my trucks and move half-way down the block, I charge  
18 you an hour.

19 Q Well, the same thing would apply to anybody that  
20 has a tariff that provides for a minimum, correct; they've  
21 got to say the same thing, we have a tariff and --

22 A Yes.

23 Q -- and we have to live by our tariff, so...

24 A That we all have to abide...

25 Q Let me finish my question.

1 A Yes.

2 Q The same rationale applies, correct?

3 A Yes, you have to abide by your tariff; yes, the  
4 same rationale.

5 Q And, you have chosen to file that tariff that  
6 provides for a one-hour travel time even if it takes two  
7 minutes?

8 A Yes.

9 Q You have chosen to do that; no one made you do  
10 it, did they?

11 A Well, I am going to ask you this...

12 Q No, no, I ask the questions.

13 A Maybe I'm wrong...

14 MR. STEPHENSON: Mr. Gardner...

15 THE WITNESS: I am under -- okay -- yes, I chose the  
16 tariff, but I am under the understanding that we are  
17 required to charge an hour travel time on a local moving  
18 basis.

19 BY MR. GRAY:

20 Q Where did you get that information?

21 A Well, maybe that's just an understanding that  
22 I've had for as long as I have been in the business. I  
23 thought that was a requirement that every mover charged one  
24 hour, that it was just standard in our industry.

25 I will be honest with you; I never checked to see if

1 that was required or not, but it is my understanding that  
2 every mover charges and hour travel time, and I am assuming  
3 that every mover abides by their tariff, so therefore,  
4 that's what we do.

5 Q Let's go to a different subject.

6 A Okay. I'm sorry.

7 Q That's all right. You indicated that you have to  
8 turn down work sometimes because you are fully booked.  
9 Have you done any sort of a study as to how many occasions  
10 there were in 1998 when you were fully booked?

11 A No, I have not done a study.

12 Q You would have the ability to make that  
13 determination, wouldn't you; your records would show if all  
14 three of your trucks were busy on any given day?

15 A Yes. We were -- 1998 was the best year we have  
16 ever had. All movers, I think, will testify to that. It  
17 was a great year. We were booked in advance further than  
18 we had ever been booked.

19 We managed to squeeze, you know -- it's like -- I  
20 like to think we are kind of like doctors, you know. They  
21 make a schedule, but if somebody is really sick, they try  
22 to squeeze them in. We try to do that same thing.

23 We fill out the schedule. It's maybe not totally  
24 full. We have three trucks going out, but maybe one truck  
25 has a lighter day. We get a call, can you really help us

1 out? Now all of a sudden that truck has a heavier day.

2 Sure, there were points, I think if I look back on my  
3 records, last year that we were very busy. This year, we  
4 aren't that busy.

5 Q This year, 1999?

6 A This year in 1999, for some reason, and I don't  
7 know what it is, we are not as busy as last year.

8 Q Do you have any records to support that?

9 A With me?

10 Q With you?

11 A No, I didn't -- I wasn't told to bring any of  
12 that, but this year our -- this week alone, we ran two  
13 trucks instead of three. A lot of the days were short  
14 days. Last year it wasn't that way.

15 Q By the way, you indicated that as to what your  
16 existing situation was with the travel time and the  
17 minimum, you understand that if this application is  
18 granted, you will have to publish a new tariff, a tariff  
19 for this territory, correct?

20 A Yes.

21 Q Now, have you given any thought as to whether you  
22 are going to change your travel time provisions in that  
23 tariff?

24 A Well, I can't say that I gave any thought to it  
25 because I really, truly was under the impression that one

1 hour, when charging as an hourly rate, was the standard, so  
2 something that would be -- we are also required, you know,  
3 if somebody from out there past a 40-mile radius, wanted to  
4 move to somewhere more than 40 miles, that falls under a  
5 different tariff.

6 I just assumed the same laws would apply, the same  
7 rules. You know, if it were an hourly basis type of job,  
8 you would charge one hour travel time.

9 Q So, if you get a call from somebody in Sharon,  
10 Pennsylvania, located about an hour and a half from here  
11 and they want to move to Grove City, Pennsylvania, both  
12 located in Mercer County, is it your intention to charge  
13 them no minimum and to charge them one hour travel, and  
14 would you handle a move under those circumstances? That  
15 move, we will say, will take two hours.

16 Q Well, sir, if I am doing nothing, if my schedule  
17 is open, I probably would. You are asking me things, and I  
18 am going to be honest with you. I hadn't given that a lot  
19 of thought because, as I stated earlier, this was motivated  
20 by existing customers calling. I have gone out of my way  
21 to do work for existing customers before. I would probably  
22 do that.

23 Q You said it was motivated by the Seven Springs -  
24 Hidden Valley situation that...

25 A That kind of brought it to light, but we move a

1 lot of folks around and they call us back, and that's what  
2 motivated this thing. Some of what they call us back to  
3 do, we cannot do.

4 As I stated -- you asked me I intend to advertise in  
5 Sharon, Pennsylvania, so I don't anticipate getting a call  
6 from someone in a call in Sharon who wants to move to an  
7 apartment in Clarion. I didn't anticipate that, so I am  
8 just trying to be as honest with you as I can.

9 Q But, you said that you could have prior customers  
10 who would call you, so you might have hauled somebody --

11 A Well, I guess what I am --

12 Q -- to Sharon and they would call you.

13 A --- saying is if an old customer called me and  
14 said, hey, my daughter needs to move or I need to move from  
15 here to there and I had the time, I probably would. I  
16 don't know what that -- I hadn't given a thought to the  
17 tariff or to the charges. I really hadn't.

18 Q Isn't it true that now that you are giving it a  
19 little bit of thought, you may indeed put a minimum to  
20 guard against having to go to Sharon to haul a movement to  
21 Grove City that is going to take two hours and lose your  
22 shirt?

23 A To guard against helping an existing client or  
24 someone that we have a relationship with, I don't know if I  
25 want to do that.



1 Q An existing client that you have a relationship  
2 with, does that mean somebody that you just move one time  
3 five years ago?

4 A Well, you would be surprised, yeah. I am going  
5 to answer yes to that. We -- yeah, I think I probably  
6 would, yeah. If I had the time and if I had nothing else  
7 going on, yeah, I probably would.

8 Q It is true, is it not, that many of the calls  
9 that you get involve rate quotes where you never end up  
10 getting the move; a large number of calls you get?

11 A A large number, yes. We do get a lot of what we  
12 actually go out and bid on, though. We get a great deal of  
13 that.

14 Q If you went out and tried to move everybody that  
15 you got a call from, you would have to go buy more  
16 equipment, right; you just couldn't do it?

17 A At this time, in the summer, we get a lot of  
18 calls that we cannot deal with, but come October, November  
19 and December, I would be happy to try to get all that would  
20 call.

21 Q But, people tend to price shop, right?

22 A Yes, they do, sure.

23 MR. GRAY: That's all, thanks.

24 JUDGE CORBETT: Any redirect?

25 MR. STEPHENSON: No, thank you.

1 JUDGE CORBETT: Thank you, Mr. Gardner. You are  
2 excused, sir. You may stay in the hearing room.

3 (Witness excused.)

4 I think what we will do is -- this is a little  
5 earlier than I had anticipated, but let's take a lunch  
6 break. We will come back at 1:15. We will take our next  
7 witness then. After that, if you want to take you public  
8 need witness, or however you want to do that, we will do  
9 that.

10 MR. STEPHENSON: That's fine.

11 JUDGE CORBETT: We will take our lunch recess at this  
12 point and we will reconvene at 1:15.

13 (Whereupon, at 12:10 p.m., the hearing was adjourned,  
14 to reconvene at 1:15 p.m. this same day.)

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A F T E R N O O N S E S S I O N

1:15 p.m.

1  
2  
3 JUDGE CORBETT: We are back on the record. It is now  
4 approximately 1:15, and we are ready to proceed.

5 Mr. Stephenson, would you call your next witness,  
6 please.

7 MR. STEPHENSON: Sure

8 MR. GRAY: Your Honor, may I interject something?

9 JUDGE CORBETT: Sure.

10 MR. STEPHENSON: Mr. Stephenson has not yet moved the  
11 admission of his exhibits. Should we deal with that now?

12 MR. STEPHENSON: I was going to do it at the end of  
13 the day, but I am happy to do it now. I would move Exhibit  
14 1 through 4.

15 JUDGE CORBETT: Objection?

16 MR. GRAY: Yes, Your Honor, I have an objection to  
17 Exhibit 2 only to the extent that it includes verified  
18 statements of certain parties. I have no objection to the  
19 verified to the extent that the witnesses appear and  
20 testify, but to the extent that the witnesses do not appear  
21 and testify, then I would have a hearsay objection to their  
22 verified statements.

23 MR. PILLAR: And, I join in that objection.

24 JUDGE CORBETT: Any response?

25 MR. STEPHENSON: Gina Lison will be testifying this

1 afternoon. She is one of those persons. Madge Hamel will  
2 be testifying at the next hearing. Mr. Grimm I am trying  
3 to work out a schedule for him. He has been identified as  
4 a witness in this case. I think the objection is cured  
5 when those people testify. If Mr. Grimm is unavailable to  
6 testify, I will withdraw that verified statement and that  
7 would solve that objection.

8 JUDGE CORBETT: Okay. We will admit Applicant's  
9 Exhibits 1 through 4, and Exhibit Number 2 will be admitted  
10 conditioned upon representation of counsel that any  
11 verified statement of any witness not appearing will be  
12 withdrawn prior to the close of the record in this case.

13 (Whereupon, the documents marked as  
14 Applicant's Exhibit Nos. 1 through 4  
15 were received in evidence.)

16 MR. STEPHENSON: Fine.

17 JUDGE CORBETT: Any other matters that we need to  
18 take care of?

19 MR. STEPHENSON: I have one short housekeeping matter  
20 just in terms of the arrival of people.

21 JUDGE CORBETT: Sure.

22 MR. STEPHENSON: Your Honor, I assumed we would break  
23 at 12:30 and return roughly at 2:00. Ms. Lison will be  
24 here roughly at 1:00. Mr. Rose is due here at about 2:00  
25 to 2:15. We may have a short break after Mr. Gardner

1 waiting for Ms. Lison to arrive if that's not inconvenient  
2 to the Court.

3 JUDGE CORBETT: We will take it under advisement and  
4 see how things develop.

5 MR. STEPHENSON: Okay. We would call Mr. Gardner.

6 JUDGE CORBETT: Would you come up here, sir, and  
7 raise your right hand and be sworn?

8 Whereupon,

9 JOSEPH F. GARDNER

10 having been duly sworn, testified as follows:

11 JUDGE CORBETT: Please have a seat, and try to keep  
12 your voice up for the court reporter.

13 THE WITNESS: I can't hear too good.

14 JUDGE CORBETT: We will try to speak up for you.  
15 Would you begin, sir, by giving us your full name?

16 THE WITNESS: Joseph F. Gardner.

17 JUDGE CORBETT: Mr. Stephenson, you may continue.

18 MR. STEPHENSON: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MR. STEPHENSON:

21 Q Mr. Gardner, I understand you are the real Joseph  
22 Gardner, is that correct?

23 A (Nodding affirmative.)

24 Q You have to answer with words.

25 A Yes.

1 Q By whom are you employed?

2 A Gardner Moving

3 Q I am going to give you another reminder. I know  
4 it's a nervous thing to do, but if you put your hand in  
5 front of your mouth, it's harder for people to hear. The  
6 best thing you can do with your hands is to drop them, and  
7 we will get this pretty efficiently. Okay?

8 A Okay.

9 Q How long have you worked for Gardner Moving?

10 A All my life.

11 Q How old are you?

12 A Seventy-six.

13 Q You look good. What kind of duties do you  
14 perform now for Gardner Moving; what kind of work do you  
15 do?

16 A Well, I go down the office and take care of the  
17 office, phone calls, the books, treasurer.

18 Q You are treasurer of the company?

19 A Yes.

20 Q Do you own any shares in the company?

21 A Fifteen.

22 Q When you say the books, what kind of books of the  
23 company are we talking about here?

24 A Well, I take down the estimates, movings,  
25 expenses, payroll, stuff like that.

1 Q Do you keep track of the finances of the company?

2 A Yes.

3 Q Now, do you keep the records of the company?

4 A Yes, sir.

5 Q Up until two years ago, where did Gardner Moving  
6 keep its office?

7 A At my home at 3236 Beacon Hill Avenue, Dormont.

8 Q Is that the office that was in the dining room?

9 A That's correct.

10 Q Where do you go to work now?

11 A Down to South Fayette at 757 Millers Run Road.

12 Q Would that be the Secure Storage site we have  
13 talked about?

14 A Yes.

15 Q Now, in terms of answering the telephone, and I  
16 am going to direct your attention to the telephone calls  
17 from people looking for moving services...

18 A Correct.

19 Q How often do you get those kinds of calls?

20 A Some day you can get ten, 20, sometimes 3. It  
21 all depends on the phone.

22 Q Is there any difference between the time of the  
23 year when you are more or less calls?

24 A Oh, yes, there is.

25 Q What parts of the year to do you get more calls?

1 A During the summer when school is out.

2 Q Would that mean you get less calls in the winter?

3 A Yes, yes.

4 Q During the summer time, usually how many calls  
5 are you getting during a day, what would you expect?

6 A You can get 50, at least 40.

7 Q When a person calls you and you are answering the  
8 phone at Gardner Moving and they are talking about a move,  
9 what information do you ask them give you and what  
10 information do you provide?

11 A The first thing they ask for is what are your  
12 rates, and I give it to them. Then we talk about how big  
13 their job is. Is it a home or an apartment, and if they  
14 want an estimate, I will write them up and set them up for  
15 an estimate, and there's a lot of times I can ask them what  
16 day they wish. Most of the time, I have to say I'm sorry,  
17 I don't have the spot, it's all filled up.

18 Q Do you ask them where their move begins and where  
19 it ends?

20 A Oh, yes, I do that. They will say Mount Lebanon  
21 and they are going to Mount Lebanon also, or to Dormont.

22 Q Let's say a person would call and say they wanted  
23 to go from a point in Washington County to another place in  
24 Washington County, what would tell them?

25 A I tell them I can't handle it.



1 Q Why would that be?

2 A Because I am not permitted to go there. Then  
3 they ask me why, and I say, "That's the rules. That's all  
4 I can tell you." They don't accept that.

5 Q Let's pay attention to that kind of a phone call.  
6 Do you understand that Gardner Moving is making an  
7 application for additional authority?

8 A Yes.

9 Q What is your understanding of the additional  
10 authority that Gardner Moving is asking for?

11 A For a 75-mile radius.

12 Q Let's talk about that additional authority, and  
13 specifically I would direct your attention to Washington  
14 County. Of the calls that are coming in from people  
15 looking for Gardner Moving to provide them service, do you  
16 keep any track of --

17 A No, no.

18 Q -- people who are giving you locations in  
19 Washington County?

20 A Yeah, but sometimes you don't get hardly any and  
21 then sometimes you may get one or two. It all depends, and  
22 you can't remember every call.

23 Q Do you have any clear recollection of what the  
24 frequency is of calls coming from people from that area?

25 MR. GRAY: Objection, asked and answered. He said

1 sometimes none, sometimes one or two.

2 JUDGE CORBETT: I will overrule the objection. We  
3 will see where this goes. I may reconsider, but we will  
4 see where we go.

5 BY MR. STEPHENSON:

6 Q Mr. Gardner, do you remember the question?

7 A Yes. Well, I don't know how many, you know.

8 Q Do you keep any kind of actual count?

9 A No. You get so many calls, you forget about the  
10 last one and you're talking with the one you are now.

11 Q With regard to the financial statements that were  
12 moved into the record today, you keep the financial  
13 information of the company, right?

14 A Yes.

15 Q Do you keep it accurately?

16 A Yes, I try to.

17 Q So, the statements that we provided the  
18 Commission today, do you understand them to --

19 A Yes.

20 Q -- accurately reflect the company's position?

21 A Oh, yes.

22 Q One of the questions that came up today was with  
23 regard to Exhibit Number 4. In Exhibit Number 4 -- I take  
24 that back. In Exhibit Number 3, which is the assessment  
25 report, there is a question of whether or not that included

1 revenues that were earned for trips going outside of  
2 Pennsylvania.

3 A No.

4 Q My question is does it include that revenue?

5 A No.

6 Q But, there is additional revenue that was not  
7 reflected?

8 A Oh, yes.

9 Q Do you have a sense of how much that additional  
10 revenue would be?

11 A About \$25,000 to \$30,000 more.

12 Q Do you know Bob Rose?

13 A Yes.

14 Q Who is he?

15 A He's a customer.

16 Q Do you know what he does for a living?

17 A Yes, he's real estate agent.

18 Q From time to time, do you get contacted by people  
19 from...

20 A That say he referred us.

21 Q Does that happen?

22 A Oh, yeah.

23 Q Do you know who Marge Hamel is?

24 A Yes. She's a real estate agent also.

25 Q From time to time, do you receive telephone calls

1 from people who say that she has referred them?

2 A Yes. They say, "Madge told me to call you."

3 MR. STEPHENSON: No further questions.

4 JUDGE CORBETT: Mr. Pillar.

5 MR. PILLAR: I have no questions.

6 JUDGE CORBETT: Mr. Gray.

7 CROSS EXAMINATION

8 BY MR. GRAY:

9 Q Just so we understand, Mr. Gardner, about how an  
10 estimate works, when you get a call, do you dispatch then  
11 some employee of Gardner Moving out to the person's  
12 facility to make an estimate?

13 A Yes. What I do is ask when it would be  
14 convenient for them to have an estimate done, and then I  
15 take their name, their phone number, the address. Then  
16 when the boys come home, I say they have to call these  
17 people to set up an estimate when they can do it.

18 Q Most customers get more than one estimate,  
19 correct?

20 A Oh, yeah, I think they're shopping around.

21 Q And, just because you get a call and do an  
22 estimate, that by no means would indicate that you are  
23 going to the move?

24 A That's right. No, no, it's, you know, whoever  
25 they choose. Sometimes we get them, sometime we don't.

1 Q And, some of the people that Mr. Rose has  
2 referred to you and that Ms. Hamel has referred to you are  
3 people that you have never moved, correct?

4 A No, no.

5 Q Am I correct?

6 A Yes. I'm sorry. Yes.

7 MR. GRAY: That's all.

8 JUDGE CORBETT: Any redirect, Mr. Stephenson?

9 MR. STEPHENSON: I have no redirect.

10 JUDGE CORBETT: Thank you very much, Mr. Gardner.  
11 You are excused.

12 (Witness excused.)

13 MR. STEPHENSON: We need to take a short break, and  
14 as soon as these people show up, we will get them done.

15 JUDGE CORBETT: All right. We will take a short  
16 recess. When you are ready for me, let me know.

17 MR. STEPHENSON: All right.

18 JUDGE CORBETT: We are in recess at this point. It  
19 is 1:30 p.m.

20 (Whereupon, a 20 minute recess was taken.)

21 JUDGE CORBETT: We are back on the record now at  
22 approximately 1:50. Mr. Stephenson, would you call your  
23 next witness, please?

24 MR. STEPHENSON: Yes. Our next witness will be Gina  
25 Lison.

1 JUDGE CORBETT: Would you raise your right hand,  
2 please, and be sworn?

3 Whereupon,

4 GINA LISON  
5 having been duly sworn, testified as follows:

6 JUDGE CORBETT: Please begin by giving us your full  
7 name.

8 THE WITNESS: Gina, G-i-n-a, Lison, L-i-s-o-n.

9 JUDGE CORBETT: Mr. Stephenson, you may continue.

10 DIRECT EXAMINATION

11 BY MR. STEPHENSON:

12 Q Ms. Lison, where do you live?

13 A At 104 Meadow View Court, Venetia in Washington  
14 County.

15 Q Prior to coming to this hearing today, and thank  
16 you for that, have you signed a verified statement in  
17 support of Gardner Moving's application for additional  
18 authority?

19 A Yes.

20 Q I will show you a signature that appears in that  
21 statement on page 4. Is that your signature?

22 A Yes.

23 Q And, then you will see another page of a  
24 verification with a notary seal on it. Is that your  
25 signature?

1 A Yes.

2 Q Did you, in fact, have this document notarized at  
3 the time?

4 A Yes.

5 Q When did you first come into contact with Gardner  
6 Moving Company?

7 A Four years ago.

8 Q And, why did you contact them?

9 A We were moving into Washington County from  
10 Allegheny County and we needed a mover.

11 Q How did you come to contact them?

12 A My uncle used to cut their hair and he gave me  
13 their name.

14 Q So, is it fair to say word of mouth?

15 A Word of mouth.

16 Q Okay. Now, how big or small of a movement was  
17 this?

18 A Very big.

19 Q Why do you say that?

20 A Two big trucks and about 12 hours.

21 Q Was this a household move or more than a house?

22 A Household.

23 Q What, if anything, did you conclude about Gardner  
24 Moving's service as a result of them moving your goods?

25 A They were wonderful.

1 Q Why do you say that?

2 A They were very courteous, they were on time,  
3 their workers were very, very nice. They were young boys.  
4 They were very nice.

5 They also packed for us a couple days before, and  
6 nothing was broken. They did not bang one wall moving out  
7 or moving or moving in, the furniture was in perfect  
8 condition and they were just very, very nice people to work  
9 with.

10 Q Have you used them since?

11 A Yes.

12 Q Was it another household move or a less than  
13 household move?

14 A My mother-in-law.

15 Q Okay, your mother-in-law, and was she in  
16 Allegheny County?

17 A Yes.

18 Q What kind of a move did you have Gardner Moving  
19 do for your mother-in-law.

20 A They moved -- well, two different times. Once  
21 they just moved a living room set, and another time they  
22 moved a dining room.

23 Q Do you recall what you paid for these moves?

24 A I should have looked in my check book, but I  
25 would say it was minimal.



1 Q How long was it your understanding that these  
2 moves took?

3 MR. PILLAR: Are we referring to the mother-in-law's  
4 moves?

5 MR. STEPHENSON: The mother-in-law's moves, yes.

6 THE WITNESS: Less than an hour.

7 BY MR. STEPHENSON:

8 Q How far was the trips, from where to where?

9 A It was about, at the most, 20 minutes, 25 minutes  
10 with traffic.

11 Q What was your understanding of Gardner Moving's  
12 rates at the time that they did these moves?

13 MR. PILLAR: I am going to object on the grounds of  
14 relevance. I don't really see the relevance of what their  
15 rates were on moves that they are authorized to perform now  
16 in Allegheny County, and even if they involve moves outside  
17 of Allegheny County, I still don't see the relevance as to  
18 the issues of public convenience and necessity.

19 MR. STEPHENSON: One of the questions of public  
20 convenience and necessity is whether a service is being  
21 provided by Gardner Moving that is not being offered  
22 otherwise.

23 One of the -- the evidence here is a substantial part  
24 of their business is for moves that take less than five  
25 hours in total time, and therefore, they provide a benefit

1 to the public that the public can obtain the amount of  
2 service it needs rather than paying, in effect, a five-hour  
3 minimum for possibly an hour or two of work.

4 MR. PILLAR: There is no evidence, though, to  
5 substantiate that other than Mr. Gardner's belief or  
6 understanding. There's no real evidence that what Gardner  
7 proposes -- in fact, there's not even any evidence that  
8 Gardner proposes to provide that type of service in the  
9 application area.

10 As I recall, Mr. Gardner's testimony was that he  
11 hadn't really thought about his tariff. This is all very  
12 speculative, and I don't see how it could support any  
13 finding of public convenience or necessity based on  
14 testimony from Mr. Gardner in relationship to what this  
15 witness is being asked now.

16 JUDGE CORBETT: Mr. Gardner, this morning, did  
17 testify as to his understanding of the charges offered by  
18 other carriers. There is some evidence in the record to  
19 support it. Therefore, I am going to overrule the  
20 objection.

21 BY MR. STEPHENSON:

22 Q Do you remember the question?

23 A About the hour moving and the five hours, yes.

24 MR. GRAY: Your Honor, may I just add one thing to  
25 that? The movements that she is talking about are within

1 Allegheny County, not within Washington County, so even if  
2 there was testimony as to what rates are in Washington  
3 County, it would have no relevance to this testimony which  
4 involves two movements in Allegheny County.

5 MR. STEPHENSON: May I respond?

6 JUDGE CORBETT: Sure.

7 MR. STEPHENSON: Mr. Gardner's testimony was, in  
8 fact, that he would probably just leave that provision in  
9 his tariff alone because his customer base has developed  
10 loyalty because he provides that kind of service such that  
11 it becomes relevant, and obviously, the only examples that  
12 are going to exist are the examples that occur in his  
13 present area.

14 Any witness we can ever provide is only going to be  
15 able to say that where Gardner was certificated to perform  
16 service, his service was valuable and it was important to  
17 me in purchasing this kind of a service, and that is  
18 exactly what public need is about.

19 If there is a protestant who is willing to say they  
20 are going to come in and change their tariff to match,  
21 that's something else, or if we have misread their tariffs  
22 and they have the ability to do this, that's something  
23 else, but we are still in our case yet and I think we  
24 should be allowed to show that the public values this type  
25 of additional service.

1 MR. PILLAR: Just in response, I would -- I don't  
2 want to be beating a dead horse, but certainly I don't  
3 agree with Mr. Stephenson's assessment that the only  
4 testimony they can present is testimony in the existing  
5 area as to a need for service because that certainly is a  
6 problem here.

7 However, beyond all that, if an applicant comes in  
8 and says that we are going to do this, we are going to  
9 provide some sort of new minimum service and bases the case  
10 on that without any real evidence as to how they would do  
11 this, certainly no guarantee exists that they are going to  
12 do it.

13 If the application were granted on that basis, there  
14 would be no requirement that the applicant would do it.  
15 The applicant could come in and put in a minimum just like  
16 everybody else, assuming everybody else has a minimum, and  
17 I don't know that to be the case.

18 I am troubled a little bit by the boot strap being  
19 argument, but you have ruled on it, so I don't want to...

20 JUDGE CORBETT: Yes, I think -- I don't mean to cut  
21 you off, Mr. Pillar, but I think it's a matter first of all  
22 relevance. I think the testimony is relevant.

23 Secondly, I think your argument goes to the weight of  
24 the evidence to be given. Certainly you have made an  
25 argument that you can make later in your brief as to how

1 that evidence should be weighed.

2 I am going to overrule the objection again, Mr. Gray.

3 MR. GRAY: May I make another objection?

4 JUDGE CORBETT: All right.

5 MR. GRAY: A totally different objection.

6 JUDGE CORBETT: All right. We will listen to this

7 one.

8 MR. GRAY: Your Honor, there has been no foundation  
9 laid that this witness arranged for an paid for the  
10 movements of her mother-in-law. Until that foundation is  
11 laid, the mother-in-law is the proper witness for this  
12 case.

13 THE WITNESS: No, wait, time out.

14 JUDGE CORBETT: No, you need to wait just a minute.

15 THE WITNESS: I have a hard time with that. I'm  
16 sorry.

17 JUDGE CORBETT: That may be a legitimate objection,  
18 and we will sustain it.

19 If you want to lay some foundation, we will let you  
20 do that.

21 MR. STEPHENSON: Thank you.

22 BY MR. STEPHENSON:

23 Q I have to ask you some preliminary questions to  
24 show that you have some knowledge of certain things, and  
25 that's what we are being asked to do.

1 A Okay.

2 Q With regard to the two moves of your mother-in-  
3 law, the two short moves that you testified about before,  
4 did you make the arrangements for the moves or did someone  
5 else make the arrangements?

6 A I made the arrangements.

7 Q What did you do in terms of making arrangements  
8 for these two moves?

9 A I called Gardner Moving. I asked them if they  
10 could move her -- the living room and the dining room. I  
11 set everything up, told my mother-in-law what time they  
12 were coming and paid for it.

13 Q When you made these arrangements, one of the  
14 things you did not mention, and I am going to ask you  
15 specifically, did you discuss what it would cost for the  
16 move?

17 A With my mother-in-law?

18 Q No, with Gardner Moving?

19 A Yes.

20 Q Okay, and what did Gardner Moving tell you would  
21 be the basis for getting charge for these moves?

22 A An hour of travelling time, and that was -- you  
23 know, like how long it would take from here to there, which  
24 is was 20 minutes one way, 20 minutes the other. That was  
25 their rate. I can't remember honestly. I would have to go

1 back to my check book to see what I paid, but I know it was  
2 -- if had known, I would have brought it with me.

3 Q Let me ask you a different question, which is did  
4 they tell you if they had a minimum working time?

5 A I honestly can't remember.

6 JUDGE CORBETT: Please keep your voice, Ms. Lison. I  
7 can't hear you.

8 THE WITNESS: I honestly can't remember if they told  
9 me. All I know is that I was not going to be charged for a  
10 whole day, because if that would have been the case, I  
11 would have -- like I told you, I would have had -- if they  
12 would have told me, look, we have a five-hour, eight-hour,  
13 whatever, I would have found another way to move her  
14 furniture.

15 BY MR. STEPHENSON:

16 Q Did you find it to be a valuable service --

17 A Yes.

18 Q -- that you could move this small amount of goods  
19 for a short distance for one hour travel time plus whatever  
20 the additional actual work time was?

21 A Yes, it was worth it because I would not have  
22 paid for a five-hour or eight-hour. That would have had to  
23 involve my husband, my father to move these pieces of  
24 furniture.

25 Q Is that because you weren't going to pay it; you

1 were going to get your father to do it?

2 A Well, I wouldn't have paid them to do it.

3 Q Let me ask you a different question then. Did  
4 you make any attempt to call around to other movers?

5 A No.

6 Q Why not?

7 A Because I would only use Gardner Moving, and I  
8 have referred them to many of my friends and family, and I  
9 wouldn't use anyone else.

10 MR. STEPHENSON: No further questions.

11 THE WITNESS: That's where I am having -- We are  
12 finishing our basement and we have a lot of furniture that  
13 needs to be moved out, probably going to a relative. I  
14 don't know who I am going to get if they are not in  
15 Washington County.

16 BY MR. STEPHENSON:

17 Q You would have to go to someone else?

18 A Yeah, I would. It's not going to be a big move,  
19 but...

20 Q How far would it have to go?

21 A A half an hour, 40 minutes. I'm just thinking  
22 about that coming up.

23 MR. STEPHENSON: No more question.

24 JUDGE CORBETT: Mr. Pillar or Mr. Gray, whichever  
25 one.



1 MR. GRAY: Go ahead.

2 MR. PILLAR: I just have a few questions and then I  
3 will let Mr. Gray finish.

4 JUDGE CORBETT: All right.

5 CROSS EXAMINATION

6 BY MR. PILLAR:

7 Q Can you tell me, first of all, where Meadow View  
8 Court is; where is that?

9 A In Peters Township.

10 Q Give me some directions on how you get to your  
11 home from Route 19, let's say.

12 A Do you know where McMurry Road is?

13 Q Yes.

14 A Do know where Al's Cafe is?

15 Q Okay, so you are located...

16 A We are located right where the Bethel border is.  
17 Here's Bethel. We are about a half a mile.

18 Q And, you are off of McMurry Road?

19 A Right off McMurry Road, yes.

20 Q Are you in Washington County there?

21 A Yes.

22 Q You are in Peters Township?

23 A Yes.

24 Q You pay your taxes to Peters Township?

25 A Uh-huh.

1 JUDGE CORBETT: You will have to say yes or no for  
2 the court reporter.

3 THE WITNESS: Yes.

4 BY MR. PILLAR:

5 Q Secondly, you moved to this home four years ago?

6 A Yes.

7 Q From where?

8 A West Mifflin.

9 Q And, that was 1995, 1994?

10 A Yes, 1994.

11 Q Okay, 1994.

12 A No, 1994. I'm sorry, it was 1995. This August  
13 it's four years.

14 Q Okay, and that move, you indicated, involved 12  
15 hours and two trucks?

16 A Uh-huh.

17 JUDGE CORBETT: You have to say yes or no.

18 THE WITNESS: Yes.

19 BY MR. PILLAR:

20 Q When you had Gardner make that move, did they  
21 give you an estimate of what the cost would be?

22 A Yes.

23 Q Did you get estimates from any other mover at  
24 that time?

25 A South Hills Movers.

1 Q When your mother-in-law -- when you had the  
2 arrangements to move your mother-in-law's furniture, the  
3 living room set, when was that?

4 A I have to -- it's within the last year, I would  
5 say.

6 Q Within the last 12 months?

7 A Right.

8 Q Where did the move originate?

9 A At 515 Lisa Drive.

10 Q Where is that?

11 A In West Mifflin.

12 Q Where was it moving to?

13 A It was moving to Frich Drive.

14 Q I'm sorry?

15 A Frich Drive.

16 Q How do you spell that?

17 A F-r-i-c-h.

18 Q Who lives there?

19 A My parents.

20 Q So, your mother-in-law's living room set was  
21 moving to your parent's home?

22 A Right.

23 Q How far is it?

24 A No -- what; I'm sorry?

25 Q Did I say that correctly?

1 A Yes.

2 Q Your mother-in-law's living room set was being  
3 moved from her home to your parents' home?

4 A Yes.

5 Q How far is that?

6 A About 15 minutes with traffic.

7 Q Where do your parents live?

8 A In Whitehall.

9 Q When did the dining room set get moved?

10 A That's what's confusing because we were getting -  
11 - it's a couple months span, but I honestly remember the  
12 month. I would have to look in my check book.

13 Q Did it move from the same place to the same  
14 place; that is from your mother-in-law's house to your  
15 parents' house?

16 A Yes.

17 Q And, that's a distance of five miles?

18 A Yes, probably around there.

19 Q Just with respect to this statement that has been  
20 identified and marked as part of Exhibit 2, would you agree  
21 with me that this statement was prepared for you by  
22 somebody; in other words, it was typed and prepared by  
23 somebody else?

24 A That was?

25 Q It wasn't prepared by you, was it?

1 A No.

2 Q Okay, and so the information that was put down  
3 here was typed and put on this statement by someone else  
4 and then you signed it?

5 A Yes.

6 Q Did somebody ask you these questions specifically  
7 and did you answer them, or how did they prepare it; do you  
8 know that?

9 A They asked me the questions. I think was Mike or  
10 Joe. They had told me what this was all about and asked if  
11 was willing to -- if I had a problem with it. I said, no,  
12 I would gladly sign it.

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

14 JUDGE CORBETT: Mr. Gray?

15 MR. GRAY: Thank you, Your Honor.

16 CROSS EXAMINATION

17 BY MR. GRAY:

18 Q Ms. Lison, what does your husband do?

19 A He is managing partner for KPMG Pete Marwick.

20 Q Do you have children?

21 A Yes, three.

22 Q The affidavit or verification, affidavit  
23 actually, that you signed was signed in August of 1998,  
24 August 31st. Had the movements of your mother-in-law's  
25 living and dining room occurred before this statement?

1 A Had -- I don't understand the question.

2 Q Had Gardner Moving transported the living room  
3 set and then the dining room set of your mother-in-law --

4 A Before August 31st or after?

5 Q -- before August 31st?

6 A It was after.

7 Q It was after this time?

8 A Yes.

9 Q You said it was in the last 12 months. Do you  
10 remember what specifically what month?

11 A I don't.

12 Q Do you remember what season it was?

13 A With three kids, I have a really bad memory. I  
14 should have brought my check book. Let me -- the dining  
15 room set was probably September or October. The living  
16 room was after that. I can't say. It could be December,  
17 January, but if you need the information, I can definitely  
18 get it to you.

19 Q Have you ever made, in the last for years since  
20 1995, since you moved to Washington County, have you made  
21 any inquires of any moving company located in Washington  
22 County concerning service that they provide?

23 A No.

24 Q Have you ever made any inquiries into rates that  
25 any moving company charges?

1 A No, just when I had the estimate from South Hills  
2 Movers four years ago.

3 Q And, that was for a movement from Allegheny  
4 County?

5 A Uh-huh.

6 Q Was, did you say, a movement from West Mifflin?

7 A Right.

8 Q Are you or any member of your family employed by  
9 Gardner Moving Company?

10 A No.

11 Q Do you socialize with any employee of Gardner  
12 Moving and Storage?

13 A No.

14 Q Have you ever?

15 A No.

16 Q How did you find out about this application?

17 A They asked me if I would sign, or they discussed  
18 with me what was going on, they were applying for a license  
19 in Washington County and if I would sign the affidavit, if  
20 I believed in it, and I said, "Sure."

21 Q Did they call you?

22 A Actually, I think we had discussed it on one of  
23 the last moves that I had talked to them about.

24 Q I thought you said those moves were after you  
25 signed it?

1           A    You're right. That was after. Wait a minute.  
2 You know what -- don't quote me on the dates, because I  
3 could be totally wrong. It could have been in July that we  
4 moved.

5           I will bring my check book and show you. I should  
6 have. I wish I would have known and I would have brought  
7 my check book. Maybe they didn't call me after. I can't  
8 honestly remember, but I have it written down. I wrote  
9 checks for it, so you can -- I would be glad to give those  
10 to you.

11          Q    You have not called Gardner about any other  
12 movement that you have other than the ones you have  
13 mentioned in your testimony, correct?

14          A    The three -- no.

15          Q    Am I correct?

16          A    Yes, you are correct.

17          Q    How far are you located from Gardner's office; do  
18 you know, first of all, where there offices are?

19          A    I don't know where their offices are. They used  
20 to be on Industrial Boulevard in Bethel?

21          MR. GARDNER: (Inaudible.)

22          THE WITNESS: I don't know where they...

23          MR. GRAY: I'm sorry, there can't be any interchange  
24 between...

25          THE WITNESS: I'm sorry.



1 BY MR. GRAY:

2 Q Do you know where their offices are now?

3 A No, I don't.

4 Q Do you know county they are in?

5 A Allegheny County, I think they are in  
6 Bridgeville.

7 Q You have no present intention of moving your  
8 household from the address that it is now, 104 Meadow View  
9 Court in Venetia, to any other location, correct?

10 A Well, I plan on moving our basement furniture  
11 when we finish our basement. That consists of an  
12 entertainment center, a sectional couch with a pull-out  
13 bed, two end tables, a kitchen table with four chairs.

14 Q My question is, do you intend -- you don't have  
15 any intention --

16 A Yes, we intend on that.

17 Q -- of moving your --

18 A No.

19 Q -- whole household?

20 A My whole household, no, but we intend on moving  
21 that furniture in the near future, probably in the next six  
22 months.

23 JUDGE CORBETT: Just we get back to some order here,  
24 let's let one party at a time speak. The court reporter  
25 has a difficult time trying to get both parties at once.

1 THE WITNESS: I'm sorry.

2 BY MR. GRAY:

3 Q If Gardner Moving is unavailable to handle that  
4 movement, what are you going to do?

5 A Well, I don't know because I don't know who I  
6 would call.

7 Q Have you ever made any inquiry as to movers  
8 actually located in Washington County that can provide the  
9 service within Washington County?

10 A No, I couldn't tell you one mover in Washington  
11 County. South Hills Movers, which I don't know if they  
12 move within Washington County, that's really the only  
13 movers that I know of.

14 Q How do you know of South Hills Movers?

15 A Well, their trucks are all over the place, and I  
16 had called them when we were going to move four years ago.

17 Q You don't have any reason to believe, do you,  
18 that the movers actually located in Washington County are  
19 anything but perfectly good movers that provide very  
20 satisfactory service; you don't have any reason to not  
21 believe that, do you?

22 MR. STEPHENSON: Objection as to the competence of  
23 the witness who said she doesn't know anything about...

24 JUDGE CORBETT: Excuse me. We are having trouble  
25 hearing you.

1 MR. STEPHENSON: I'm sorry. I object to the  
2 question. The witness has testified she has no personal  
3 knowledge as to other movers, so as it is phrased, the  
4 question, in effect, becomes an endorsement.

5 JUDGE CORBETT: Sustained.

6 MR. GRAY: That's all the questions I have.

7 JUDGE CORBETT: Any redirect?

8 MR. STEPHENSON: No, thank you.

9 JUDGE CORBETT: Thank you, Ms. Lison.

10 (Witness excused.)

11 MR. STEPHENSON: I will see if my next witness has  
12 arrived.

13 JUDGE CORBETT: We will take a short recess.

14 (Whereupon, a recess was taken.)

15 JUDGE CORBETT: Back on the record. It is now  
16 approximately five minutes after 3:00. We have waited for  
17 the arrival of the witness. Counsel has attempted to call  
18 to locate the witness. The last word was that the witness  
19 was on his way, but at this point he has not made it and we  
20 are not sure that this witness is going to appear today.

21 The parties have agreed that it would be best, since  
22 we don't have any further witnesses to take today, that we  
23 recess today and reconvene for two days of hearings  
24 preferably September 21 and 22 here in Pittsburgh. I will  
25 check those days with the scheduler in Harrisburg.

1 Is there anything else that the parties would like to  
2 place on the record before we adjourn?

3 MR. PILLAR: Just that our understanding, based on  
4 what we have discussed, is that we are scheduling it for  
5 two days for the purpose of hearing two witnesses from the  
6 applicant and then beginning the protestants' case, that we  
7 would be prepared to go forward on those days due to the  
8 fact that the applicant only has two other witnesses.

9 JUDGE CORBETT: Right.

10 MR. GRAY: The only other thing, Your Honor, that I  
11 would say is it's seems to me that it is definitely  
12 physically impossible to run through ten protestant  
13 witnesses in one day.

14 With your permission, perhaps John and I can sort of  
15 talk among ourselves and try to line up maybe five and  
16 five, since we are going to have two days, instead of  
17 having ten people sit here and only three of them get on,  
18 let's say. Maybe we could do a balancing act to try to use  
19 both days.

20 MR. STEPHENSON: I certainly have no objection to  
21 that.

22 JUDGE CORBETT: Maybe you could even coordinate with  
23 counsel for the applicant if need be about the witnesses,  
24 how much cross he might need to engage in, so you can  
25 determine how many witnesses you will need the first day

1 and how many witnesses you will need the second day.

2 MR. GRAY: Right.

3 JUDGE CORBETT: I think we should be able to handle  
4 that. I will talk the to the scheduler and see when we can  
5 book the two days of hearings. We are trying to get  
6 September 21 and 22, but we will see if that's available.

7 Anything else before we adjourn?

8 MR. STEPHENSON: No, sir.

9 JUDGE CORBETT: Thank you very much. The hearing is  
10 now in recess until the next hearing.

11 (Whereupon, at 3:10 p.m., the hearing was adjourned.)

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C E R T I F I C A T E

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

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BY: Danielle M. Scrimizzi  
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