

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES (Continued):

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

FORM 2

WITNESS INDEX

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>For the Applicant</u>				
Patricia J. Honeygosky (By Mr. Stephenson)	120	--	--	--
(By Mr. Pillar)	--	124	--	--
(By Mr. Gray)	--	137	--	--
Gina Lison (By Mr. Stephenson)	141	--	--	--
<u>For the Protestants</u>				
Joseph P. Gardner (By Mr. Pillar)	148	--	--	--
Patrick H. Sobotka (By Mr. Gray)	153	--	182	--
(By Mr. Stephenson)	--	175	--	--
Brian K. Debo (By Mr. Pillar)	190	--	--	--
(By Mr. Stephenson)	--	215	--	--
Charles W. Fife (By Mr. Gray)	219	--	249	--
(By Mr. Stephenson)	--	243	--	--
Fred Shawl (By Mr. Gray)	252	--	--	--
(By Mr. Stephenson)	--	274	--	--

EXHIBIT INDEX

<u>NUMBERS</u>	<u>FOR IDENTIFICATION IN EVIDENCE</u>	
<u>For the Applicant</u>		
✓ No. 5 (Survey, Debo)	139	147
<u>For Protestant Weleski</u>		
✓ No. 1 (Authority)	156	174
✓ No. 2 (Equipment & employee list)	167	174
<u>For Protestant Debo</u>		
✓ No. 1 (Authority)	194	215
✓ No. 2 (Equipment list)	198	215
✓ No. 3 (Yellow Pages, Beaver Valley)	201	215
<u>For Protestant Fife</u>		
✓ No. 1 (Authority)	225	243
<u>For Protestant Best</u>		
✓ No. 1 (Authority)	230	243
<u>For Protestant Vesely</u>		
✓ No. 1 (Authority)	256	274
<u>For Protestant Century III</u>		
✓ No. 1 (Authority)	256	274

Any reproduction of this transcript is prohibited without authorization by the certifying reporter.

P R O C E E D I N G S

10:00 a.m.

1
2
3 ADMINISTRATIVE LAW JUDGE JOHN CORBETT: We're on the
4 record at this time. This is the time and place scheduled
5 for further hearing on the application of Gardner Moving
6 Company. This application is docketed with the
7 Pennsylvania Public Utility Commission at No. A-00108945,
8 Folder 1, Amendment A.

9 I am Administrative Law Judge John Corbett and I have
10 been assigned to hear this case and to render an initial
11 decision. I note for the record the presence of counsel
12 for the applicant and counsel for the protestants.

13 We have had a previous hearing on this case on August
14 12 of last year and the case was postponed several times
15 due to various problems. We are now ready to proceed.

16 There are a few preliminary matters to take care of.
17 First of all, counsel and I had a conference yesterday
18 concerning use of the hearing time today and tomorrow.
19 There may have been a problem with counsel for the
20 applicant appearing tomorrow, due to a scheduling conflict
21 with Federal Court in Brooklyn. But, as I indicated
22 yesterday, we are planning on proceeding with hearings on
23 both days in order finish this case, if we possibly can.

24 The next item that was brought up yesterday concerned
25 a witness who counsel for the applicant plans on presenting

1 today. This witness was apparently not disclosed to
2 counsel for the protestants until yesterday.

3 At the conclusion of the hearing on August 12, I had
4 indicated on the record that we were recessing the hearing
5 at that time and that the applicant would be presenting two
6 witnesses for its case. As I understand, two witnesses are
7 going to be presented today, but one of those witnesses is
8 the witness that, as I indicated, was not disclosed to
9 counsel for the protestants until yesterday.

10 First of all, Mr. Stephenson, is there anything you'd
11 like to state for the record concerning the reason for the
12 non-disclosure until yesterday?

13 MR. STEPHENSON: Ms. Honeygosky who was here and a
14 person who was moved by Gamble Moving in, I believe,
15 October of 1999, after the previous hearing. We would not
16 have known of her existence, had reason to know of her
17 having testimony, in August.

18 I did not have an opportunity to know that she would
19 be available and would come and testify and what her
20 testimony would exactly be until Wednesday. That's not
21 true, Tuesday. I called counsel on Wednesday to advise him
22 I would be able to produce this witness.

23 Her testimony would be in the nature of her complaint
24 as to the handling of the furniture in the Debo move. To
25 the extent that that reflects on the relative fitness of

1 the Gardner Company versus the Debo Company, we will be
2 offering her for the limited purpose.

3 JUDGE CORBETT: As I understand, counsel objects to
4 the -- counsel for the protestants objects to the testimony
5 of this witness because of the lateness of notification.
6 Who wishes to go first?

7 MR. GRAY: I'll let Mr. Pillar go first. Mr. Debo's
8 his client.

9 MR. PILLAR: Your Honor, certainly, based on what we
10 discussed yesterday during our telephonic conference with
11 you, it is my recollection that Mr. Stephenson indicated
12 that he knew about this witness, actually, a couple of
13 weeks ago, but they were trying to verify what her
14 testimony would be.

15 Certainly if they knew they had a potential witness,
16 they should have notified us whether they knew what she was
17 going to say or not. We would have had more time to
18 adequately prepare to reply to whatever this person's
19 testimony may be.

20 I didn't know about this witness until some time
21 between 2:00 and 3:00 yesterday afternoon, and I just think
22 that's contrary to the rules.

23 Two witnesses that were contemplated to be called by
24 the applicant in the continued hearings, at the conclusion
25 at the last hearing, were the two witnesses that we had on

1 the witness list. This witness was never on the witness
2 list.

3 I don't know when they found out about this person
4 and how they found out about this person, but certainly we
5 should have had more notice of a potential witness than
6 between 2:00 and 3:00 yesterday afternoon.

7 I have another reason for objecting, but until you
8 rule on whether she can testify or not, I may have another
9 reason for objecting to her testimony as to relevance, but
10 I'll hold that off until you make the ruling.

11 JUDGE CORBETT: All right. Mr. Gray?

12 MR. GRAY: Your Honor, in addition to the reason
13 stated by Mr. Pillar, I think it was the clear
14 understanding of the parties, as evidenced by the
15 transcript of testimony at the last hearing, that the only
16 witnesses that the applicant was going to call was going to
17 be a Mr. Rose and a Madge Hamil.

18 I thought that was clearly set forth on the record,
19 and now they're bringing in another witness. I don't think
20 the agreement was they were going to be able to call any
21 two people they could find to testify. It was that they
22 were going to call Bob Rose and Madge Hamil because those
23 two persons had been scheduled to testify at the last
24 hearing and became unavailable, I believe, even on the day
25 of the hearing, perhaps.

1 It wasn't contemplated that they could just pick up
2 substitutes along the way. If those two people can't
3 testify, then I think the agreement was that that's the end
4 of it. John, do you remember what the transcript page was?

5 MR. PILLAR: Page 100 of the transcript, Your Honor.

6 JUDGE CORBETT: Okay. I'm looking at that page now
7 and I reviewed it several times this morning, and the
8 witnesses were not named on the transcript.

9 MR. PILLAR: That's true, Your Honor, but of course,
10 the witnesses' prepared statements had been offered into
11 evidence. Your ruling at the time they were offered in
12 evidence was that if those witnesses didn't appear, those
13 exhibits would be stricken.

14 You had conditionally admitted them, and it was
15 clearly contemplated that we would have only the witnesses
16 of which we had notice under the rules, adequate notice, in
17 order to prepare our case.

18 You know, this is a case where we certainly -- I
19 don't know what the nature of this witness' complaint may
20 be, but whatever it may be, certainly we didn't have
21 adequate notice to consider it.

22 JUDGE CORBETT: Mr. Stephenson, would you care to
23 reply?

24 MR. STEPHENSON: To be fair, in reading page 100, it
25 notes two witnesses. I will be the first person to say

1 that Ms. Honeygosky was not one of the two people
2 contemplated at the time, if only because the incidents to
3 which she would testify occurred after that date. It would
4 be silly for me to suggest otherwise.

5 However, the burden on the parties is minimal. My
6 understanding is that Mr. Debo is here and available today
7 and will be testifying. Her testimony is fairly straight
8 forward and I don't think it would be surprising, in the
9 context of moving companies, to have a complaint about
10 damaged furniture.

11 I don't know all that much preparation would ever be
12 required, and there are a number of witnesses that
13 apparently will be testifying before Mr. Debo does. While
14 I recognize that the notice is short, the testimony is
15 awfully simple.

16 I notice that Ms. Honeygosky has brought with her
17 some moving papers that I was not going to use as an
18 exhibit. If she's permitted to testify, we will turn them
19 over immediately to counsel. Mr. Debo can certainly check
20 to see if there's anything among his own records and deal
21 with it that way.

22 It certainly will not protract the hearing in any
23 regard. I imagine her testimony will be certainly not
24 longer than Ms. Lison's which was in itself very short.

25 JUDGE CORBETT: The other witness you're going to

1 have testify today was one of the witnesses that was
2 contemplated at the last hearing?

3 MR. STEPHENSON: We have Gina Lison for a very short
4 inquiry that relates to her previous testimony. I don't
5 think she'll be more than five minutes.

6 We have Ms. Honeygosky; we have Madge Hamil. We have
7 been informed that she's delayed getting here today. I
8 don't know how Your Honor wants to treat that. She has
9 been called away on personal business and is going to
10 proceed as quickly as she can to the hearing. We're told
11 she cannot be here by ten. We would ask to take her out of
12 turn in the available space.

13 JUDGE CORBETT: The failure to notify an opposing
14 party in a motor carrier application of a potential witness
15 or a witness that's expected to be called is certainly a
16 matter that all parties should take seriously, and I
17 certainly do.

18 It's a matter of balancing interests here, whether
19 the applicant should be permitted to present witnesses in
20 support of his application. However, the due process
21 rights of the protestants should be protected.

22 I think one way of balancing those interests is to
23 allow the witness to testify contingent upon counsel for
24 the protestants notifying me within ten days of the date,
25 today's date, whether any further cross examination will be

1 necessary based upon any further discovery that they have
2 conducted after the hearing.

3 We'll allow -- so that I'm clear on this matter,
4 we'll allow the witness to testify and be cross examined by
5 counsel for the protestants to the extent that they can do
6 so today.

7 The entire testimony of this witness will be
8 contingent upon her availability at another hearing if
9 counsel for the protestants informs me within ten days of
10 today that a further hearing is necessary based upon their
11 discovery of information that they believe necessary to
12 protect the interests of their clients relative to this
13 witness. That notification to me should be in writing
14 within ten days of today.

15 Any questions concerning the ruling?

16 MR. STEPHENSON: No, sir. Thank you, sir.

17 JUDGE CORBETT: All right. If for any reason -- for
18 further clarification, if for any reason the witness is not
19 available or counsel for protestants indicates to me that
20 they need a further hearing to cross examine this witness
21 and the witness is unavailable at the hearing for any
22 reason whatsoever, or the hearing does not go forward, then
23 the testimony of that witness will be stricken.

24 That's how we'll handle the matter. Anything
25 further, any other preliminary matters we need to address?

1 (No response.)

2 Okay, then, Mr. Stephenson, you can call your next
3 witness.

4 MR. STEPHENSON: Where do you want the witness?

5 JUDGE CORBETT: Up there, please.

6 Would you raise your right hand and be sworn.

7 Whereupon,

8 PATRICIA J. HONEYGOSKY ✓

9 having been duly sworn, testified as follows:

10 JUDGE CORBETT: Please have a seat and would you
11 begin, please, by giving us your full name and spell your
12 last name for the court reporter, please.

13 THE WITNESS: Patricia J. Honeygosky, that's spelled
14 H-o-n-e-y-g-o-s-k-y.

15 MR. PILLAR: Your Honor, before the witness proceeds,
16 could I have an offer of proof.

17 JUDGE CORBETT: Yes. Mr. Stephenson?

18 MR. STEPHENSON: If Your Honor please, Ms. Honeygosky
19 will explain that in 1997, she was moved from point to
20 point by Gardner Moving, and at the time, she received
21 excellent service and her furniture was treated well. She
22 has since recommended Gardner Moving as a high quality
23 household goods mover.

24 She will testify that in October of 1999, she was
25 moved by Debo Moving, that, in the course of that move, a

1 number of articles of her furniture were damaged; among
2 them a file cabinet was damaged, a piece of Henredon
3 furniture had scratches placed upon it, and she was
4 genuinely dissatisfied with the move and will not recommend
5 Debo Moving. That will be the offer of testimony.

6 MR. PILLAR: Your Honor, it's my understanding that
7 the, if I'm correct in my understanding, the witness was
8 moved by Debo to a point in Allegheny County, which I
9 believe is the case. Then the witness now lives in
10 Allegheny County. She wouldn't have any need for service
11 from any carrier other than Gardner because Gardner now has
12 authority statewide from Allegheny County.

13 So, the witness wouldn't have any testimony to offer
14 as to need or demand for Gardner's service because she
15 resides now in Allegheny County. Any future moves she
16 would make would be within Gardner's territory.

17 Therefore, any testimony she would offer would be
18 limited only to the complaint she has about Debo, which has
19 nothing to do with the question of need or demand for
20 service or service in the future and, therefore, in my view
21 would not be relevant to the issue of need or demand in
22 this case. That's why I object.

23 JUDGE CORBETT: Mr. Stephenson?

24 MR. GRAY: I join in Mr. Pillar's objection.

25 JUDGE CORBETT: All right. Mr. Stephenson?

1 MR. STEPHENSON: One of the questions in need and
2 demand is the fitness of the service provider and if the
3 public's need for moving is being met in terms of the
4 quality of service that the public expects to receive when
5 they request a person to move.

6 This person is offered to testify and evidence that,
7 at least in her experience, Debo was not able to provide
8 the quality of service she, as a member of the public,
9 expected. Therefore, her needs were not met.

10 MR. PILLAR: Her needs can be met now by Gardner
11 statewide, anywhere in Pennsylvania she wants to move to,
12 and, therefore, any testimony she offers is irrelevant to
13 the issue of need and demand, because Gardner can now
14 provide that service. If she wants to use Gardner and no
15 other carrier, she has the privilege and right.

16 MR. STEPHENSON: My response is simple. If counsel
17 is going to take the position that they have no intention
18 of attempting to evidence during Debo's presentation, that
19 they provide high quality service, then I think he has a
20 pretty good argument.

21 I don't expect that, frankly. I expect Mr. Debo to
22 testify that he tries to run a high quality operation. So
23 really it's quite simple. When those two factual
24 statements are joined, it becomes relevant.

25 One of the questions that the Commission needs to

1 know is that when it grants someone authority to operate,
2 that they will provide high quality service that meets the
3 public's demand, in this case, that it's furniture being
4 well treated.

5 JUDGE CORBETT: Now you're moving it to rebuttal
6 testimony. As I understand the offer on this witness, the
7 witness is going to testify as to a move within Allegheny
8 County, or from Allegheny County to a point...

9 MR. STEPHENSON: It ended in Allegheny County.

10 MR. PILLAR: The Debo move ended in Allegheny County,
11 so she now resides in Allegheny County. So, if she's going
12 to be moving again, if ever, Gardner is now available to
13 her and she has no present or future need.

14 So, any testimony she offers as to whatever
15 inadequacies she may find regarding Debo's service is
16 irrelevant in that she now has Gardner service and if she
17 prefers Gardner, she has that carrier available.

18 JUDGE CORBETT: Where was the origination point for
19 the Debo move that she's complaining about, and where was
20 the termination?

21 MR. STEPHENSON: May I just -- could the witness just
22 give the exact address? I don't have it in memory, I don't
23 want to guess.

24 JUDGE CORBETT: All right.

25 MR. STEPHENSON: Just for the offer.

1 JUDGE CORBETT: This is concerning the offer. Can
2 you tell us, ma'am, where was the move originate with Debo
3 Moving?

4 THE WITNESS: Chippewa Township in Beaver County, 161
5 Walnut Ridge Drive.

6 JUDGE CORBETT: And where did it end?

7 THE WITNESS: It ended in Kennedy Township, 1546
8 Meerscham Lane. Mailing address is Coraopolis, but it's
9 in Kennedy Township.

10 JUDGE CORBETT: Allegheny County?

11 THE WITNESS: Allegheny County.

12 JUDGE CORBETT: And your offer, Mr. Stephenson, is
13 not for need but for quality of service; is that it?

14 MR. STEPHENSON: Well, let's look at it. At the time
15 of the move, Gardner Moving could not take the transport
16 from Butler to Allegheny, so we are speaking of need as of
17 the time frame as of October of 1999, which is just six
18 months ago. We are also discussing the quality of service,
19 so I guess it's both.

20 MR. PILLAR: She doesn't have a present or future
21 need because she now resides in Allegheny County. If she's
22 going to move again, Gardner's now available to her, so
23 testimony regarding the move from Beaver County has no
24 bearing on need or demand, present or future need or
25 demand, of the service.

1 JUDGE CORBETT: The objection is overruled.

2 Mr. Stephenson, you may proceed.

3 DIRECT EXAMINATION

4 BY MR. STEPHENSON:

5 Q Ma'am, I'm going to ask you a series of
6 questions now. It would be helpful if you spoke towards
7 the court reporter, and if you can speak in a louder voice,
8 that would be good.

9 A Okay.

10 Q Ma'am, where do you presently live?

11 A My address is 1546 Meerschaum Lane, Coraopolis,
12 PA, it's in Kennedy Township in Allegheny County.

13 Q Now direct your attention to the time frame of
14 1997. During that time, did you have occasion to move?

15 A Yes, I did.

16 Q Can you tell me where your move began and where
17 it ended?

18 A It began in Green Tree, 125 Sheldon Avenue in
19 Allegheny County, and I moved to Chippewa Township in
20 Beaver County.

21 Q Was this a move of your residence and your
22 household goods?

23 A Correct.

24 Q Who was your moving company?

25 A It was Gardner.

1 Q And, is that Gardner Moving versus Gardner
2 International?

3 A Yes.

4 Q And what did you have moved at the time?

5 A My entire household, furniture.

6 Q How did that move go?

7 A Very good.

8 Q How was the quality of service?

9 A Very good.

10 Q Was anything damaged?

11 A No.

12 Q Did you carefully inspect the property after it
13 arrived?

14 A Absolutely.

15 Q Did you find any damage at all?

16 A No.

17 Q Since then, have you had occasion to recommend
18 Gardner Moving to anyone else?

19 A Yes, I have.

20 Q In October of 1999, did you have occasion to
21 move again?

22 A Yes, I did.

23 Q Did you make any attempt to contact Gardner at
24 that time?

25 A Yes, I did.

1 Q What did they tell you?

2 A That they weren't allowed to move me. I
3 questioned why, and they said that they didn't have a
4 license. I said, "But, you moved me from Allegheny to
5 Beaver." They said they weren't allowed to go into Beaver
6 to move me to Allegheny.

7 Q What was your reaction to that?

8 A I was disappointed.

9 Q What, if anything, did you do after Gardner
10 Moving told you that?

11 A Well, I had to contact somebody local.

12 Q Did you do that?

13 A I did.

14 Q Who did you contact?

15 A Debo, Mayflower.

16 Q And did you hire Debo to perform the move?

17 A Yes, I did.

18 Q You were moving from what location to what
19 location?

20 A From Chippewa to Kennedy Township.

21 Q And is Kennedy Township in Allegheny County?

22 A It's in Allegheny County.

23 Q What did you move at that time?

24 A I moved my household, but it was much less
25 furniture because we downsized since my husband died. We

1 had a large home that we built in Chippewa and I downsized
2 a lot in order to move into a condo.

3 Q Was there anything that happened with regard to
4 your furniture?

5 A Yes.

6 Q What happened?

7 A There were four things, and I had written this
8 on a survey that they had sent to me. I didn't do
9 anything, I just wrote what had happened.

10 Q Why don't you tell us what you wrote?

11 A I wrote that the top of a piece of furniture was
12 broken off. I had a friend fix that for me. I had a file
13 cabinet that was dented that I didn't notice until after
14 the move. I had a piece of Henredon furniture, the legs,
15 an armoire, that had about six scratches on it that
16 probably, in my opinion, had happened on the truck.

17 I had another piece of furniture that the base was
18 broken off, a clean break. Two of these things the movers
19 came to me and showed me that they broke this.

20 Q Did you tell Debo anything about whether or not
21 you were satisfied with their service?

22 A Yes, I did.

23 Q What did you tell them?

24 A The survey that I filled out for them, they
25 probably have. I do not have a copy of that, but I did say

1 that the three men, in my opinion, were very mannerly,
2 dressed nice, the trucks were clean, etc. Where I had to
3 give a good opinion, I did.

4 I felt, though, that the three men were young and
5 were not as experienced as Gardner movers because of the
6 way they handled the furniture, and so on, that I had to
7 talk to them about it. They asked on the survey if I would
8 recommend them or if I would move with them again, and I
9 said no.

10 MR. STEPHENSON: No further questions.

11 JUDGE CORBETT: Mr. Pillar:

12 CROSS EXAMINATION

13 BY MR. PILLAR:

14 Q Mrs. Honeygosky, my name is John Pillar. I
15 represent Debo in this case. Let me ask you first, Mrs.
16 Honeygosky, how your testimony came to be known to Gardner
17 and Mr. Stephenson; how did you inform them of what you are
18 testifying about here today?

19 A Through my son.

20 Q And, who is your son?

21 A Michael Honeygosky.

22 Q And, how did he get involved?

23 A He was moved, by my recommendation, by Gardner.
24 He moved and he helped me move, also. He knew of what had
25 happened and he mentioned it to them when they moved him.

1 Q And, when did that take place?

2 A He moved probably the end of November of 1999.

3 Q So, your son advised Mr. Gardner of this in
4 November of 1999, of your incident with Debo?

5 MR. STEPHENSON: Objection, unless the witness knows
6 personally.

7 THE WITNESS: I don't know when he did that. I
8 wouldn't have any idea what he told them.

9 BY MR. PILLAR:

10 Q So, he moved in November of 1999?

11 A Yes.

12 Q Do you know when he told Mr. Gardner about this
13 incident?

14 A No, I do not.

15 Q Did he see Mr. Gardner any time after November
16 of 1999?

17 A That, I do not know.

18 Q Would he have any occasion to see Mr. Gardner at
19 any time after November of 1999?

20 A I don't know that.

21 Q Is he a personal friend of Mr. Gardner's?

22 A Not to my knowledge.

23 Q Are they social friends or acquaintances?

24 A Not to my knowledge.

25 Q Is it likely, then, that he told him about this

1 in November of 1999, when he moved?

2 MR. STEPHENSON: Objection, calls for speculation.

3 THE WITNESS: I cannot speak for that.

4 JUDGE CORBETT: I'll sustain the objection.

5 BY MR. PILLAR:

6 Q So, you have no knowledge of when he told him?

7 A No, I do not.

8 Q When were you contacted to testify about this
9 case?

10 A Tuesday.

11 Q And who contacted you?

12 A Mark, Mr. Stephenson.

13 Q Did you ever talk to Mr. Gardner about this?

14 A No.

15 Q Did you ever talk to the Gardner Moving people
16 about this incident involving Debo?

17 A No.

18 Q You were called on Tuesday by Mr. Stephenson?

19 A Yes.

20 Q What did he tell you?

21 A He said that there was going to be a hearing,
22 and would I be able to attend.

23 Q Did he indicate to you that he knew you had
24 testimony that would be adverse to Debo?

25 A Through my son.

1 Q He told you that?

2 A No, but I knew that Mike had said something to
3 them.

4 Q How did you know that?

5 A Because Mike had told me that.

6 Q And, when did Mike tell you that?

7 A I don't know. It was after his move some time,
8 I would assume.

9 Q So, Mike told you back at that time that he had
10 told Gardner about this?

11 MR. STEPHENSON: Objection. That was not the
12 witness' testimony.

13 JUDGE CORBETT: Sustained.

14 BY MR. PILLAR:

15 Q When did Michael tell you; Michael's your son?

16 A Yes, stepson.

17 Q When did he tell you that he had a conversation
18 with Gardner?

19 A As to exactly when, I can't testify to that,
20 exactly. All I know is he moved the end of November.

21 Q But, it was some time ago, months ago?

22 A I have no idea.

23 Q I think you just said it was some time after the
24 move; isn't that what you said?

25 A After the move -- what did I say?

1 Q Well, you said some time after November.

2 A That I did what?

3 Q That Michael told Gardner about this move.

4 A I'm assuming that. I don't know that. I can't
5 testify to that. I don't know when he told him.

6 Q Okay. So, on Tuesday, Mr. Stephenson called you
7 up and asked if you'd come and testify?

8 A Correct.

9 Q Do you live in this condominium now in, where
10 did you say, Kennedy Township?

11 A My mailing address is Coraopolis, PA, but it's
12 located in Kennedy Township.

13 Q And, you're a widow; is that correct?

14 A Correct.

15 Q In connection with the move that was made, I
16 think you said there were four items that were damaged.
17 What was the content of the move that was made by Debo from
18 Chippewa to your present address; what did they move, the
19 entire house?

20 A At that time in that house, I would say it was
21 probably a fourth of the furniture that we had moved down
22 there. That was a ten-room house and I moved -- we had
23 already downsized. I had two bedroom sets, living room,
24 dining room.

25 Q So they moved an entire living room?

1 A Yes.

2 Q How many pieces of furniture?

3 A Sofa and love seat and a couple of chairs.

4 Q Tables?

5 A I moved all my tables myself. I moved all the
6 glassware myself, as I did when I moved to Green Tree, from
7 Green Tree, excuse me, and I moved all my dishes and there
8 really no boxes. I moved all my lamps myself.

9 Q So, when you moved to Chippewa and Gardner did
10 the move, you did the same thing?

11 A Basically, all my glass shelving, my valuables,
12 my china, I moved myself, my lamps.

13 Q And, Gardner just moved the heavy furniture?

14 A Correct.

15 Q The same thing happened on the way back; Debo
16 just moved the heavy furniture?

17 A Correct, what was left of it.

18 Q So they moved several pieces of living room
19 furniture. What about a dining room; did they move any
20 dining room furniture?

21 A Yes, they did.

22 Q What did they move from the dining room?

23 A Table, four chairs, and a server and a
24 breakfront.

25 Q What did they move from the bedrooms?

1 A Two bedroom sets.

2 Q What did that consist of?

3 A Two beds, dressers, a dresser in each, an
4 armoire in one and a chest of drawers in the other and one
5 night stand each.

6 Q Anything else?

7 A That's it.

8 Q Do you remember what the approximate weight was
9 of the shipment?

10 A The weight?

11 Q The weight.

12 A You mean to weigh all my furniture?

13 Q Yes. Do you have any idea what the weight was
14 of all the items?

15 A Would that be on their paper?

16 Q I don't know. I'm asking you.

17 A I wouldn't know how much my furniture weighed.

18 Q Did it require one truck?

19 A One truck, three movers.

20 Q Three men?

21 A Yes.

22 Q Now, did Debo first come and give you an
23 estimate?

24 A Yes, they did.

25 Q Was the move made within the estimate?

1 A Yes, it was, less time.

2 Q It was actually lower than the estimate?

3 A Yes.

4 Q When you signed the contract to provide the
5 move, did you agree to move it at a released rate; that is
6 at 30 cents a pound?

7 A A released rate?

8 Q Do you remember signing, when you signed a bill
9 of lading with a contract, that you agreed if there was any
10 damage, that you would recover 30 cents per pound for
11 damaged items?

12 A Probably I signed that.

13 Q Actually there were several pieces of paper that
14 you would have signed that said that, so that when you
15 found these items that were damaged, you didn't make a
16 claim against Debo?

17 A No, and I told them I wasn't.

18 Q Now the -- and when you signed that contract,
19 Mrs. Honeygosky, you understood that when you signed it for
20 a rate of 30 cents a pound, you were getting a lower rate
21 to move your furniture than you would have if you had moved
22 it at full value; did you understand that?

23 A I don't recall that I did understand that. If I
24 had the lower rate, and I'm not sure that I did -- if
25 you're saying I did, then I guess I did. I don't know.

1 Q Now, you said that the drivers or the men who
2 were doing the move for Debo, they informed you that the
3 top of the piece of one furniture had been damaged?

4 A Yes.

5 Q They informed you of that?

6 A Yes, they did.

7 Q They also informed you about the base was broken
8 off. What was it broken off of, what piece of furniture?

9 A It was a big vase.

10 Q It was broken off a piece of vase?

11 A The bottom part.

12 Q A ceramic vase?

13 A Yes.

14 Q So, the bottom of the vase was broken off and
15 the top of the piece of furniture. What was the piece of
16 furniture the top was broken off of?

17 A It was about a five-foot topiary, like a plant,
18 and the vase was about this tall, about like maybe two
19 feet, and the bottom was cleanly broken off.

20 Q But, the other piece that the top was broken off
21 of, what kind of furniture was that?

22 A That was a topiary. That's like a plant.

23 Q A plant?

24 A Uh-huh.

25 Q And the top of this plant was broken off?

1 A No, the base was broken cleanly and broken off.

2 Q I'm sorry, I'm not...

3 A It's like an urn. You know what an urn is?

4 With a base -- the base was cleanly broken off.

5 Q All right. There was another piece of
6 furniture, though, that you said that the top was broken.

7 A The top.

8 Q What was that piece of furniture?

9 A That was, I guess you would call it a curio.

10 Q And, did Debo offer to come back and replace and
11 repair that?

12 A No.

13 Q Nobody came back and offered?

14 A No.

15 Q Are you positive of that?

16 A I'm positive of that. I was surprised that I
17 was not -- to further clarify that, I did not even receive
18 a reply to the papers that they gave me to analyze the
19 move. Not that I -- and I stated on there that I didn't
20 intend to do anything.

21 Q You stated on the piece of paper that you didn't
22 want Debo to do anything about the repairs?

23 A That I wasn't going to make a claim because I
24 would probably have to go through my homeowners first, and
25 I had this repaired by a friend.

FORM 2

1 Q Now the file cabinet, when did you find out that
2 that was dented?

3 A Probably a week, maybe ten days afterwards.

4 Q And the legs that were scratched, when did you
5 find out about that?

6 A Probably two days afterwards.

7 Q You're not certain that either one of those two
8 items were damaged by Debo, though?

9 A I am certain to the point that I know that my
10 armoire did not have those scratches on it when I moved,
11 before I moved, and the dent in the metal file cabinet was
12 not there.

13 Q And, did you have the same person repair the
14 scratches in the leg that you had...

15 A They're not repaired.

16 Q They're not repaired?

17 A No.

18 Q Now, when you filled out the evaluation form
19 from Debo -- you did fill out an evaluation form?

20 A I did.

21 Q And do you recall what you gave, what kind of
22 ratings and marks that you gave Debo in terms of the
23 professionalism of the move; did you give them very high
24 marks?

25 A I would think so, high to average. So far as

1 the professionalism, the way they were dressed, the
2 condition of the truck, the manners of the three men, they
3 were...

4 Q Do you have a copy of what you filled out?

5 A No, I do not. I always make copies. I did not
6 make a copy of that.

7 MR. PILLAR: I just happen to have one. May I
8 approach the witness?

9 JUDGE CORBETT: Yes.

10 BY MR. PILLAR:

11 Q I want to show you what I think is the form you
12 filled out. Is that your signature?

13 A Absolutely.

14 Q And so, this form was received by you after the
15 move was made?

16 A I think it was. I don't think I got it the day
17 of the move.

18 Q So, it was either the day of the move or later?

19 A Correct.

20 Q But, it was after the move was completed?

21 A Correct.

22 Q And it asks you to rate them. Five is
23 excellent, one is poor, and five, four, three, two, one on
24 various categories?

25 A Correct.

1 Q Now, on the professional attitude of the crew,
2 you rated them what?

3 A Five; I told you that.

4 Q Appearance of the crew?

5 A Five; I told you that.

6 Q Job performance, careful handling of belongings,
7 what did you rate them?

8 A Four to three, average.

9 Q So, you rated them average to above average?

10 A Yes.

11 Q For truck equipment, overall appearance, what
12 did you rate them?

13 A Five, and I told you that.

14 Q Office personnel, courteous and helpful with
15 information; what did you rate them?

16 A Five; I had no problem with that.

17 Q Overall job satisfaction, what number did you
18 circle?

19 A Four to three.

20 Q You circled the four?

21 A But, I have the arrow to the three.

22 Q Okay, and then on the question, would you move
23 with the company again, you answered that as no, correct?

24 A Correct, and I told you that.

25 Q And, your additional comments are that the three

1 men were very professional, and you do mention the things
2 that were damaged.

3 A But -- yes.

4 Q And then the comments at the bottom deal with
5 the testimony you had just given, about using Gardner two
6 and a half years ago and nothing was damaged.

7 A Correct.

8 Q You put that on the form as well?

9 A Yes, and I put how they moved my dressers with
10 everything in it, all the weight in it, and I questioned
11 that. I thought the legs were going to break off at one
12 point. It says here that the legs could snap. That's what
13 I told them.

14 Q Is that what happened, one of the legs snapped?

15 A No, but it could have.

16 Q That didn't happen?

17 A When I screamed, they took the weight off the
18 two legs.

19 Q So nothing was damaged on that end?

20 A No.

21 MR. PILLAR: Those are all the questions I have.

22 JUDGE CORBETT: Mr. Gray?

23 CROSS EXAMINATION

24 BY MR. GRAY:

25 Q Good morning, ma'am. I just have a couple

1 questions on the situation with your son, Michael. When
2 did you last talk to Michael about your testifying here
3 today?

4 A Not at all.

5 Q You've never talked to him?

6 A I talked with him Monday or Tuesday evening
7 about another matter, but I didn't say anything. I don't
8 know whether it was Monday night or Tuesday night. If it
9 was Monday, I wouldn't have known.

10 Q So Michael never, then, spoke to you about this
11 hearing?

12 A No.

13 Q Am I clear, then, that you had no discussions
14 with anyone prior to your discussion with Mr. Stephenson
15 about this hearing?

16 A About this hearing? No.

17 Q No, I'm not correct, or no, you didn't have any
18 discussion?

19 A No, I didn't have any discussion with anyone but
20 him to come here today.

21 Q So you just got a call out of the blue from Mr.
22 Stephenson on Tuesday of this week?

23 A Correct.

24 MR. GRAY: That's all. Thank you.

25 JUDGE CORBETT: Anything else, Mr. Stephenson?

1 MR. STEPHENSON: Just one last thing. May we have
2 that survey marked as Applicant's Exhibit, I think it's
3 Number 3?

4 JUDGE CORBETT: Applicant's exhibits, we're up to 4.
5 This is Number 5.

6 MR. PILLAR: I don't have copies made and I certainly
7 didn't intend to offer it as an exhibit, but I have no
8 objection to it being marked as an exhibit.

9 JUDGE CORBETT: Okay, we'll have it marked and we'll
10 take care of making copies during the intermission.

11 (Whereupon, the document was marked
12 as Applicant's Exhibit No. 5 for
13 identification.)

14 MR. STEPHENSON: I have no questions.

15 JUDGE CORBETT: Thank you, Ms. Honeygosky, for coming
16 in.

17 (Witness excused.)

18 MR. STEPHENSON: May she be excused if no one has any
19 objections, Your Honor?

20 JUDGE CORBETT: Do you have any objections to
21 excusing the witness?

22 MR. PILLAR: I have no objection to excusing her, but
23 I do reserve the right to recall.

24 JUDGE CORBETT: All right.

25 MR. STEPHENSON: Well, considering Your Honor gave

1 that ruling earlier...

2 JUDGE CORBETT: We won't need her any further today.
3 Thank you, Mrs. Honeygosky.

4 Mr. Stephenson?

5 MR. STEPHENSON: May I have just a moment? We're
6 arranging Mrs. Honeygosky's transportation home. Just a
7 minute or two delay.

8 JUDGE CORBETT: All right. We'll take a very short
9 recess.

10 (Recess.)

11 JUDGE CORBETT: Mr. Stephenson, your next witness?

12 MR. STEPHENSON: Your Honor, may we please recall
13 Gina Lison to the stand?

14 JUDGE CORBETT: Ms. Lison, I believe you testified at
15 the last hearing and you are still under oath. All right?
16 Whereupon,

17 GINA LISON

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

20 JUDGE CORBETT: Would you again give your name to the
21 court reporter, please?

22 THE WITNESS: Gina Lison.

23 JUDGE CORBETT: Would you spell your last name?

24 THE WITNESS: L-i-s-o-n.

25 JUDGE CORBETT: Mr. Stephenson.

1 MR. STEPHENSON: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MR. STEPHENSON:

4 Q Ma'am, since the date of your testimony, which
5 was August 12, 1999, have you been contacted by a
6 representative of Anderson Moving?

7 A Yes, I have.

8 Q Could you tell us how that contact occurred?

9 A I got a phone call about two weeks after the
10 hearing, and they said to me, they said -- I said, "Hello."
11 They said, "Gina?" I said, "Yes." I thought I knew the
12 person.

13 They said we're calling from Anderson Movers. "We
14 hear you're looking for a mover." I said, "No, I don't
15 think so because I, you know -- we just moved here four
16 years ago." And he said "Oh, you're not?" I said, "No."

17 He said, "Well, are you looking to move in the near
18 future?" I said, "No, we might be moving a room or two
19 here or there because of our basement."

20 He said, "I wanted to let you know that we now have,
21 we don't have the four- hour minimum. We have a flat
22 rate." He went into this big spiel about how they no
23 longer, if you want to move one room, you don't have to pay
24 the four hours.

25 It finally hit me after all this. I just said, "I'm

1 not interested," and that was it.

2 Q What hit you?

3 A It hit me that it was funny that it was just two
4 weeks after we had this hearing. I brought up how I was
5 thinking, you know, I would like to use Gardner Movers in
6 the future when we finish our basement because I have
7 furniture there that we need to move.

8 Q And prior to your testimony, was it your
9 understanding that Anderson did not offer a flat rate move,
10 or a less than four-hour move?

11 A Right.

12 Q Was it your understanding they were offering you
13 a change in the way they would charge you for a move of
14 furniture?

15 A Right. They would move one room. They would
16 move anything, Ut didn't have to be a four-hour -- they
17 wouldn't charge you a four-hour minimum.

18 MR. STEPHENSON: No further questions.

19 JUDGE CORBETT: Mr. Pillar?

20 MR. PILLAR: I have no questions.

21 JUDGE CORBETT: Mr. Gray?

22 MR. GRAY: No questions.

23 JUDGE CORBETT: Ms. Lison, you're excused. Thank you
24 very much for coming in.

25 (Witness excused.)

1 Anything further, Mr. Stephenson?

2 MR. STEPHENSON: I have Madge Hamil, who we have
3 learned through various communication, has been delayed.
4 We would ask leave to call her, since we're going to be
5 here for the rest of the day, out of turn. Otherwise,
6 applicant would rest.

7 JUDGE CORBETT: All right. Any objections to calling
8 Ms. Hamil out of turn?

9 MR. GRAY: Yes, Your Honor. I think the applicant
10 needs to rest before the protestants can be required to go
11 forward. I mean, some of her testimony may relate to
12 something that the protestants' witnesses will testify to
13 or would need to testify to.

14 In the ordinary process, the applicant finishes and
15 then the protestants go forward and have the opportunity to
16 address anything the applicant and the applicant's
17 witnesses have testified to.

18 I don't think it's fair to leave dangling a witness
19 who may be saying something that needs to be addressed by a
20 witness who's completed his or her testimony.

21 MR. PILLAR: I just want to add, Your Honor, even if
22 you make a ruling that's similar to the ruling you made as
23 to Ms. Honeygosky, it puts the protestants in an unenviable
24 position of having to recall their witnesses.

25 If they testify today and then Madge Hamil comes in

1 at the end of the day or tomorrow and gives testimony of a
2 similar nature that Ms. Honeygosky gave, then a protestant
3 who has already testified has to go back and review his
4 records and then maybe come back and testify again.

5 I mean, this case has got a history to it already and
6 it just seems to me the applicant has to be prepared to go
7 forth, and if they're not, that's not our problem.

8 JUDGE CORBETT: When will Ms. Hamil be here?

9 MR. STEPHENSON: We're told we anticipate in the
10 range of 2:00. One of the questions, since we do not have
11 all protestants here, Ms. Hamil's testimony goes to the
12 area of Butler County. I am not -- it's not clear to me
13 that we don't already have protestant witnesses to fill the
14 time between now and then, who have no relationship to
15 Butler County. I'm not sure who's in the room, is why I
16 arranged that.

17 MR. GRAY: Your Honor, we don't know that that's all
18 the testimony is going to relate to. I might also say that
19 Ms. Hamil was supposed to be here at the last hearing. She
20 was a listed witness. We waited much of the day for her to
21 come to that hearing.

22 MR. STEPHENSON: Since we raised the question,
23 Mr. Rose was ordered by his employer not to leave his
24 employment that day and come. We weren't able to obtain
25 him. He has since changed employment and left the area.

1 MR. GRAY: I'm not talking about Mr. Rose. We're
2 talking about Ms. Hamil. Ms. Hamil was on the witness
3 list, was supposed to be a witness, didn't come that day
4 and now they knew we were going to start our testimony this
5 morning. We talked about that yesterday in our conference
6 with you, Your Honor.

7 JUDGE CORBETT: Well, it's now 11:00, going on to
8 11:00, and Ms. Hamil has until 2:00 this afternoon to be
9 here. We're going to take her out of turn.

10 It is again -- you're right, this case does have a
11 history for whatever reason. The preferred procedure would
12 be to have the applicant close its case cleanly with all
13 the witnesses it's going to present.

14 We're talking about one witness who's going to be
15 called out of turn. So we're going to allow Ms. Hamil to
16 testify at 2:00. If she's not here by 2:00, then she's not
17 going to testify. We're not going to put off any further
18 wrapping this case up.

19 It may inconvenience one or two witnesses for the
20 protestants. I'm taking that into consideration. The
21 protestants have already been inconvenienced greatly by the
22 number of postponements that have been granted in this
23 case. I understand that, but two hours, I think, to wait
24 for the witness to appear is not going to be that great.

25 I'm going to grant the applicant's request to call

1 the witness out of turn and we'll proceed from this point.
2 If the witness isn't here by 2:00, she's not going to
3 testify.

4 MR. STEPHENSON: Very well, thank you, sir.

5 JUDGE CORBETT: All right.

6 MR. GRAY: Your Honor, could Mr. Pillar and I have
7 just a one-minute discussion in place to decide the order
8 of witnesses?

9 JUDGE CORBETT: Sure.

10 MR. GRAY: Your Honor, may I -- just to make sure I
11 understood, with the exception of the testimony of Madge
12 Hamil, if she makes it, the applicant rests?

13 MR. STEPHENSON: Let me just, for the record, subject
14 to Your Honor's ruling with regard to Madge Hamil, the
15 applicant moves its exhibits into evidence and rests.

16 MR. PILLAR: And, I would then respectfully request
17 that you strike the exhibit relating to Mr. Rose, which I
18 believe was marked for identification, --

19 MR. STEPHENSON: No objection.

20 MR. PILLAR: -- because he was not here.

21 JUDGE CORBETT: Let's check on that. It doesn't
22 appear on the transcript.

23 MR. STEPHENSON: It's not listed as an exhibit. It
24 was in support of the application itself.

25 MR. PILLAR: I believe it was part of the exhibits.

1 MR. STEPHENSON: Yes. I attached the application, as
2 filed, as an exhibit, so then, counsel, we would move to
3 withdraw that. Just to make it easy. He did not testify.
4 It would be hearsay at this point.

5 MR. PILLAR: And I think there was another statement
6 also, not just Mr. Rose, but wasn't there another one?

7 MR. GRAY: Yes, Mr. Grimm.

8 MR. PILLAR: Mr. Grimm's statement, we would move to
9 strike that.

10 MR. STEPHENSON: No objection.

11 MR. GREY: And Ms. Hamil's, subject to whether she
12 appears.

13 JUDGE CORBETT: So that the record is clear, Exhibits
14 1 through 5, Applicant's Exhibits 1 through 5 are admitted
15 into the record. The attached testimony of Mr. Rose and
16 Mr. Grimm to the application, that was attached to the
17 application, that is struck. I believe that was
18 Applicant's Exhibit No. 2.

19 (Whereupon, the document marked as
20 Applicant's Exhibit No. 5 was
21 received in evidence.)

22 MR. PILLAR: Your Honor, could Mr. Gray and I take
23 just a few minutes in place to decide the order or our
24 witnesses?

25 JUDGE CORBETT: Sure. Let's take a short recess.

1 (Recess.)

2 JUDGE CORBETT: We are back on the record.

3 Mr. Pillar is going to go first, and I believe he is
4 going to call Mr. Gardner.

5 Mr. Gardner, I believe you testified at the last
6 hearing we had in this case, and you are still under oath,
7 sir.

8 Whereupon,

9 JOSEPH P. GARDNER

10 having been duly sworn, testified as follows:

11 JUDGE CORBETT: Would you again give us your full
12 name, sir?

13 THE WITNESS: Joseph P. Gardner.

14 JUDGE CORBETT: Mr. Pillar.

15 MR. PILLAR: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MR. PILLAR:

18 Q Mr. Gardner, just again for the record, what is
19 your position with the company?

20 A I guess I am part owner.

21 Q Are you involved in the day to day operations of
22 the company?

23 A Yes.

24 Q What are your duties and responsibilities again,
25 just to refresh my recollection?

1 A Everything from doing the work to booking the
2 jobs to answering the phones.

3 Q For what period of time have you been doing...

4 A Twenty-four years.

5 Q During that period of time that you have been
6 with the company, have you been involved in handling claims
7 against your company for damage?

8 A Yes.

9 Q What do you do in those cases; how do you handle
10 them?

11 A It's depending on what the claims are. Usually
12 we contact -- if somebody calls in with a complaint that
13 there has been something damaged that we weren't aware when
14 we were doing the job, then we call them back and go back
15 out and see what that damage is.

16 We would either try to take care of it on the spot or
17 arrange for somebody to take care of it. If it were
18 something beyond our ability, then we would contact our
19 insurance company.

20 We have had very few problems, so there's not a
21 written policy as to how -- we just try to take care of
22 things as they come up.

23 Q In connection with the moves that you make,
24 household goods moves, approximately how many claims do you
25 get on an average per year?

1 A Well, I think we went over all that at the last
2 hearing, and...

3 Q Well, if we did, I apologize.

4 A Well, we did, and I had an exact thing of what
5 we have had. I think, over the past -- I don't know how
6 many years that went back, but I think over the past X-
7 number of years that I answered to before, it might have
8 been five years, I think it was less than \$800 and some in
9 actual claims that we have paid.

10 I'm not going to say that that's all the damage that
11 has happened. As all these others do, we try to take care
12 of a lot of stuff ourselves. That was actual insurance
13 claims filed.

14 Q In your contract, do you have a provision that
15 provides for a 30 cents per pound?

16 A Yes, as all carriers.

17 Q Do most of your customers sign that 30 cents per
18 pound in order to get the reduced rate?

19 A Well, I was confused when you were asking Ms.
20 Honeygosky about that. You don't get a reduced rate for
21 signing for 30 cents per pound.

22 Q You pay less money, though, don't you?

23 A No, no...

24 Q Because you are not paying for insurance?

25 A Well, yes, you don't add on insurance costs, but

1 it's not a reduced rate for moving.

2 Q I understand. What I meant by that is that you
3 do pay less money. Is that correct?

4 A Yes. There's an additional cost and all movers
5 are required to be able to offer additional insurance above
6 that 30 cents per pound, and our rates are \$3 per \$1,000.
7 I ranges on up. There are some with deductibles.

8 Q In your experience, have you had situations
9 where somebody has had damage and then you try to contact
10 them and they don't want you to bother fixing it?

11 A Well...

12 Q They fix it themselves?

13 A I imagine that happens, yes. As Ms. Honeygosky,
14 I imagine that happens. Usually when they contact you,
15 though, they want service. If they have made the call to
16 tell you something is wrong, they expect you to do
17 something with it.

18 Q If they sign a form like Ms. Honeygosky did,
19 that says they will take care of it themselves, then you
20 allow them to do...

21 A Yes, I have no -- I don't disagree with what
22 Debo -- their procedure was. If someone says they want us
23 to be aware of it but don't want us to do anything, you
24 don't break down their front door to try to fix whatever it
25 is.

1 order. I would call the first witness, and I call Pat
2 Sobotka.

3 JUDGE CORBETT: Step forward, sir, please. Would you
4 raise your right hand, sir, and be sworn?
5 Whereupon,

6 PATRICK H. SOBOTKA
7 having been duly sworn, testified as follows:

8 JUDGE CORBETT: Would you begin by giving us your
9 full name and spell your last name for the court reporter,
10 please?

11 THE WITNESS: Patrick H. Sobotka, S-o-b-o-t-k-a.

12 JUDGE CORBETT: Mr. Gray.

13 DIRECT EXAMINATION

14 BY MR. GRAY:

15 Q Mr. Sobotka, are you employed by one of the
16 protestants to this application?

17 A Yes.

18 Q What is the protestant that you represent?

19 A Weleski Transfer.

20 Q What is your position with Weleski Transfer?

21 A Vice president of sales.

22 Q What is the business address of Weleski
23 Transfer?

24 A It's 140 West Fourth Avenue, Tarentum,
25 Pennsylvania.

FORM 2

1 Q What county is Tarentum in?

2 A Allegheny.

3 Q Are you familiar with the transportation service
4 provided by Weleski Transfer?

5 A Yes, I am.

6 Q Are you authorized to testify for Weleski in
7 this proceeding?

8 A Yes, I am.

9 Q Are you familiar with the scope of the
10 application filed by the applicant, Gardner Moving?

11 A Yes.

12 Q Are you aware that it involves a 75-mile radius
13 of the court house in Pittsburgh?

14 A Yes.

15 Q Does Weleski Transfer have operating authority
16 issued by the Public Utility Commission in conflict with
17 the authority sought by this application?

18 A Yes.

19 Q Do you understand that Gardner's only existing
20 authority is authority to provide service from Allegheny
21 County?

22 MR. STEPHENSON: Objection, leading.

23 MR. GRAY: It is, but I am sorting of setting...

24 JUDGE CORBETT: I agree it's leading, but it's not
25 harmful at this point that I can see.

1 MR. STEPHENSON: I just note that for when it gets
2 real.

3 BY MR. GRAY:

4 Q Are you aware of that?

5 A Yes.

6 Q And are you aware that there are certain gaps in
7 that authority; for example, they cannot provide service to
8 Harrisburg and ten miles, and to several counties in
9 southeastern Pennsylvania?

10 A Yes.

11 Q The reason I am asking you these questions and
12 your awareness is because in a moment we are going to get
13 to what is the area of conflict between your authority and
14 the authority sought by this application. When you get
15 into that area, you need to take into account that Gardner
16 presently has certain authority from the Commission. You
17 understand that?

18 A Yes.

19 Q Have you brought with you a copy of the existing
20 Public Utility Commission authority of Weleski?

21 A Yes.

22 MR. GRAY: Your Honor, I don't know how you want to
23 mark exhibits. Do you want to go by the name of the
24 company and call it, for example, Weleski Exhibit 1?

25 JUDGE CORBETT: Let's do that. I think that would be

1 a clearer way of doing it. We will make this Weleski
2 Exhibit 1.

3 (Whereupon, the document was marked
4 as Weleski Exhibit No. 1 for
5 identification.)

6 BY MR. GRAY:

7 Q Mr. Sobotka, is Weleski Exhibit 1 a correct copy
8 of the existing PUC authority of Weleski Transfer?

9 A Yes, it is.

10 Q I want you to take this authority and indicate
11 for us the portions of the authority that are relevant to
12 this protest.

13 In doing so, I am going to give you a map so that if
14 issues come about as to what counties certain authorities
15 involve, you will be able to do it. I am going to
16 represent to you that the scale on this map is one inch
17 equals ten miles.

18 A Okay.

19 Q Take a look, if you would, at the lead authority
20 issued to Weleski. In our protest, we indicated that the
21 relevant grants of authority in the lead authority were
22 paragraphs 1, 2, 3, 4, 5, 8, 9, 10, 13 and 14. Those are
23 the relevant grants. The others are irrelevant.

24 Would you please look at paragraph 1, and again I am
25 going to lead you a little bit and we'll see if it becomes

1 objectionable, but I think we can move it along a little
2 bit quicker that way.

3 Would you agree with me that paragraph 1 is strictly
4 a grant limited to service between points in on borough in
5 Allegheny County?

6 A Yes.

7 Q And so, as far as this application is concerned,
8 you understand that Gardner can provide that service?

9 A Yes.

10 Q Paragraph 2 authorizes service from points in
11 Tarentum and within three miles, to points within 40 miles
12 and vice versa, correct?

13 A Yes.

14 Q Do you understand that 40 miles of Tarentum
15 would clearly well outside of Allegheny County and hit a
16 number of the surrounding counties?

17 A Yes.

18 Q Do you understand that Gardner's authority at
19 the present time does not permit vice versa?

20 A Yes.

21 Q So, this paragraph would be relevant to that
22 extent, correct?

23 A Yes.

24 Q Three miles of Tarentum, does that go into
25 another county besides Allegheny County?

FORM 2

1 A Yes, it does.

2 Q What other county is that?

3 A Westmoreland.

4 Q Is Tarentum right on the Westmoreland/Allegheny
5 County line?

6 A Yes, it is.

7 Q Moving down to paragraph 3, am I correct that
8 that grant only involves service between points in New
9 Kensington, Westmoreland County?

10 A Yes.

11 Q And, you understand that Gardner cannot now
12 provide service between points in New Kensington,
13 Westmoreland County?

14 A Yes, I do.

15 Q Paragraph 4, do you understand, authorizes
16 service between points in New Kensington and within five
17 miles of New Kensington?

18 A Yes.

19 Q Is New Kensington, five miles of New Kensington,
20 go to one or more counties?

21 A Yes.

22 Q What counties?

23 A Allegheny, Westmoreland and may touch on
24 Armstrong County a little bit.

25 Q Is New Kensington one of those communities in

1 Allegheny County up along the river where it's very close
2 to the other counties?

3 A Yes it is.

4 JUDGE CORBETT: To clarify the record, I think New
5 Kensington is in Westmoreland County?

6 THE WITNESS: Yes, it is.

7 JUDGE CORBETT: Okay.

8 BY MR. GRAY:

9 Q Looking at paragraph 5, do you agree with me
10 that that permits service from that five-mile area of New
11 Kensington to points in Pennsylvania and vice versa?

12 A Yes.

13 Q So, this would enable you to provide service,
14 for example, from certain points in Westmoreland County to
15 all points in Pennsylvania, correct?

16 A Yes.

17 Q And to the extent that there are points within
18 five miles that are located in Allegheny County, you could
19 go to anywhere in Pennsylvania from those points?

20 A Yes.

21 Q And, you understand that Gardner can go from
22 Allegheny County, but they can't go to points within ten
23 miles of Harrisburg or to Chester or Montgomery County?

24 A Yes.

25 Q This paragraph reads "vice versa," does it not?

1 A Yes.

2 Q And, you understand that means that you can come
3 back from any point in Pennsylvania to that New Kensington
4 and five mile area?

5 A Yes, it does.

6 Q Paragraph 8 is the next one. Am I correct that
7 that paragraph authorizes you to go between points in the
8 city of Pittsburgh, Allegheny County, and within 30 miles
9 of the limits of the city of Pittsburgh?

10 A Yes.

11 Q Does a 30-mile radius of the outside limits of
12 the city of Pittsburgh go into a number of other counties,
13 surrounding counties?

14 A Yes, it does.

15 Q What other counties does it go into?

16 A All of Allegheny County, parts of Butler County,
17 Beaver County, Washington County, Fayette County,
18 Westmoreland County and Armstrong County.

19 Q You are not saying that it would be all points
20 in all of those counties, but portions of it?

21 A Portions, yes.

22 Q Paragraph 9 authorizes you to provide service
23 between points in Allegheny County, correct?

24 A Yes.

25 Q And, you understand that Gardner has that

1 authority now; they can go between points in Allegheny
2 County?

3 A Yes.

4 Q Paragraph 10 authorizes you to go from all
5 points in Allegheny County to all points in Pennsylvania
6 and vice versa, correct?

7 A Yes.

8 Q And, Gardner cannot go to all points in
9 Pennsylvania, correct?

10 A Correct.

11 Q And also does not have vice versa authority,
12 cannot go from anywhere in Pennsylvania back into Allegheny
13 County, correct?

14 A Correct.

15 Q Paragraph 13 is the next relevant one. That
16 authority authorizes service, does it not, from between
17 points in Apollo, Armstrong County, and within five miles
18 of Apollo, correct?

19 A Yes.

20 Q Where is Apollo located?

21 A In Armstrong County.

22 Q Is it close to another county?

23 A Very close to the Westmoreland County border.

24 Q Would a five mile radius of Apollo get into
25 Westmoreland County as well as being in Armstrong County?

1 A Yes.

2 Q Paragraph 14 authorizes you to go from that area
3 to points in Pennsylvania and vice versa, does it not?

4 A Yes, it does.

5 Q Gardner doesn't have this authority at all,
6 correct?

7 A Correct.

8 Q Now if we might, I want to move you through
9 this. That is their lead authority, or that's Weleski's
10 lead authority, four pages in length.

11 The next authority is Amendment A, and quite simply,
12 that authority geographically is the same authority as at
13 the lead docket, correct?

14 A Yes.

15 Q That just expands on the commodities that you
16 can handle, correct?

17 A Correct.

18 Q Then we move to Amendment B, and that authority
19 is really not relevant to this, correct?

20 A Correct.

21 Q Then we move to Amendment C, and that authority
22 is relevant in that it authorizes household goods
23 transportation, correct?

24 A Correct.

25 Q And that authority involves, does it not,

FORM 2

1 transportation from all points in Butler County to points
2 in Pennsylvania and vice versa, correct?

3 A Yes.

4 Q And Butler County is a county that is being
5 sought by this application, correct?

6 A Yes.

7 Q And, that gives you the right to go both out of
8 Butler County to anywhere in the state, and from anywhere
9 in the state back into Butler County, correct?

10 A Yes.

11 Q Moving along, the next grant of authority you
12 have is at Amendment D, and am I correct that that
13 authority again involves the same territorial authority
14 that you have in your lead authority and in the authority
15 at Amendment C involving Butler County and merely expands
16 the commodities that can be handled?

17 A Yes, that's correct.

18 Q Finally, the last authority here is the
19 authority at Amendment at E, and am I correct -- and, we
20 indicated in the protest that the relevant paragraphs are
21 1, 4 and 5. Am I correct that in paragraph 1, the conflict
22 with this application involves Armstrong County, between
23 points in Cowanshannock Township, Armstrong County, and
24 within ten miles of there to points with Pennsylvania and
25 vice versa?

1 A Yes.

2 Q Does that give you much of Armstrong County as a
3 service territory?

4 A A fairly good portion of Armstrong County.

5 Q Paragraph 4 is the next relevant one. Am I
6 correct that again this involves Armstrong County in that
7 it involves authority from points in Kittanning and within
8 five miles of the limits of Kittanning and from that area
9 to points within 40 miles and vice versa?

10 A Yes.

11 Q Is Kittanning and five miles, does that involve
12 another large chunk of Armstrong County?

13 A Yes, it does.

14 Q Looking at paragraph 5, am I correct that that
15 now basically picks up all of Armstrong County, that it
16 authorizes services between points in Armstrong County and
17 from points in that county to all points in Pennsylvania
18 and vice versa?

19 A Yes.

20 Q So, you have all of Armstrong County, correct?

21 A Yes.

22 Q That basically is the extent of your conflicting
23 authority with this application, correct?

24 A Yes.

25 Q As I believe my recollection to be correct, the

1 areas of conflict between your authority and what Gardner
2 is seeking involves the counties of Butler, Armstrong,
3 Allegheny, Washington, Fayette and Westmoreland, correct?

4 A Yes.

5 Q Does Weleski Transfer provide extensive PUC
6 service within the territory set forth in Weleski Exhibit
7 Number 1?

8 A Yes.

9 Q Do you know, on an annual basis, approximately
10 what revenues you derive from your PUC service?

11 A Yes. Last year it was close to \$500,000.

12 Q Would all of those revenues be within the
13 territory sought by this application?

14 A Yes.

15 Q You don't have any authority that is outside of
16 the area that the -- the 75-mile radius of the court house
17 in Allegheny County; you don't have any authority in
18 Weleski Exhibit 1 that is outside of that area, do you?

19 A No.

20 Q Is that amount of revenue a fairly constant
21 amount; in other words, would you, for the year 2000,
22 anticipate something in that range of revenue from your PUC
23 service?

24 A Yeah.

25 MR. STEPHENSON: Objection, Your Honor. Now we are

1 getting into substantive questions.

2 MR. GRAY: I will rephrase the question.

3 JUDGE CORBETT: All right.

4 BY MR. GRAY:

5 Q What amount of revenues would you anticipate in
6 2000 from your PUC authority that is set forth as Weleski
7 Exhibit 1?

8 A We may actually hope to receive even more
9 revenue. There's been a rate increase in the Pennsylvania
10 tariff, so it should definitely be in the vicinity of
11 \$500,000, possibly a little more this year.

12 Q Are these revenues that you earn from your PUC
13 service significant to your operation?

14 A Absolutely.

15 Q You indicated that the offices of Weleski were
16 located in Tarentum, Pennsylvania. What facilities do you
17 have there?

18 A We have three main warehouses plus our offices
19 located there.

20 Q Does Weleski Transfer, Inc., the corporation
21 that is opposing this application, have facilities located
22 elsewhere?

23 A Yes. We have facilities in Johnstown,
24 Pennsylvania and Cleveland, Ohio, but the Cleveland site is
25 not relevant.

1 Q Do you dispatch equipment from all of these
2 facilities?

3 A Yes, we do.

4 Q You dispatch from the Johnstown area, equipment,
5 and you dispatch equipment from the Tarentum offices?

6 A Yes.

7 MR. STEPHENSON: Objection, asked and answered.

8 JUDGE CORBETT: It's been answered already.

9 BY MR. GRAY:

10 Q Did you bring with you, as an exhibit, a summary
11 of your equipment and your employees?

12 A Yes, I did.

13 MR. GRAY: Your Honor, may we have marked as Weleski
14 Exhibit 2, a one-page document involving the equipment and
15 employees of Weleski?

16 JUDGE CORBETT: So marked and identified.

17 (Whereupon, the document was marked
18 as Weleski Exhibit No. 2 for
19 identification.)

20 BY MR. GRAY:

21 Q Mr. Sobotka, does Weleski Exhibit 2 correctly
22 set forth a summary of the equipment that Weleski Transfer
23 operates?

24 A Yes.

25 Q And are these various types of equipment that

1 are set forth on here, the types of equipment that are
2 normally used by a household goods mover?

3 A Yes, they are.

4 Q Is this the equipment that you use in providing
5 Pennsylvania intrastate service?

6 A Yes, it's used in Pennsylvania and interstate.

7 Q What amount of equipment do you have, if you
8 know, specifically located in the terminal outside of
9 Pennsylvania?

10 A In Ohio?

11 Q Yes, Ohio.

12 A There may be two tractor-trailers and one
13 smaller van up there. In fact, I know that's all there is.

14 Q So, if we back out the two tractor-trailers and
15 one small van, that would -- what kind of van is that;
16 would that be a straight van?

17 A Yes, a straight van.

18 Q So, if we back out the two tractors and two
19 trailers and one straight van, would Weleski Exhibit 2 set
20 forth the equipment that you are presently operating within
21 Pennsylvania that would be available for handling intrastate
22 shipping?

23 A Yes, it would.

24 Q Does Weleski Exhibit 2 correctly set forth the
25 employees that you have at Weleski?

1 A Yes.

2 Q Again, what employees are at your Cleveland
3 terminal?

4 A Four office personnel, and actually they aren't
5 listed on here. There is one tractor-trailer driver and
6 two straight van drivers.

7 Q So, there would be three drivers?

8 A Yes.

9 Q Would they be among the classification of
10 owner/operators or company drivers?

11 A Company drivers.

12 Q If we back out three company drivers from the 37
13 on here, would that then give us the number of the drivers
14 that are located in Pennsylvania?

15 A Yes.

16 Q What is meant by full-time movers and part-time
17 movers on Weleski Exhibit 2?

18 A The full-time movers are people employed by our
19 company that receive at least 40 hours a week and full
20 company benefits.

21 The part-time movers, some of those included trainees
22 who are -- we are actually evaluating their services to see
23 if we might decide to put them on as full-time movers.
24 Then we do have some part-time employees that do just that,
25 they work for us on a part-time basis.

1 Q What's the difference between a mover and
2 driver?

3 A A driver has to be qualified through Atlas Van
4 Lines, have a CDL, and actually his responsibilities are
5 quite a bit more. He is basically our crew chief also.

6 Q Would somebody that is under the full-time mover
7 category, 42 employees, sometimes drive or not?

8 A Periodically; we have some -- some of our
9 straight vans don't necessarily require a CDL, so some of
10 these people might be driving that equipment or pack vans.

11 Q The summer employees that are listed here, why
12 do you have summer employees?

13 A The moving business is very seasonal. We do
14 probably 60 percent of our work in June, July and August,
15 and at that time of the year, it's necessary to hire extra
16 labor, and we have summer employees who have worked for
17 us -- well, they return every year from college.

18 Q It's a function of the peak season?

19 A Oh, absolutely.

20 Q You mentioned Atlas Van Lines. Is Weleski
21 affiliated with Atlas Van Lines?

22 A Yes. We are an agent for Atlas.

23 Q What is the significance of that; what does that
24 mean?

25 A Being affiliated with Atlas Van Lines allows us

1 to actually move household goods on a nationwide basis.

2 Q So, the affiliation there would involve
3 interstate moves, correct?

4 A Yes.

5 MR. STEPHENSON: Objection, it's not relevant to the
6 scope of this application.

7 JUDGE CORBETT: We will see where this goes.

8 MR. GRAY: It's only by way of clarification.

9 JUDGE CORBETT: Okay.

10 BY MR. GRAY:

11 Q Is the Atlas Van Lines affiliation at all
12 involved with Pennsylvania intrastate moves?

13 A Only in that some of the personnel that do
14 intrastate work also do interstate transportation.

15 Q But, other than that, the Pennsylvania
16 intrastate is all handled by you, Weleski, on your own, not
17 as an agent for Atlas, under your own PUC authority marked
18 as Weleski Exhibit 1?

19 A Yes.

20 Q Is the equipment set forth on Weleski Exhibit 2
21 available for additional business if there would be
22 additional business?

23 A Yes.

24 Q And, is it used to full capacity at that present
25 time?

1 A No.

2 Q How many days a week and hours a day is
3 Weleski's service available to the public?

4 A It's available six days a week and generally
5 twelve hours a day. Well, if you want to take into
6 consideration office moving, it's even more than that.
7 Most of that work is done evenings and weekends.

8 Q To the extent somebody needs household goods
9 moved that would go beyond the normal hours, late into the
10 night an so forth, would you accommodate that?

11 A Yes, we would.

12 Q And, have you many times in the past?

13 A Yes, we have.

14 Q Does Weleski advertise the availability of its
15 service within the application area sought by this
16 application?

17 A Yes, we do.

18 Q How do you do that?

19 A Yellow Pages advertising, newspaper advertising
20 and radio advertising.

21 Q I have heard your advertisement on the radio.
22 Would you describe that?

23 A Yes. We are doing 30-second spots on KDKA, and
24 they are generally running at the drive time newscast in
25 the afternoon.

1 Q Is KDKA Pittsburgh's largest radio station?

2 A They claim to be, yes.

3 Q Is the listening audience for KDKA, if you know,
4 within the entire application area?

5 A Yes.

6 Q Do you do as much advertising as you reasonably
7 can within your budgetary limits?

8 A Yes. Actually, I think we might do a little
9 more than is within our budgetary limits.

10 Q Do you believe that there is any need for the
11 service proposed by Gardner in this case insofar as it
12 involves the areas where you provide service?

13 A No.

14 Q Do you provide service at points throughout all
15 of the area that you are authorized to serve?

16 A Yes, we do.

17 Q Do you provide household goods moving services
18 through all of the counties we went over earlier?

19 A Yes, we do.

20 Q Are there occasions when you provide household
21 goods service originating at points outside of those
22 counties and coming back into the counties?

23 A Yes.

24 Q The vice versa portion of your authority?

25 A Yes.

1 Q Do you know have competition in these areas;
2 setting aside Allegheny County, but in the other counties
3 that you mentioned, do you presently have substantial
4 competition from licensed PUC carriers in those counties?

5 A Yes, we have direct competition from some very
6 good movers in those areas.

7 Q And, do you believe there is any need for an
8 additional company?

9 A No, I don't.

10 MR. GRAY: That's all the questions I have for this
11 witness, Your Honor, and I move for the admission of
12 Weleski Exhibits 1 and 2 subject to cross examination.

13 MR. STEPHENSON: I would object to the admission as
14 they far as they contain irrelevant hearsay. Otherwise, I
15 have no objection. As the exhibits relate to interstate
16 transportation, it is irrelevant.

17 MR. GRAY: Your Honor, I really don't care. I don't
18 care if that is stricken.

19 MR. STEPHENSON: That's fine. If I don't say it now,
20 it doesn't happen.

21 JUDGE CORBETT: We will redact that portion and admit
22 Weleski Exhibits 1 and 2 subject to cross examination.

23 (Whereupon, the documents marked as
24 Weleski Exhibit Nos. 1 and 2 were
25 received in evidence.)

FORM 2

1 Mr. Pillar, do you have any cross?

2 MR. PILLAR: I have no questions.

3 JUDGE CORBETT: Mr. Stephenson?

4 CROSS EXAMINATION

5 BY MR. STEPHENSON:

6 Q Is it fair to say that every moving company
7 doing business in Pennsylvania thinks there's enough
8 competitors around where it does business?

9 MR. GRAY: I object, Your Honor. He cannot speak for
10 the other moving companies.

11 BY MR. STEPHENSON:

12 Q Well, let me ask you this. In your own, sir, do
13 you ever think you could use a little more competition in
14 your area?

15 A No.

16 Q I'm a little confused with your testimony in one
17 regard. I believe your testimony was that you are
18 averaging revenues of \$500,000 a year arising out of PUC
19 moves?

20 A Yes.

21 Q And, that all of that revenue arose out of
22 transportations within the application of Gardner Moving's
23 radius, that 75-mile radius from the court house. Did I
24 get that right or did I get that wrong?

25 A No, that's not the way I interpreted it. I

1 interpreted it as that revenue was generated within --
2 well, yes, I guess it would be. Seventy-five miles would
3 cover our entire operating authority, so...

4 Q I thought you testified that you, for example,
5 have vice versa operating authority from, for example,
6 Armstrong County to every other county in Pennsylvania?

7 A Yes.

8 Q So, you would have the right to go to Warren
9 County and pick up a transfer and bring it back to
10 Armstrong County?

11 A Bring it back, yes.

12 Q So, for example, in 1999, were there occasions
13 where your company picked household goods in the eastern
14 part of the state and brought those goods back to one of
15 the counties you are authorized in?

16 A Yes, we did.

17 Q Is that revenue counted in the \$500,000?

18 A Yes, it is.

19 Q Now, you understand that Gardner Moving is not
20 asking for authority to return goods beyond the 75-mile
21 radius that is described in its application, right?

22 A Yes.

23 Q So, there would not be a conflict then with
24 regard to your revenues that originate in transportation
25 more than 75 miles away from the court house coming back to

1 Armstrong or the other counties you have authority in?

2 A Excuse me, you said they are applying for vice
3 versa authority within that 75 miles?

4 Q You have transportations that are originating
5 more than 75 miles a way from Allegheny County and coming,
6 for example, to Armstrong County and you are handling that?

7 A Yes.

8 Q And, you charge for that, don't you?

9 A Yes.

10 Q And that money is counted within your \$500,000
11 revenue, right?

12 A Yes.

13 Q Is it your understanding that Gardner Moving is
14 asking for the same authority to transport from farther
15 away than 75 miles and bring back into, for example,
16 Armstrong County?

17 A Yeah, I thought, and I could be wrong, but I
18 thought the application was for a 75-mile radius of
19 Pittsburgh out and back.

20 Q Okay, but I am asking you -- well, a hundred
21 miles from Pittsburgh -- let's say for example...

22 A Well, out and back, wouldn't that include all
23 points in Pennsylvania back to that 75-mile radius?

24 Q Did anyone tell you that that's what it meant?

25 A No.

1 Q Did you consult with anyone in order to relate
2 Gardner Moving's application versus the operating
3 authorities that your company holds?

4 A I didn't consult with anyone. I had seen what
5 Gardner was applying for.

6 Q Did you sit with the map, perhaps, and work out
7 a circle of a 75-mile radius and see what fell inside that?

8 A Actually, I didn't have to do that. I am pretty
9 familiar with the area.

10 Q Let's go back to it then because there seems to
11 be a lack of clarity here.

12 MR. GRAY: I object to the parenthetical comments.

13 JUDGE CORBETT: The characterization will be ignored,
14 but the objection is overruled. We can move on.

15 BY MR. STEPHENSON:

16 Q Here is what I don't understand. I am trying to
17 get a sense of what the revenue number really is.

18 A Okay.

19 Q All Gardner Moving is asking for is 75 miles
20 from the Allegheny County Court House and vice versa in
21 between. I want to know if in your revenue number of
22 \$500,000, you show transportation revenue that is outside
23 that radius?

24 A Oh, yes, we do.

25 Q How much?

1 A I can only give you an approximation. We don't
2 break our revenue figures down exactly that way, but
3 probably 70 percent of that revenue would apply within that
4 area. That encompasses local moving and interstate moving
5 for us.

6 Q About -- you lost me there?

7 A About 70 to 75 percent, \$350,000 maybe.

8 Q Okay, \$350,000 would be in the are for which
9 Gardner is applying?

10 A I would say that's a good guess. It's not
11 exact, but it's a pretty good guess.

12 Q Thank you. The next question I have is this.
13 You mentioned that your peak season is in the summer time?

14 A Yes.

15 Q And, you mentioned you have three facilities;
16 one in Johnstown and one in Cleveland and then you have the
17 other in Tarentum?

18 A Right.

19 Q How many trucks do you keep in Tarentum and how
20 many trucks do you keep in Johnstown; how do you break that
21 down?

22 A Johnstown has, maybe, six units. I had
23 mentioned that Cleveland has three. The balance of our
24 equipment is located in Tarentum.

25 Q Correct me if I am wrong, but I notice that from

1 your equipment and driver list, it seems that you have
2 about one driver for every two movers. If you add them up,
3 you come to about 70 or so?

4 A Yes, that's about right.

5 Q Is it typical that you have one driver and two
6 helpers on a truck?

7 A Yes.

8 Q During your peak season, from time to time do
9 you have occasions when you can't service all the demand on
10 any given day in which people want to move?

11 A There are times when we may have to ask a
12 potential customer to maybe move the next day or the day
13 after, yes.

14 Q Are there times when the person says, no?

15 A Rarely, but it has happened.

16 Q So, is it fair to say that any mover has times
17 when they can't service all the demand coming in the door?

18 A Yeah, I think you would have to say that.

19 Q Then that would move off to other companies in
20 the area, presumably?

21 A Yes.

22 Q You mentioned that there were other competitors
23 in the area. Who are they?

24 A Pittsburgh probably has -- you know I have never
25 sat down and counted the number of movers, but if you open

1 up the phone book and look at the Yellow Pages, you will
2 see 40 ads, 40 to 50 ads.

3 Q If Gardner Moving were granted this authority,
4 have you made any analysis of what revenue you would
5 anticipate losing, how many moves you would actually lose?

6 A No, I have not.

7 Q Have you surveyed your customers to find out to
8 what extent they would be looking to move to another
9 carrier?

10 A No.

11 Q Do you have any reason to believe that you would
12 suffer a loss of revenue more than minimal to Gardner
13 Moving, that they would take more than one or two of your
14 moves in a year?

15 A I wouldn't think so, but who knows.

16 Q You wouldn't think they would do more than that;
17 is that your testimony?

18 A It depends. We could lose 20 moves to them.

19 Q And you could lose none?

20 A We could lose none.

21 Q Do you know the size of Gardner Moving?

22 A I don't know the exact number of equipment or
23 anything of that nature, no.

24 Q Did you ask your attorney to fill you in?

25 A No.

1 Q Do you understand that they are small?

2 A Yes.

3 MR. STEPHENSON: No further questions.

4 JUDGE CORBETT: Anything further, Mr. Gray.

5 MR. GRAY: Just a couple, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. GRAY:

8 Q Mr. Sobotka, of course Gardner, while small
9 today, can be big tomorrow, can't they?

10 A Yes, they can.

11 Q What do you do when, on those rare occasions
12 that you testified to, a customer does want moved on a
13 particular day and doesn't want to change that day and you
14 don't have a vehicle available, what do you do, if
15 anything, for that customer?

16 A Generally, we will first ask them if they can
17 possible move another day. If they can't do that, then we
18 have gone as far as to recommend them to a number of
19 competitors who might be able to help those folks.

20 Q You testified that there might be 40 people in
21 the Yellow Pages in Pittsburgh. Certainly, if you look in
22 the Yellow Pages in the other six or so counties that you
23 can provide service in outside of Allegheny County, there's
24 nowhere near 40 people in those Yellow Pages, are there?

25 A There could be. The Yellow Pages are kind of

1 broken down into areas, and I know in Johnstown, there are
2 probably six or seven different movers advertised. I would
3 have to believe that every community around has certain
4 movers that don't necessarily advertise in Pittsburgh.

5 Q But, six or seven, not 40?

6 A Not in the other areas, no.

7 MR. GRAY: That's all. Thank you.

8 JUDGE CORBETT: Any recross?

9 MR. STEPHENSON: No.

10 JUDGE CORBETT: Thank you, Mr. Sobotka. You are
11 excused, sir. You may stay in the hearing room if you
12 wish.

13 (Witness excused.)

14 MR. GRAY: Your Honor, may he be excused from the
15 hearing? He told me last night that he needs to be in
16 Washington, D.C. late this afternoon, so it would be much
17 more convenient if he could get out of here.

18 MR. STEPHENSON: I have no objection, Your Honor.

19 JUDGE CORBETT: You are excused, sir.

20 MR. PILLAR: We would...

21 JUDGE CORBETT: I think would be a good time to take
22 our luncheon recess. Let's recess until 1:15.

23 I'm sorry. Did you want to say something, Mr.
24 Pillar?

25 MR. PILLAR: I wouldn't anticipate needing him back,

1 but may I just talk to my client for a minute and make sure
2 that's agreeable with him?

3 JUDGE CORBETT: Sure. Let's go off the record for a
4 moment.

5 (Discussion off the record.)

6 JUDGE CORBETT: Back on the record. We will recess
7 at this time until 1:15.

8 (Whereupon, at 12:15 p.m., the hearing was adjourned,
9 to reconvene at 1:15 p.m., this same day in this same
10 location.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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. I guess
4 it is your turn, Mr. Pillar, do you have a witness to
5 present?

6 MR. PILLAR: I do, Your Honor, but I do believe that
7 Mr. Stephenson has something first.

8 MR. STEPHENSON: I do, Your Honor. We have been
9 contacted by Madge Hamil. She has not yet left her office,
10 so she is not going to make it by 2:00. We will withdraw
11 her as a witness. Her statement attached to Exhibit 2, we
12 will withdraw that as part of the exhibit.

13 JUDGE CORBETT: All right. That is withdrawn and the
14 cleans up the record.

15 Mr. Pillar, you may proceed.

16 MR. PILLAR: Your Honor, before I call my witness, I
17 am going to make a motion to dismiss at this point. In
18 support of that, I want to note for the record that there
19 were only two public witnesses that we have had as to need
20 or demand for this 75-mile radius of Allegheny County.

21 One was Ms. Lison, whose testimony related only to
22 the possibility that she might move some furniture, as I
23 recall, from her basement to her mother's abode in
24 Allegheny County, which is a possibility and not a
25 certainty.

1 The other was Ms. Honeygosky, who presented no
2 evidence as to any present or future need for service, and
3 that is the only testimony we have in this record as to
4 need or demand. The applicant clearly, in my view, has not
5 met its burden of proof of need or demand.

6 At this point, I am making a motion to dismiss the
7 application on the grounds that the applicant has simply
8 not met its burden of proof and that it would be a total
9 waste of time for the protestants to go through the motions
10 of presenting all this testimony and writing briefs in a
11 case where the record is absolutely woefully unresponsive
12 of the proposed service.

13 MR. GRAY: Your Honor, I join Mr. Pillar in that
14 motion.

15 JUDGE CORBETT: Response, Mr. Stephenson?

16 MR. STEPHENSON: We believe we certainly have
17 established a prima facie case. We have the evidence in a
18 very, very narrow focus point. One of the points that
19 Gardner Moving made, quite clearly they provide a broader
20 range of service than, for example, Anderson Moving does
21 down in Washington County.

22 One of the things they did is they took moves for
23 shorter amounts of time for flatter rates, four hours or
24 less. It's interesting to note that until this application
25 was filed, Anderson did not offer that service and then

1 suddenly after Gardner had presented testimony, Ms. Lison
2 testified that apparently now, at least in one instance,
3 offered that rate.

4 Certainly if there was some salutary effect of
5 promoting competition is already beginning to happen, that
6 would suggest there is room for competition to expand in
7 the area. I think that alone puts the protestants to their
8 merits and the proceedings should go forward.

9 MR. PILLAR: If I may just respond to that one point,
10 the testimony regarding rates and service certainly was
11 very self serving on the part of the applicant and it's not
12 supported by any of the public witnesses.

13 JUDGE CORBETT: One of the difficulties that I am
14 finding in this case is that there has been such a long
15 period of time since the last hearing in this case. We are
16 talking about a hearing that was held last August.

17 Quite frankly, my memory is just not that good to
18 remember everything that went on during that hearing. I
19 did, in a cursory fashion, review the transcript briefly
20 between yesterday and this morning before the hearing.

21 I hesitate to make a ruling on any type of motion at
22 this stage simply because counsel may have a better memory
23 of what went on, of what is in the transcript, than I do at
24 this point.

25 MR. PILLAR: Your Honor, if I may suggest, I

1 understand your reluctance to grant a motion, and I
2 appreciate that. If I may make a suggestion or perhaps an
3 amendment to my motion, and that is that if you are not
4 going to grant the motion at this time and we are going to
5 present our case, before you issue a briefing schedule in
6 this case, you would review the transcript.

7 I would just suggest that if you are inclined at that
8 point to grant the motion before briefs are written, that
9 you issue an order on the motion. That way, we would avoid
10 the necessity of having to submit lengthy briefs in this
11 case and you would have to write an initial decision.

12 JUDGE CORBETT: Regardless, if I agree with you, I
13 still have to write an initial decision disposing of the
14 matter.

15 Personally, I don't have a problem in doing that. I
16 can review the transcript before issuing the briefing
17 letter.

18 What are your thoughts on that, Mr. Stephenson?

19 MR. STEPHENSON: Well, Your Honor, you certainly are
20 entitled to -- a motion has been made and it's pending
21 before Your Honor. Your Honor has to feel comfortable with
22 whatever ruling you make, and we certainly, if that's going
23 to be Your Honor's conclusion, you should have all the time
24 to consider that one way or the other. We wouldn't object.

25 JUDGE CORBETT: What I will do is I will take this

1 under advisement. I think your suggestion, Mr. Pillar, is
2 a good one. I will look at the transcripts before I issue
3 a briefing letter.

4 Let me just say, though, that if I do issue a
5 briefing letter, it does not mean that I have finally
6 disposed of the motion. I may wish to have briefs in order
7 to further elucidate that question.

8 So, with that understanding that I am taking this
9 matter under advisement, Mr. Pillar, you may proceed.

10 MR. PILLAR: I would call Mr. Debo.

11 JUDGE CORBETT: Would you raise your right hand, sir,
12 and be sworn?

13 Whereupon,

14 BRIAN K. DEBO
15 having been duly sworn, testified as follows:

16 JUDGE CORBETT: Please have a seat, and would you
17 begin, please, by giving us your full name and spell
18 your last name for the court reporter?

19 THE WITNESS: Brian K. Debo, D-e-b-o.

20 MR. PILLAR: I have some exhibits. I am just going
21 to give them to you now to save the trouble of passing them
22 out one by one.

23 (Mr. Pillar distributing documents.)

24 JUDGE CORBETT: That's fine. You have two for the
25 court reporter?

1 MR. PILLAR: Yes, Your Honor, I do.

2 JUDGE CORBETT: Thank you.

3 DIRECT EXAMINATION

4 BY MR. PILLAR:

5 Q Mr. Debo, what is your business address?

6 A It's 1508-B State Street West, Baden, PA 15005.

7 Q What is your position with Debo Moving and
8 Storage, Inc.?

9 A I am the owner/president.

10 Q How long have you owned Debo Moving and Storage?

11 A It will be 15 years in August.

12 Q So, you started the business yourself?

13 A Yes, I did.

14 Q Are you married?

15 A Yes.

16 Q Do you have children?

17 A I have two daughters.

18 Q Where do you live, your family?

19 A I live in New Brighton, Beaver County.

20 Q And, your wife's name?

21 A Claudette Debo.

22 Q Is Claudette involved in the business?

23 A Yes, she is.

24 Q What does she do?

25 A She's the vice president and treasurer. She

1 handles numerous responsibilities.

2 Q Are you involved in the day to day management of
3 the company?

4 A Yes. I'm the planner and highly active in all
5 the operations.

6 Q Do you sometimes even get involved in moves?

7 A Yes.

8 Q Is Debo Moving and Storage and Pennsylvania
9 corporation?

10 A Yes, it is.

11 Q Are you the sole stockholder?

12 A My wife and myself.

13 Q What is the business of Debo Moving and Storage?

14 A Moving and storage of household goods primarily,
15 and other commodities.

16 Q Your facilities are located in New Brighton; is
17 that correct?

18 A No, our facilities are located in Baden.

19 Q I'm sorry. Describe for the Commission what
20 your facility in Baden consists of?

21 A It's a 43,000 square foot warehouse, climate
22 controlled, 24-hour monitored fire and security system, a
23 very nice facility for storage and warehousing.

24 Q How long have you been in that building?

25 A Since March of 1990.

1 Q Is that building owned by your company?

2 A No.

3 Q Do you lease it?

4 A Yes, we lease it.

5 Q Do you have offices in that facility?

6 A Yes, we do.

7 Q What about maintenance on equipment, do you
8 maintain your equipment there, as well?

9 A No, just very minor maintenance. We have all
10 our maintenance done at another location owned by other
11 individuals.

12 Q In other words, you use outside maintenance for
13 your trucks?

14 A Yes.

15 Q What about parking your equipment; where do you
16 keep your equipment parked?

17 A On the property at this warehouse.

18 Q Can you park all of your equipment there?

19 A Yes.

20 Q In terms of personnel at that facility, tell us
21 about who works there besides you and Claudette.

22 A We a total of approximately 35 employees; eight
23 drivers, 15 helpers, three sales people, dispatcher, a
24 warehouseman and five various office personnel.

25 Q Is that your only facility?

1 A Yes.

2 Q That's the headquarters, the center of all the
3 operations of Debo?

4 A Correct.

5 Q Is Debo presently an agent for any major
6 interstate hauler?

7 A Yes, we are an agent Mayflower Transit.

8 Q What does that mean; when you are an agent for
9 Mayflower, was exactly does that mean?

10 A It means that by using their authority, we can
11 sell and service a move anywhere in the country or the
12 world, practically.

13 Q But intrastate-wise, does Debo have its own
14 operating authority?

15 A Yes, we do.

16 Q When you provide service within the Commonwealth
17 of Pennsylvania, are you performing that under your own
18 operating authority?

19 A Yes, we are.

20 Q And, that is separate and distinct from your
21 Mayflower agency?

22 A Yes.

23 Q I have marked for identification as Debo Exhibit
24 Number 1, a three-page document. Do you have that in front
25 of you?

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

4 A Yes, I do.

5 Q It's three pages consisting of a summary of your
6 operating authority?

7 A Yes.

8 Q Pleas look at that now and let me focus on
9 certain parts of that. I direct your attention, first of
10 all, to page 2 at Folder 1, Amendment B. Is that operating
11 authority that Debo presently holds from the Pennsylvania
12 Public Utility Commission?

13 A Yes.

14 Q Under that authority, can you provide service
15 within Beaver County and from all points in Beaver County
16 to points in Pennsylvania and vice versa?

17 A Yes.

18 Q In fact, all of the summaries on the three pages
19 of Exhibit 1, is that all summaries of operating rights
20 that you hold from the PUC?

21 A Yes.

22 Q In addition to the authority from Beaver County,
23 does your company also have some authority from points in
24 Allegheny County, portions of Allegheny County, statewide?

25 A Yes.

1 Q You understand, do you not, that Gardner
2 presently holds authority in Allegheny County?

3 A Yes, I do.

4 Q So, to the extent that you have an interest in
5 this case, is it fair to say that Folder 1 Amendment B
6 dealing with your authority in Beaver County is the primary
7 focus of your interest in this application?

8 A Correct.

9 Q To the extent that Gardner is seeking authority
10 to provide service within a 75-mile radius of Pittsburgh,
11 would that involve, in your view, in your analysis of the
12 75-mile radius, being able to pick and deliver anywhere in
13 Beaver County?

14 A Yes.

15 Q Would it also authorize Gardner, if it were
16 granted, to provide service from anywhere in Beaver County
17 to points within a 75-mile radius of Pittsburgh?

18 A Yes.

19 Q Do you provide service now in that territory?

20 A Yes, we do.

21 Q Looking at page 2 again, Folder 1, Amendment C,
22 there is authority there that authorizes transportation --
23 I'm sorry, it's page 3.

24 It's Page 3, Folder 1, Amendment E at the bottom of
25 the page. There's authority that authorizes transportation

1 between points in the Borough of Ambridge and within an
2 airline distance of ten miles, to points in Pennsylvania
3 and vice versa. Does that authorize transportation from
4 any portion of Pennsylvania outside of Beaver County?

5 A Yes.

6 Q What areas beyond Allegheny County would that
7 ten-mile radius encompass?

8 A Actually a small portion of Butler County.

9 Q Directing your attention to Butler County, what
10 are of Butler County in particular does it cover?

11 A Cranberry Township.

12 Q Is Cranberry Township an area that's a high
13 growth area in terms of residential moves?

14 A Yes.

15 Q Does your company offer service in that area?

16 A Yes.

17 Q To points within a 75-mile radius?

18 A Yes.

19 Q Does the ten-mile radius of Ambridge cover any
20 area other than Butler or Beaver County, excluding
21 Allegheny County; in terms of other counties, does it cover
22 any other parts of Pennsylvania?

23 A No.

24 Q Now I want you to go back to page 2, if you
25 would, for a minute and look at Folder 1, Amendment C at

1 the bottom of the page. There is authority there that
2 involves a ten-mile area by the usually highways of the
3 limits of the Borough of Brackenridge. Does that authorize
4 service from any area outside of Allegheny County to points
5 in Pennsylvania and vice versa?

6 A Yes.

7 Q What areas or counties, portions of what
8 counties, is covered by that ten-mile radius?

9 A Allegheny County and probably a very small
10 portion of Armstrong County.

11 Q So, there will be an area of Armstrong County
12 that would be within a 75-mile radius of Pittsburgh that
13 you can also provide from under that authority?

14 A Yes.

15 Q You are a company that is authorized to
16 transport household goods in use and office furniture in
17 use, in some cases, is the way your authority reads. Do
18 you understand, by that, that you have the broad definition
19 of household goods?

20 A Yes.

21 Q Under the broad definition, what types of
22 commodities, other than household goods, can you transport
23 or do you transport under your authority?

24 A Office moving.

25 Q What about -- do you ever provide service for

1 companies that are relocating a computer or copiers or
2 things like that?

3 A Sure, yes, copiers, computers.

4 Q Are there other commodities that you can
5 transport that require special equipment or special moving,
6 special services that are required of a mover?

7 A Safes, pianos, things of that nature.

8 Q Look at what has been marked as Debo Exhibit 2,
9 and tell us what that two-page exhibit shows.

10 (Whereupon, the document was marked
11 as Debo Exhibit No. 2 for
12 identification.)

13 A That shows all the equipment of Debo Moving and
14 Storage, Incorporated.

15 Q I notice at the top it has Equipment List as of
16 January, 1999. Is that correct, or should that be 2000?

17 A That is correct. When I submitted this when the
18 protest began, that's the last time it was updated.

19 Q All right. Is there anything on this equipment
20 list that has changed or are there been pieces that you do
21 not have anymore or that you have added?

22 A There have been a few minor changes. We have
23 sold a couple pieces of equipment and purchased a few new
24 pieces of equipment.

25 Q Without going through every item here, tell us

1 about the types of equipment you operate in Pennsylvania?

2 A We operate straight trucks, tractor-trailers,
3 sales vehicles, vans.

4 Q What's the difference between a straight truck
5 and a van?

6 A A straight truck is a vehicle that has box on
7 hit for loading household goods, and the van is a smaller
8 unit. It's one single unit with space for packing
9 material, or perhaps a sofa.

10 Q A van might be larger than a type of passenger
11 van; in other words, it's kind of a larger van?

12 A It's very similar to that type of van, but there
13 are no seats in it for passengers, just the driver and
14 perhaps two passengers up front.

15 Q In terms of straight trucks, do you have
16 different sizes of straight trucks?

17 A Yes.

18 Q What are the different sizes?

19 A They range anywhere from 15 feet to 26 feet
20 long, just the box.

21 Q How about tractor-trailers, how big are the
22 trailers?

23 A The trailers range from 42 feet to 50 feet long.

24 Q Is all of this equipment used in the moving
25 business?

1 A Yes, it is.

2 Q Does your company provide any other type of
3 transportation other than moving?

4 A No.

5 Q What kind of features or equipment does this
6 equipment have with it that is used or necessary in moving
7 household goods?

8 A Every truck or trailer is equipped with pads,
9 dollies, walk ramps for getting in and out of the trailer
10 or straight truck, straps for securing the loads, anything
11 imaginable in the moving industry that you would need to
12 move something.

13 Q What is a cargo bar?

14 A That's something that if we were to load a
15 vehicle in the back of the trailer or a straight truck, we
16 would build a deck above that vehicle to load more
17 household goods, or for simple things like bulky articles,
18 such as riding lawn mowers or picnic tables, to eliminate
19 the wasted space underneath.

20 Q In other words, it would be loaded on top of
21 something else?

22 A Correct. It's something that -- we build a deck
23 using the cargo bars and plywood to load on top that
24 platform.

25 Q Is the equipment shown on Debo Exhibit 2 owned

1 by Debo Moving and Storage, Inc.?

2 A Yes.

3 Q Does your company advertise its services?

4 A Yes, we do.

5 Q Would you look at what has been marked for
6 identification as Debo Exhibit 3 and tell us what that is?

7 (Whereupon, the document was marked
8 as Debo Exhibit No. 3 for
9 identification.)

10 A That's a Yellow Pages advertising for the Bell
11 Atlantic for Beaver Valley, our primary market, and we
12 advertise in that book.

13 Q Could you tell us on what page your ad appears?

14 A On page 199.

15 Q That's the third page of the exhibit, right?

16 A Right.

17 Q And, the ad that's in the upper left-hand
18 corner, is that the ad you are referring to?

19 A Yes.

20 Q And, I notice there's a toll-free number. Who
21 can use that toll-free number?

22 A Any customer in the United States can call that.

23 Q Including customers located within a 75-mile
24 radius of Pittsburgh?

25 A Yes.

1 Q When you advertise "Personalized Dependable
2 Service," what do you mean by that?

3 A We are a family owned business with a lot of my
4 family working in the company, and a lot of the employees
5 have been there since I started the company. We give the
6 customer personal attention. We train our employees
7 through certified packer and moving courses and so forth.

8 Q What kind of educational process or training
9 process do the drivers have to go through before they can
10 drive and be involved in moving household goods?

11 A First they have to have a commercial drivers
12 license to be able to drive our vehicles.

13 Q Let me stop you there. Does that apply to
14 everybody or just the drivers; do helpers have to have
15 that, too?

16 A No.

17 Q Go ahead.

18 Q A lot of times, we will help the employee either
19 acquire that license, and we also have a training course
20 for a driver or packer, approximately 22 to 26 hours, that
21 we put them through in a classroom before we send them out.

22 Q Who conducts those classes?

23 A The operations manager, Randy Ball, conducts
24 those classes.

25 Q How long has Randy worked for you?

1 A Eleven years.

2 Q Do the helpers have to go through any kind of a
3 process, training process?

4 A Yes. We put them through the same class that
5 the drivers that go through.

6 Q When someone calls for service and it involves a
7 move that would be within the 75-mile radius, who is the
8 first person that they would talk to?

9 A They would talk to one of the people in the
10 front office, either Cindy Kay or Bobbie Jo or Kathy.

11 Q Then what would happen next?

12 A Depending on if the customer is calling
13 inquiring about a move, they give that customer as much
14 information as they can. Then we try to suggest a sales
15 person go out to the home to give a written estimate.

16 Q Is a written estimate required for every move?

17 A I'm not certain.

18 Q Does your company give written estimates?

19 A Yes, we do.

20 Q When written estimates are given, this is done
21 in advance of the move, obviously?

22 A Correct.

23 Q Then can the customer decide, yes, I want to use
24 you or no, I don't want to use you; is that what happens?

25 A Yes.

1 Q Getting back to your advertising, you indicate,
2 on Exhibit 3, that you advertise in the Beaver Valley
3 directory. Does that cover all of Beaver County?

4 A No.

5 Q Do you also advertise in other Yellow Pages; do
6 you have a similar ad, as you have in Exhibit 3, in other
7 Yellow Pages?

8 A Yes.

9 Q Could you go through those and tell us what
10 Yellow Pages you advertise in with an ad similar to the one
11 you have in Exhibit 3?

12 A Sure. There's the Yellow Book that covers all
13 of Beaver County. We advertise in that book. Beaver
14 County is split up into three different books; the
15 Ambridge-Baden, Aliquippa. We are in both of those Yellow
16 Pages also with the same ad. As part of the package deal
17 with Bell Atlantic is the Coraopolis-Sewickley book. We
18 are in that ad as well.

19 Q Coraopolis-Sewickley is sort of close to Beaver
20 County, isn't it?

21 A Yes, it connects Beaver County to the Allegheny
22 County.

23 Q Where else do you advertise?

24 A We advertise in the Ellwood City Yellow Pages,
25 Union Valley, which is in Beaver County, Greater Pittsburgh

1 Yellow Pages, Pittsburgh-Allegheny County Yellow Book,
2 Yellow Pages, North Hills and Allegheny County East
3 edition, the West edition, East Liberty-Squirrel Hill
4 editions, Crafton-Robinson Township Bell Atlantic edition,
5 Baldwin, Cranberry Township area, which is Sprint, New
6 Kensington-Tarentum-Springdale edition of Bell Atlantic,
7 Oakmont and the North Pittsburgh-Butler County Yellow Book.

8 Q Do you find that this kind of advertising is
9 essential to your business?

10 A It's very important for the customer to be able
11 to find your number. A lot of work is repeat business, and
12 we do such a good job, that we do get a lot of repeat
13 business.

14 Q Do you advertise anywhere other than in the
15 Yellow Pages?

16 A We advertise on billboards, a couple small
17 billboards in Beaver County, also in the Beaver County
18 Times, the newspaper.

19 Q Do you sponsor events and things like that; do
20 you get involved in that sort of thing?

21 MR. STEPHENSON: Objection.

22 MR. PILLAR: I will withdraw.

23 BY MR. PILLAR:

24 Q Getting back to the estimator who goes out and
25 gives an estimate. What happens if a customer wants to use

1 your service, what's the next thing that happens?

2 A Sometimes a sales person is able to get the
3 customer to sign at the home.

4 Q What does the customer sign at that point if
5 they are going to use your services?

6 A They would sign an estimate order for service
7 stating that they accept that proposal for us to do the
8 service for them.

9 Q Then what happens?

10 A Then we schedule a date on our schedule and go
11 from there.

12 Q Is it the estimator who decides how many men are
13 going to be used, how many hours and so forth?

14 A Yes. When he views the home, he is able to do a
15 tabulation to estimate the total amount of time and the
16 number of men needed.

17 Q Who does the estimating for your company?

18 A We have three sales people. Dale Brillock (ph)
19 is one of them. He is the one that did the estimate for
20 Ms. Honeygosky, and we have two other sales people.

21 Q Do you ever do estimating yourself personally?

22 A I do; I still do occasionally.

23 Q And, then the estimator's report is given back
24 to the company and then the move is scheduled, correct?

25 A Correct.

1 Q Who schedules the move?

2 A Our dispatcher schedules the move.

3 Q Who decides which driver is going to be used and
4 which helpers are going to be used?

5 A Our dispatcher determines that.

6 Q In terms of your intrastate transportation
7 within Pennsylvania, do you know approximately what your
8 gross operating revenues were from intrastate
9 transportation in 1999?

10 A Yes.

11 Q What was that?

12 A Approximately \$354,000.

13 Q Can you give us an estimate of what percentage
14 of that would have involved transportation that originated
15 in Beaver County?

16 A Approximately 95 percent.

17 Q Can you give me an estimate of how much of that
18 transportation was performed within a 75-mile radius of
19 Pittsburgh?

20 A Ninety-nine percent.

21 Q Mr. Debo, there was testimony in this case by
22 Mr. Gardner regarding their present tariff. Do you have a
23 copy of Gardner's present tariff there?

24 A Yes.

25 Q I believe the testimony was that they do not

1 have a minimum and that other carriers do have a minimum.
2 In your present tariff, does your company have a minimum
3 charge on moves of household goods within the Commonwealth?

4 A We do. We charge a two-hour minimum.

5 Q If you took a situation where -- with your
6 tariff compared to Gardner's tariff, if you took a
7 situation where you had say a small room of furniture that
8 might be picked up in Cranberry Township going to
9 Pittsburgh, for example -- let's take first of all an
10 example from Beaver County.

11 Let's say from Beaver Falls to Pittsburgh. If you
12 are going to move less than a room of furniture, how many
13 men would you use on a move like that?

14 A If it was less than a room of furniture, we
15 would use two men.

16 Q If you were going to do that, could you give us
17 a computation of how your rates would be assessed for that
18 move?

19 A Sure. It's \$69 per hour for two men and a van.
20 It's \$51 for the van and driver and \$18 per hour per man.
21 We have a two-hour minimum, and going to Allegheny County,
22 we would have one hour of travel charge getting to and from
23 the job, so it would take...

24 Q From Beaver County to Allegheny County would be
25 one hour?

1 A Correct. It would roughly take three hours. At
2 \$69 an hour, it would be \$197.

3 Q Using Gardner's tariff that you have in front of
4 you and assuming for the sake of this question that the
5 rates are going to be the same from Beaver County as they
6 are now in their current tariff, and recognizing that they
7 are coming out of McDonald, that they were going to be
8 using a van with two men on a weekday -- you are basing
9 yours on a weekday rate, aren't you?

10 A Correct.

11 Q Using their tariff with two men -- well, how
12 long would you estimate a job like that would take for a
13 mover to go from McDonald up to Beaver, pick up a load and
14 take it to Pittsburgh; would it take two hours?

15 A It would take two hours approximately. It would
16 take them probably an hour to get to Beaver Falls. Based
17 on their rate with one-hour travel charge, if we use the
18 same example, it would be \$195.

19 Q Compared to \$197 for you?

20 A Yes.

21 Q That's even though they don't have a two-hour
22 minimum?

23 A If it took them the same two hours that it would
24 take our movers to do it in two hours, then it would be a
25 \$2 difference.

1 Q If it took them longer than two hours, then the
2 rate would be even higher?

3 A Yes.

4 Q What factors go into whether it takes 1, 2 or
5 three hours; what kinds of things do you run into when you
6 make a move like that?

7 A Stairs, tight hallways, doorways, odd pieces
8 maybe disassembly, many factors could go into it even in a
9 small move.

10 Q What about where you have to park the vehicle?

11 A Sure. You could have a long carry.

12 Q If you run into traffic congestion, you don't
13 give the customer a credit for that; if it takes you that
14 long, that's what it takes, correct?

15 A Correct.

16 Q What is the approximate driving time from Beaver
17 to Pittsburgh?

18 A About 45 minutes.

19 Q Is your company experiencing competition
20 currently in Beaver County?

21 A Yes.

22 Q Do you consider the transportation you perform
23 in Beaver County to be important revenue to your company?

24 A Very important.

25 Q Based on your experience in the business and

1 your knowledge of Beaver County, do you believe there is a
2 need for an additional carrier to provide service for
3 Beaver County?

4 A No.

5 Q Based on your experience, is there a need for
6 Gardner's service from anywhere that you are authorized to
7 serve at the present time?

8 A No.

9 Q Do you experience competition in Cranberry, for
10 example?

11 A Yes.

12 Q Let's talk for a minute about Mrs. Honeygosky
13 who complained about one move where some items were
14 damaged. Did you have an opportunity to look at the
15 estimate and the shipping order that she signed?

16 A Yes, I did.

17 Q On that shipping order, Mr. Debo, did she take
18 any exception, note any damage, on the shipping order?

19 A No.

20 Q When she signed it?

21 A No.

22 Q Ms. Honeygosky did, however, note it on
23 Applicant's Exhibit 5, which is the survey, correct?

24 A Correct.

25 Q This Exhibit 5, the survey, is this something

1 that is given to every customer?

2 A Yes, we give that to every customer. The driver
3 or the crew chief gives that to the customer after they pay
4 the bill and we have completed the move on the day of the
5 move.

6 Q What happens to the survey after it comes back?

7 A Either myself or my wife review them. If they
8 are good ones, we hang them up for the entire work force to
9 view. If they are negative, such as that one, we turn it
10 over to Dale Brillock, our primary customer service person,
11 to make an initial call-back to see if we can't solve the
12 problem.

13 Q Although Ms. Honeygosky notes on this that she
14 is taking care of these mishaps herself, did Mr. Brillock
15 try to call her back?

16 A Yes, he did.

17 Q Do you consider this an unsatisfactory even
18 though you got four 5's, two 4's and...

19 A No.

20 Q You referred to it as an unsatisfactory. It's
21 not totally satisfactory, but...

22 A It's never satisfactory if the customer does
23 have some type of complaint.

24 Q You would like to get six 5's, correct?

25 A Yes.

1 MR. STEPHENSON: Objection, leading.

2 JUDGE CORBETT: Yes, but we will overrule it.

3 BY MR. PILLAR:

4 Q At no time did Ms. Honeygosky ever contact your
5 company and make any claim?

6 A No.

7 Q Ms. Honeygosky's statement also refers to these
8 three men, Mike, James and Aaron. Do you know these men?

9 A Yes.

10 Q Tell me about Mike. Is he the driver?

11 A Mike was the driver on the job.

12 Q How old is Mike?

13 A He's 31.

14 Q How long has he worked for you?

15 A At the time she moved, Mike had worked for me
16 for nine months.

17 Q Do you consider him to be a good driver?

18 A He's an excellent driver.

19 Q Is he still working for you?

20 A No.

21 Q Where is he now?

22 A He went to work for a food distribution company
23 in Butler County.

24 Q What about James?

25 A James is an excellent mover. He's now one of

1 our drivers. He's worked for us for about a year and a
2 half.

3 Q Does he have a CDL now?

4 A Yes, he's a commercial driver. He's about 25
5 years old.

6 Q How about Aaron?

7 A Aaron is the person on that crew with the most
8 experience. He's been in the moving business for about 14
9 years. He's only a helper. He's probably one of the best
10 helpers.

11 Q How old is he?

12 A He's about 36.

13 Q Ms. Honeygosky complained about the fact that
14 when the chest of drawers was moved, the drawers were not
15 removed. Can you comment on that?

16 A Very seldom do the movers take drawers out
17 unless they are heavily loaded with articles such as books
18 or if you get into a tight situation with a stairwell or
19 something like that, but 99 percent of the time, most
20 movers leave the drawers in.

21 Q Why?

22 A To save the customer money, number one, because
23 we charge them by the hour. If you take the drawers out in
24 all the furniture, we'd make extra money on each job.

25 Q Is there anything unsafe about that ordinarily?

1 A No.

2 Q Your company's position is that there is no need
3 for more service in the area that Gardner has applied for?

4 A Correct.

5 Q Is that why you are opposing this application?

6 A That is why.

7 MR. PILLAR: I offer Exhibits 1, 2 and 3 into
8 evidence.

9 MR. STEPHENSON: No objection.

10 JUDGE CORBETT: With no objection, they will be
11 admitted.

12 (Whereupon, the documents marked as
13 Debo Exhibit Nos. 1, 2 and 3 were
14 received in evidence.)

15 Mr. Gray, do you have any questions?

16 MR. GRAY: No questions, Your Honor.

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

18 MR. STEPHENSON: Thank you, Your Honor.

19 CROSS EXAMINATION

20 BY MR. STEPHENSON:

21 Q Considering your competitors in the Beaver area,
22 how many competitors do you have?

23 A I'm not sure exactly what that number is, but
24 there are several.

25 Q Have you ever looked at the Yellow Pages and

1 just taken a quick head count to see how many companies are
2 advertising?

3 A Yes.

4 Q Don't look now, but just tell me from your
5 recollection, tell me how many there are in the book, not
6 counting you?

7 A Several.

8 Q But, you don't have an exact number?

9 A No.

10 Q Have you made any study of the extent to which
11 you are losing potential business to your competitors?

12 A No.

13 Q Have you made a financial study of any kind to
14 determine whether the granting of the Gardner application
15 would adversely affect the finances of your business?

16 MR. PILLAR: I object to the question as being vague
17 and ambiguous.

18 MR. STEPHENSON: I will be happy to rephrase.

19 JUDGE CORBETT: All right.

20 BY MR. STEPHENSON:

21 Q Have you made any study of how granting the
22 application pending before the Commission now would affect
23 your company financially?

24 A No.

25 Q Other than the opinion you have expressed that

1 there is adequate service in the Beaver County area, have
2 you performed any survey or study to determine the extent
3 to the Beaver County public is being adequately served in
4 household moving?

5 A No.

6 Q I do want to congratulate you because with a lot
7 less equipment, you are making just as much money, and
8 that's to your credit.

9 A Thank you.

10 Q In terms of the money you indicate you have
11 earned in revenue, how much of that is earned in
12 transportation from other points in Pennsylvania beyond 75
13 miles back into Beaver County?

14 A Very, very little; of that total number that I
15 quoted on the assessment, probably less than \$15,000.

16 Q Have you made any attempt to quantify the number
17 of moves that you would lose in a year if the Gardner
18 application were granted?

19 A I estimate I could lose all of the moves if the
20 authority was granted. That's a vague question, but...

21 Q Why do you think you could lose all the moves?
22 That's an interesting answer.

23 A It's competition. You're right; that's a very
24 interesting question. I have no answer.

25 MR. STEPHENSON: I have no further questions.

1 MR. PILLAR: No redirect.

2 JUDGE CORBETT: Thank you, Mr. Debo. You are
3 excused.

4 (Witness excused.)

5 MR. PILLAR: Your Honor, may Mr. Debo and Mr.
6 Brillock be excused.

7 MR. STEPHENSON: I have no objection.

8 JUDGE CORBETT: Okay.

9 MR. PILLAR: I would ask leave at this time, Your
10 Honor, since it's going to be Mr. Gray calling protestant
11 witnesses, to be excused as well.

12 MR. STEPHENSON: I have no objection.

13 JUDGE CORBETT: Very well, then, Mr. Pillar, you may
14 be excused.

15 MR. PILLAR: Could we go off the record?

16 JUDGE CORBETT: Sure, off the record.

17 (Discussion off the record.)

18 JUDGE CORBETT: Back on the record.

19 MR. GRAY: I would call Mr. Fife.

20 JUDGE CORBETT: Would you raise your right hand, sir,
21 and be sworn?

22 Whereupon,

23 CHARLES W. FIFE

24 having been duly sworn, testified as follows:

25 JUDGE CORBETT: Please be seated and would you begin,

1 please, by giving us your full name and spell your last
2 name for the court reporter?

3 THE WITNESS: Charles W. Fife, F-i-f-e.

4 JUDGE CORBETT: Mr. Gray, you may proceed.

5 DIRECT EXAMINATION

6 BY MR. GRAY:

7 Q Mr. Fife, do you represent one or more
8 protestants in this proceeding?

9 A Yes, I do.

10 Q What protestant or protestants do you represent?

11 A Fife Moving and Storage Company and Best Moving
12 and Storage Company.

13 Q Are those two separate and distinct
14 corporations?

15 A Yes, they are.

16 Q What is your position with Fife? I will just
17 refer to them as Fife and Best.

18 A President and CEO.

19 Q Are you the owner of the company?

20 A I own 98.5 percent.

21 Q As to Best, what is your position?

22 A Vice president.

23 Q Do you own that company?

24 A I do not.

25 Q Who owns that company?

1 A Virginia M. Fife.

2 Q Who is Virginia M. Fife?

3 A My wife.

4 Q Are these both Pennsylvania corporations?

5 A Yes, they are.

6 Q Do they both have the same business address?

7 A Yes.

8 Q What is that address?

9 A It's 2121 West Chestnut Street, Washington, PA.

10 Q Is the town of Washington the County Seat of
11 Washington County?

12 A Yes, it is.

13 Q Are you right downtown in Washington?

14 A We are on the outskirts of Washington.

15 Q Are you within in the limits of Washington?

16 A No, we are not. We are actually located in
17 Canton Township.

18 Q Mr. Fife, are you familiar with the
19 transportation services provided by Fife?

20 A Yes.

21 Q Are you familiar with the transportation
22 services provided by Best?

23 A Yes.

24 Q Are you authorized to testify for both of those
25 companies?

FORM 2

1 A Yes, I am.

2 Q How long has Fife or it's predecessor been in
3 the transportation business?

4 A My father founded the company back in 1925.

5 Q What was your father's name?

6 A Raymond E. Fife.

7 Q Were the PUC rights that Fife now has, or at
8 least some of those PUC rights, originally in your father's
9 name?

10 A Yes, they were.

11 Q Has your family been operating the household
12 goods business under the name of Fife since 1925?

13 A Yes.

14 Q Continuously?

15 A Yes.

16 Q And, are you still today?

17 A Yes.

18 Q What about Best; when did it first come into
19 existence?

20 A Back in 1983 when Fife represented Global Van
21 Lines, they came out with a policy that we could not be a
22 representative of a major van lines, Global, and operate
23 I.C.C. authority, so we started another company calling it
24 Best Moving and Storage and transferred over the I.C.C.
25 authority to Best.

1 Then at a later date, and I'm not absolutely sure of
2 the years, I believe later on in the 1980's, Best Moving
3 and Storage purchased some PUC authority from another
4 carrier in the Pittsburgh market.

5 Q Was that carrier Haugh, H-a-u-g-h, and Keenan,
6 K-e-e-n-a-n, Transportation?

7 A Yes, it was.

8 Q Has Best, since then, continued to provide
9 service under its own operating authority from the Public
10 Utility Commission?

11 A Yes, it has.

12 Q Is there some overlap between the operations of
13 Best and Fife?

14 A Yes, the PUC authority overlaps, mainly in the
15 Allegheny County portion.

16 Q How do you decide which company handles the trip
17 where there is an overlap?

18 A Generally by price; we try to give the customer
19 the best price possible. Fife and Best operate under two
20 different pricing structures.

21 Q Is Best affiliated with a van lines?

22 A No, it is not.

23 Q It is still not today?

24 A Right.

25 Q If Fife affiliated with a van lines?

1 A Fife is affiliated with Global Van Lines.

2 Q How long does that go back?

3 A Fife has been with Global 21 years.

4 Q What affect does that have on either your
5 interstate or intrastate operations; that is, the
6 affiliation of Fife with Global Van Lines?

7 A Fife does their interstate under the Global
8 operating authority. By tying in with a major van line
9 association, other Global agents throughout the country
10 occasionally will have jobs that they may be assigned
11 through a corporate contract arrangement where you would
12 have a move from Pittsburgh to Philadelphia, and so they
13 will call an associated agent, which would be us in this
14 area, to arrange to do that moving.

15 Q Are you aware that this application seeks
16 authority to provide service between points within 75 miles
17 of the court house in Pittsburgh?

18 A Yes.

19 Q In other words, if you draw a circle 75 miles
20 out from the center point, that would be the territory that
21 this application seeks authority in?

22 A Yes.

23 Q Does Fife have PUC authority which is in
24 conflict with that, with that territory?

25 A Very much so.

1 Q In fact, would most of Fife's authority be in
2 conflict with that?

3 A Yes.

4 Q Would all of Fife's authority as to its base
5 territory be in conflict?

6 A Very much so.

7 Q What about Best, does it have authority in
8 conflict?

9 A It has Allegheny County authority, to and from
10 parts of Pennsylvania, so it would affect that also.

11 Q Do you know that Gardner presently has authority
12 to go from points in Allegheny County to points in
13 Pennsylvania, but no right to provide service to Harrisburg
14 and within ten miles of Harrisburg and no right to provide
15 service to Chester and Montgomery counties?

16 A I am aware of that.

17 Q Does your company, by the way, sometimes provide
18 service to the Harrisburg area?

19 A Yes.

20 Q And, do you sometimes provide service to Chester
21 and Montgomery counties?

22 A Yes.

23 Q So, to the extent that Gardner doesn't have that
24 authority, they cannot now provide that service?

25 MR. STEPHENSON: Objection, relevance.

1 MR. GRAY: I will withdraw the question.

2 JUDGE CORBETT: Off the record.

3 (Discussion off the record.)

4 JUDGE CORBETT: We are back on the record.

5 BY MR. GRAY:

6 Q Mr. Fife, I am going to ask you to look at your
7 operating authorities. I will try to take the companies
8 one by one to make this a little less confusing.

9 A Okay.

10 MR. GRAY: Your Honor, may we have marked as Fife
11 Exhibit 1, a copy of its operating authority at Docket
12 Number 94528, Folder 1, Amendment C?

13 JUDGE CORBETT: So marked and identified.

14 (Whereupon, the document was marked
15 as Fife Exhibit No. 1 for
16 identification.)

17 BY MR. GRAY:

18 Q Mr. Fife, first of all, I note at the bottom of
19 the page that it states, in the last line, "in lieu of its
20 current authority."

21 MR. GRAY: Could we go off the record for a moment?

22 JUDGE CORBETT: Off the record.

23 (Discussion off the record.)

24 JUDGE CORBETT: Back on the record.

25 MR. GRAY: I seem to be missing a couple of pages.

1 Pages 2 and 3 irrelevant anyway in that they are just
2 discussion pages and don't really relate to the authority.
3 Those pages are included as part of the authority attached
4 to the protest.

5 BY MR. GRAY:

6 Q Mr. Fife, the reason I noticed this was because
7 I was reading from the last line on page one, which starts
8 out, "Which is in lieu of."

9 MR. GRAY: Excuse me, Your Honor, could I have a
10 moment?

11 JUDGE CORBETT: Sure.

12 (Mr. Gray reviewing document.)

13 BY MR. GRAY:

14 Q Am I correct that on page 2, it begins with
15 "authority;" in other words, is it correct that the
16 authority at Folder 1, Amendment C of Fife replaces its
17 earlier authority?

18 A Yes.

19 MR. STEPHENSON: We would stipulate that that's what
20 the control text of the Commission's Order read.

21 JUDGE CORBETT: Thank you, Mr. Stephenson.

22 BY MR. GRAY:

23 Q Mr. Fife, in looking at this authority, it
24 appears to me that your authority involves service between
25 points in the Borough of Houston and within ten miles of

1 that, and from that territory to points in Pennsylvania and
2 vice versa, correct?

3 A Correct.

4 Q Where, in Washington County, is the Borough of
5 Houston?

6 A It's sort of a northeast section, right next to
7 Canonsburg, right off of Interstate 79.

8 Q Would the area of ten miles from Houston also go
9 into another county?

10 A Yes, Allegheny County.

11 Q And, the vice versa, you understand that you
12 have the right to handle movements that originate anywhere
13 in Pennsylvania and take them back into that area?

14 A Yes.

15 Q Do you provide service and have you provided
16 service under this authority of Houston and ten miles to
17 points in Pennsylvania?

18 A Yes.

19 Q Do you also provide service where the service
20 originates somewhere else outside of that area and comes
21 back into that area?

22 A Yes.

23 Q The next grant of authority in the authority of
24 Fife, is between points in the Borough of McDonald,
25 Washington County, and within 15 miles of McDonald and from

1 points in that territory to points in Pennsylvania and vice
2 versa. Where is the Borough of McDonald located in
3 Washington County?

4 A It's in the northern part of Washington County
5 right on the Allegheny County border.

6 Q Would 15 miles of McDonald involve any other
7 counties besides Washington and Allegheny?

8 A It goes up into Beaver County.

9 Q Southern Beaver County?

10 A Yes.

11 Q Have you provided household goods service under
12 this particular grant of authority?

13 A Yes, we have.

14 Q Do you still?

15 A Yes.

16 Q And from all of these three counties?

17 A Yes.

18 Q Have you and do you still provide service from
19 areas in Pennsylvania back into this area?

20 A Yes.

21 Q What amount of revenues did Fife earn in 1999
22 from the intrastate service set forth in Fife Exhibit 1?

23 A Approximately \$450,000.

24 Q Were those revenues earned, some from
25 Washington, some from Allegheny and some from Beaver?

1 A Yes.

2 Q And, were there some earned from other areas
3 where the movements came back into those three counties,
4 Washington, Westmoreland and Fayette?

5 A Yes.

6 Q Do you anticipate that for the year 2000, that
7 your revenues would be somewhat comparable from PUC service
8 for Fife?

9 A Yes.

10 Q Is this \$450,000 in revenue that Fife earns
11 significant to your company?

12 A Yes.

13 Q If you would have an additional competitor, for
14 example for the Washington County business or the Beaver
15 County business, would that be significant?

16 A I believe it would be, especially depending on
17 how much advertising he would do to get that business.

18 Q Do you understand that the applicant is now
19 located in relatively close proximity to Washington County?

20 A Yes.

21 Q You are located in Washington County, correct?

22 A Yes.

23 Q Let's turn, if we might at this point, to Best.
24 Does Best hold authority from the Commission at Docket
25 Number 00107776?

1 A Yes.

2 MR. GRAY: Your Honor, may we have marked as Best
3 Exhibit 1, a copy of the authority of Best at Folder 1,
4 Amendment A at that docket number?

5 JUDGE CORBETT: So marked and identified.

6 (Whereupon, the document was marked
7 as Best Exhibit No. 1 for
8 identification.)

9 BY MR. GRAY:

10 Q Mr. Fife, is Best Exhibit 1 a true and correct
11 copy of your authority at Folder 1, Amendment A?

12 A Yes.

13 Q In looking at page 2 of this Order, I note
14 again, about ten lines down, the indication that this is in
15 lieu of your existing authority at that time, correct?

16 A Yes.

17 Q So, this replaces the older authority that Best
18 had, correct?

19 A Yes.

20 Q Now, as to the authority of Best, turn to page
21 6, if you would. Best holds authority, does it not, to
22 provide service between points in Allegheny County and from
23 points in Allegheny County to other points in Pennsylvania
24 and vice versa; is that correct?

25 A Correct.

1 Q Has Best provided, in the past, service under
2 this authority?

3 A Yes, we have.

4 Q This is Best's only authority, correct, PUC
5 authority?

6 A Yes.

7 Q So, any revenues that you derive, are derived
8 from this authority for PUC purposes?

9 A Yes.

10 Q Your authority, unlike Gardner's existing
11 authority, though, has these words "and vice versa" in it,
12 correct?

13 A Correct.

14 Q And, you can provide service, for example, from
15 Butler County or Beaver County or Washington or
16 Westmoreland to Allegheny County, correct?

17 A Yes.

18 Q And, do you do that?

19 A Yes, we do.

20 Q Does that make up a substantial amount of Best's
21 revenues, PUC revenues?

22 A Yes.

23 Q What were Best's PUC revenues for 1999?

24 A I don't have an exact figure, but I would
25 estimate it to be about \$200,000.

1 Q And, those revenues were all revenues from
2 Allegheny County to points outside or from points outside
3 to Allegheny County?

4 A Yes.

5 Q Can you estimate what amount of that \$200,000
6 would have been from movements from the counties outside of
7 Allegheny County; Butler, Beaver, whatever, to Allegheny
8 County?

9 A Approximately 60 percent.

10 Q So, most of Best's revenues are coming into
11 Allegheny County?

12 A Yes.

13 Q And, of course, if this application is granted,
14 those revenues are also subject to diversion, correct?

15 A Yes.

16 Q Are those revenues important to Best?

17 A Very much so, yes.

18 Q If you were to have more competition for those
19 revenues, would it be harmful to you?

20 A Yes, it would.

21 Q Mr. Fife, are the facilities where you provide
22 your service from or where you dispatch your equipment
23 from, where you maintain your equipment, are the only
24 facilities that either Fife or Best own located in
25 Washington, PA, or in the township that you referred to?

1 A We have one facility in Canton Township,
2 Washington, our main office. We have a maintenance and
3 warehouse, additional facility, in Chartiers Township.

4 Q Do Best and Fife share the same offices at these
5 locations?

6 A Yes.

7 Q Describe for me, if you would, the main office
8 that you have in Canton Township?

9 A There's several offices dedicated to what we
10 call operations, mainly dispatching and driver services.
11 We have a drivers lunch room area along with rest room
12 facilities, shower facilities.

13 Then we have a conference room, my office, a
14 reception area, a sales area, move management area and
15 accounting area.

16 Q Do you physically locate your equipment at that
17 facility overnight?

18 A Both facilities.

19 Q Where is the equipment maintained, repaired?

20 A The Chartiers Township facility at West Pike
21 Street in Meadowlands.

22 Q Would you please describe what you have at that
23 facility?

24 A There's three buildings. One of them is
25 basically an old public school building which we have

1 renovated and lease out to tenants. We put up another
2 5,000 foot building for maintenance and another 5,000
3 square foot building for storage facilities.

4 Q Where you have a need to store household goods
5 as part of your household goods transportation business,
6 the storage takes place at the Chartiers Township facility?

7 A And, also the Canton Township facility.

8 Q You have a warehouse there?

9 A Yes.

10 Q How do they compare in size to the warehouse
11 space at...

12 A At Canton Township, there's two buildings. One
13 is a new warehouse about three years, 18,000 square feet,
14 and the other building is approximately 13,000 square feet.
15 it's about 25 years old.

16 Q The warehouse space that you have in Chartiers
17 Township...

18 A Is 5,000 square feet.

19 Q Actually, most of your warehousing is done in
20 Canton Township?

21 A Yes.

22 Q How far is it between the Canton Township
23 facility and the Chartiers Township facility?

24 A It's 6.4 miles.

25 Q They are both located in Washington County?

1 A Yes.

2 Q Let's talk about the equipment that these
3 companies have. Do they each have their own separate
4 equipment?

5 A Yes.

6 Q Let's take Fife first. What amount of equipment
7 does Fife operate?

8 A We have approximately 75 pieces of equipment.

9 Q How do they break out?

10 A We have several company cars for management and
11 sales people. We have pack vans which are used to carry
12 packing material out to the job side. We have straight
13 trucks ranging from 15 to 26 foot in length. We have
14 tractor-trailers ranging from 40 feet to 53 feet in length.

15 Q Sticking with Fife now for the moment,
16 approximately how many pack vans does Fife operate?

17 A Two.

18 Q How many straight trucks does Fife operate?

19 A I believe it's 17.

20 Q And, would all of the other units that you have
21 described, except for, I think, the two company cars, be
22 tractor-trailers?

23 A Yes.

24 Q Are the tractor-trailers owned by Fife or are
25 they owner-operated?

1 A The trailers are owned by Fife, and we have
2 approximately a dozen owner-operators pulling their own
3 tractors.

4 Q How many tractors do you have company owned?

5 A Approximately 25.

6 Q Let's turn to Best, if we may. How many pack
7 vans does Best operate?

8 A Best just has three pieces of equipment,
9 straight trucks ranging from 20 to 26 foot.

10 Q They do not have any tractor-trailers?

11 A No.

12 Q What do they do, lease the tractor-trailers from
13 Fife?

14 A Yes.

15 Q So, when tractor-trailers are required, do you
16 have a lease agreement between Fife and Best?

17 A Yes.

18 Q Do you actually just have some equipment
19 permanently leased from Fife to Best?

20 A No, they are more on a month to month type of
21 lease, I guess you would call it.

22 Q That's why I mean, 30 days or more?

23 A Yes.

24 Q It's not a trip lease basis?

25 A No.

1 Q You have some equipment that Fife owns but that
2 Best uses all the time?

3 A Yes.

4 Q How many of the tractor-trailers are leased on a
5 30-day or more basis to Best?

6 A Approximately eight.

7 Q Those would be company owned tractor-trailers?

8 A Yes.

9 Q So, Best's regular fleet of operating equipment
10 would consist of eight tractor-trailers and three straight
11 trucks?

12 A Yes.

13 Q What are the hours of service that Fife's
14 service is available to the public?

15 A Twenty-four hours seven days a week.

16 Q What about Best?

17 A Basically the same.

18 Q So, if I need my household goods moved and for
19 some reason it would have to be moved at some time other
20 than between 8:00 and 5:00, would Fife and Best do that?

21 A Yes.

22 Q And, do you handle that?

23 A Yes.

24 Q Do Fife and Best advertise their services to the
25 public?

1 A Yes, we do.

2 Q How do you advertise your services?

3 A Principally through the Yellow Pages. We do
4 newspaper advertising. We do cable TV advertising. We
5 have been on the Internet, REALPITTSBURGH.COM, and we have
6 our own Web site.

7 We advertise through charity organizations where we
8 maybe donate the use of a truck and men.

9 Q Do Fife and Best usually jointly advertise or do
10 you separately advertise?

11 A Separately.

12 Q The last witness, Mr. Debo, had a whole stack of
13 Yellow Pages.

14 A I have the same stack.

15 Q You advertise in multiple editions?

16 A Very much so.

17 Q For each company?

18 A Yes.

19 Q Both companies advertise in multiple editions of
20 the Yellow Pages?

21 A Yes.

22 Q You mentioned newspapers advertisements. Where
23 do you advertise in the newspaper?

24 A There's several weekly newspapers. One is the
25 Advertiser. We have a daily newspaper in the Washington

1 market, the Observer Reporter.

2 Q Do you advertise heavily in the Washington
3 County market?

4 A Yes.

5 Q Is that a very important market for you?

6 A Yes.

7 Q Have they been advertisements of both Best and
8 Fife separately?

9 A In the Washington market, best does not do a
10 whole lot of advertising. They maybe have a one-line ad in
11 the phone book because their market is mainly the
12 Pittsburgh market.

13 Q They are, though, licensed to provide service
14 from Washington County to Allegheny County?

15 A Yes, sir.

16 Q When you referred to the cable TV advertising,
17 what has that consisted of?

18 A They are usually 30-second commercials on
19 different cable channels, Headline News, Lifetime and
20 different ones like that, you know, across the street,
21 across the city, across the country.

22 Q Does that advertising go to the public not only
23 in Allegheny County, but in Washington County and Beaver
24 and other counties where people might move back into
25 Allegheny County?

1 A Yes.

2 Q Have long have you been doing the Internet
3 advertising?

4 A We are no longer on REALPITTSBURGH.COM, but we
5 had a contract with them that expired the end of last year.
6 It was about a year, I believe.

7 Q Is that, in your view, not as an effective way
8 of advertising?

9 A It almost seemed like it was beginner's luck.
10 When it first came on, the first week or so, we got several
11 responses, but after that it died off to a point that there
12 was practically nothing. We used it for a situation of
13 having people from out of town, like Erie or Harrisburg or
14 Philadelphia, if they wanted to find out a little bit more
15 about Pittsburgh.

16 Q Do both Fife and Best have substantial
17 competition now for household goods moving business in the
18 areas of their PUC authorities?

19 A Yes.

20 Q Do you believe that there is any need for an
21 additional household goods moving company in the areas in
22 which you now provide service?

23 A No, I do not.

24 Q Do you have equipment sitting idle most of the
25 time that can be used to provide any additional service

1 that would be out there that is beyond what you have hauled
2 in the past?

3 MR. STEPHENSON: Objection, leading.

4 THE WITNESS: Yes.

5 JUDGE CORBETT: Just a minute. I will overrule the
6 objection.

7 THE WITNESS: Yes, we have equipment sitting around.
8 I also check the competition to see how they are doing, and
9 I notice they have equipment sitting around. Except for
10 possibly a few days a year, I think most everybody has
11 equipment sitting around.

12 BY MR. GRAY:

13 Q Is that because you have to have equipment as
14 the public requires?

15 A Yes, we do.

16 Q The couple of days a year, what time of year is
17 that?

18 A Maybe the last few days in June, the last few
19 days in August; it's a rush at that point. Everybody has
20 gotten out of school. They want to move when the kids are
21 out of school, and the end of August, they realize they
22 better hurry up and move before school starts.

23 Q Have there been rare occasions when you have not
24 had any equipment available?

25 A Possibly those days, but very rarely.

1 Q What have you done on those occasions?

2 A We oftentimes suggest they have to book those
3 days well in advance. Otherwise, if they are a good
4 customer and we know that we can count on them to move them
5 instead of canceling out at the last minute, if at all
6 possible, we will rent additional equipment to service the
7 customer.

8 Q Have you done that in the past?

9 A Yes, we have.

10 Q If the worst of all cases, you couldn't rent any
11 and you didn't have any, do you ever refer to them to
12 another...

13 A There is competition that we work with. We
14 refer a lot to Foster Transfer in the Allegheny County
15 area, and we refer them to Anderson Transfer, All Ways.

16 Q If there's just no other way that you can do it,
17 then you refer it out?

18 A Yes.

19 Q So the customer is not left in the...

20 A What we generally like to do is let them know
21 that we referred them so that, you know -- a good company -
22 - they know that they are a good customer.

23 MR. GRAY: That's all the questions I have. I move
24 the admission of Fife Exhibit 1 and Best Exhibit 1 subject
25 to cross examination.

1 MR. STEPHENSON: No objection.

2 JUDGE CORBETT: Those are admitted.

3 (Whereupon, the documents marked as
4 Fife Exhibit No. 1 and Best Exhibit
5 No. 1 were received in evidence.)

6 Mr. Stephenson.

7 MR. STEPHENSON: Thank you.

8 CROSS EXAMINATION

9 BY MR. STEPHENSON:

10 Q Let me put to you the same questions I have
11 pretty much put to everybody else. You understand that
12 there is a 75-mile radius that my clients are looking to
13 obtain?

14 A Yes.

15 Q And, you have testified as to your revenue
16 number for Fife as \$450,000 and for Best, \$200,000. What I
17 am going to ask you to do is make an adjustment in those
18 numbers, if it's needed.

19 To the extent that the revenue derived from
20 transportation from points farther away than 75 miles back
21 into Allegheny County, how much of your revenue in each of
22 those companies would be captured by that kind of work?

23 A If we would -- my best attempt to justify the
24 revenue within a 75-mile radius and back...

25 Q Outside the 75 miles.

1 A Oh, outside?

2 Q We are talking about a trip that comes back from
3 Scranton, back from Harrisburg, back from Philadelphia,
4 more than 75 miles a way. How much revenue does each
5 company derive from that type of transportation?

6 A About 70 percent.

7 Q I am going to tell you what I think I heard.
8 Tell me if I got it right. Is it your testimony that 70
9 percent of the revenue of, for example, Fife arises from
10 transporting household goods farther away than 75 miles
11 back into Allegheny County?

12 A Let me take that back then. For Best, it would
13 70 percent.

14 Q So for Best, it's 70 percent?

15 A Yes.

16 Q Okay.

17 A Under Fife, it would probably be about 50
18 percent.

19 Q So, at least with regard to Best, 70 percent of
20 the revenue of Best would not be affected by the Gardner
21 application because they are not looking for authority to
22 bring back goods more than 75 miles away back to Allegheny
23 County; would you think that that's correct?

24 A That could be correct. In any given year, next
25 year, it may be different.

1 Q I understand numbers can move up and down, but
2 we are taking these good faith estimates. With regard to
3 Fife, of the \$450,000 in revenue, half of that would not be
4 at issue with this application, correct?

5 A Fifty percent or less, yes.

6 Q You testified that Best operates mainly in the
7 Pittsburgh market, right?

8 A We have Allegheny County authority, yes.

9 Q And, that's where they do most of their bread
10 and butter business, Allegheny County?

11 A Yes.

12 Q At least within points in Allegheny County and
13 from Allegheny County out to most of Pennsylvania, you know
14 that Gardner has the same authority, right?

15 A Yes.

16 Q So, there wouldn't be a problem there, right?
17 We are not talking about the return, just going out.

18 A They already have that authority, and I'm sure
19 we run into them already.

20 Q Let's talk about Washington County. With regard
21 to Washington County, you made an interesting comment that
22 you obviously keep track of your own idleness, but you look
23 at your competitors for their idleness. How often do you
24 do that?

25 A Well, my competitors in Washington, Anderson

1 Transfer and All Ways, I probably drive by their facilities
2 about three times a week. They are five minutes away.

3 Q You stop and actually look in the lots to see
4 what is there?

5 A I drive by them. They are close to the highway.

6 Q Do you ever keep any study of what you see in
7 terms of being vacant in the lots?

8 A Not written; mentally I know what equipment they
9 basically have. All Ways, they have five straight trucks.
10 They just bought a new one. I know Anderson Transfer just
11 bought a new pallet van.

12 Q What is your sense of what their occupancy rate
13 is on their vehicles from your viewing them?

14 A I would have to say this last winter it was less
15 than 50 percent.

16 Q Based upon your competition with them, do you
17 have a sense of whether you are more competitive or less
18 competitive than them in the market place?

19 A I think that because of our size and our
20 reputation, we can generally get the job. Competition is
21 funny. It all depends on the sales person that you are
22 running up against. If they really need that job at the
23 end of the month, do they somewhat stretch what they think
24 they can get it done for?

25 Q All things being equal?

1 A I think it's very fair.

2 Q Do you think you do better or worse than your
3 competitors?

4 A I think I do better.

5 Q With regard to Gardner Moving, are you familiar
6 with Gardner Moving?

7 A Somewhat, yes.

8 Q Do you know how much equipment Gardner Moving
9 has at this time?

10 A I believe it's about three pieces, straight
11 trucks.

12 Q Do you know how many people they employ?

13 A I would have to assume usually it's a three-man
14 crew per truck, so I would say nine to ten and maybe
15 someone in the office.

16 Q Have you ever looked at their tariff?

17 A No.

18 Q Have you had anybody compare Best's and Fife's
19 tariff versus Gardner's tariff?

20 A What we occasionally do is we have different
21 people in the office call up our competition, tell them
22 they have three or four rooms to move from McDonald to
23 Monroeville and what would the cost be.

24 Q And, old trick of the trade?

25 A Yes.

1 Q Let me ask you a different question. If Gardner
2 were to be granted this application, have you conducted any
3 study or analysis of the number of moves you would
4 anticipate having diverted from you?

5 A I haven't done a study as of yet. It would be
6 very difficult based on I don't know how much they would
7 plan on advertising and actually coming in to my market,
8 whether they would be putting up billboard signs and
9 promoting their name.

10 If it's word of mouth, it would be a very slow and, I
11 think, difficult process. I think they would have to do
12 some advertising. At the present time, I don't recall
13 seeing their advertising in the Washington or Canonsburg
14 Yellow Pages.

15 Q Have you ever seen a print ad for Gardner
16 Moving?

17 A Yes, I have.

18 Q Where did you see that?

19 A Mainly in the Allegheny County Yellow Pages.

20 MR. STEPHENSON: Thank you, sir. I have no further
21 questions, Your Honor.

22 JUDGE CORBETT: Mr. Gray?

23 MR. GRAY: Yes, I do. May I approach the witness,
24 Your Honor?

25 JUDGE CORBETT: Sure.

REDIRECT EXAMINATION

1
2 BY MR. GRAY:

3 Q Mr. Fife, I want to show you a map of 75 miles,
4 which I prepared and I will tell you is reasonably accurate
5 if not precisely accurate. The area within the circle that
6 I have drawn is the are that Gardner seeks to serve. The
7 are outside is, of course, the area beyond 75 miles.

8 As to Best, your testimony is that Best has authority
9 to provide service originating in Allegheny County and
10 going to anywhere in Pennsylvania and coming from anywhere
11 in Pennsylvania back into Allegheny County.

12 I want to make sure that I understand your testimony
13 on this. Let's start again as to outbound movements,
14 movements from Allegheny County out to various areas. What
15 percentage of Best's overall revenues are derived from
16 outbound movements from Allegheny County as opposed to
17 inbound movement to Allegheny County?

18 A From Allegheny County going out, on a percentage
19 basis...

20 Q Do pay attention to my lines. What is the total
21 outbound versus the total inbound in revenues?

22 A Going out is probably about 40 percent.

23 Q Forty percent of Best's PUC revenues are
24 outbound?

25 A Yes.

1 Q And, 60 percent of Best's PUC revenues are
2 inbound?

3 A Yes.

4 Q Of the 60 percent of the inbound revenues,
5 revenues into Allegheny County, what percentage of that
6 amount, of the 60 percent, would be from areas in the part
7 of Pennsylvania more than 75 miles away and what percentage
8 would be from areas in the area within the 75 miles?

9 MR. STEPHENSON: Objection, counsel is impeaching his
10 own witness.

11 MR. GRAY: I'm not impeaching. I'm clarifying...

12 JUDGE CORBETT: It think that's a clarification or
13 rehabilitation. I will allow that.

14 THE WITNESS: It's probably 50 to 60 percent.

15 BY MR. GRAY:

16 Q Is which?

17 A No more than 60, maybe more than 50; about 50
18 percent of it is outside the 75-mile radius now.

19 Q You are saying 50 percent of the 60 percent?

20 A Yes. I didn't realize Indiana County is in
21 there, and Cambria. We get a fair amount up in those
22 areas. I have some drivers living up there.

23 Q So, those would be within the area, not outside?

24 A Yeah, it would probably be closer to 50 percent
25 of the business within that area.

1 Q So, 50 percent of the 60 percent would be from
2 that area?

3 A Yes, coming in.

4 Q With this map, with better observation of what
5 you understand is within the 75 miles, what percentage of
6 Fife's revenues now would you say, for Pennsylvania
7 intrastate, come from the area more than 75 miles to Fife's
8 base area, which is in Washington, Allegheny and Beaver,
9 versus what percent comes from within the 75-mile area?

10 A It would be -- outside the 75-mile radius on
11 that, it would be only about 25 percent.

12 Q And, the other 75 percent?

13 A The 75 percent is within that 75 miles.

14 MR. GRAY: That's all. Thank you.

15 JUDGE CORBETT: Mr. Stephenson?

16 MR. STEPHENSON: No further questions.

17 JUDGE CORBETT: Thank you, Mr. Fife. You are
18 excused, sir.

19 (Witness excused.)

20 We will take a short recess, ten minutes.

21 (Recess.)

22 JUDGE CORBETT: We are back on the record.

23 MR. GRAY: We would call Fred Schawl.

24 JUDGE CORBETT: Would you raise your right hand, sir,
25 and be sworn?

1 Whereupon,

2 FRED SHAWL

3 having been duly sworn, testified as follows:

4 JUDGE CORBETT: Would you begin, please, by giving us
5 your full name and spell your last name for the court
6 reporter?

7 THE WITNESS: Fred Shawl, S-h-a-w-l.

8 JUDGE CORBETT: Mr. Gray, you may proceed.

9 DIRECT EXAMINATION

10 BY MR. GRAY:

11 Q Mr. Shawl, by whom are employed?

12 A Vesely Brothers Moving and Storage and Century
13 III Moving Systems.

14 Q Are those two distinctly different corporations?

15 A Yes, they are.

16 Q What is your position with Vesely Brothers?

17 A Vice president of administration.

18 Q What is your position with Century III?

19 A Vice president and general manager.

20 Q What is the business address of Vesely Brothers?

21 A It's 316 Finley Road, Belle Vernon, PA 15012.

22 Q What is the business address of Century III?

23 A At present, the same.

24 Q Is that something that has changed in the recent
25 past?

1 A That has changed as of December 1st, 1999, but
2 it at this point, is possibly just temporary.

3 Q What was the business address of Century III?

4 A It was 301 Wide Drive, McKeesport, PA 15135.

5 Q McKeesport is in Allegheny County?

6 A Yes, sir.

7 Q And, Belle Vernon is in what county?

8 A In Westmoreland County where our warehouse is.
9 It's right on the border of Fayette and Westmoreland.

10 Q Would it be correct that previously Vesely
11 Brothers and Century III were operated from separate
12 facilities, but at least for now, they are consolidated
13 under the same roof?

14 A Correct, they were 18 miles apart.

15 Q Is Vesely Brothers a Pennsylvania corporation?

16 A Yes.

17 Q Is Century III a Pennsylvania --

18 A Yes.

19 Q -- corporation?

20 A Yes.

21 Q You have to let me finish the question.

22 A Okay.

23 Q Has Vesely been in operation for many years?

24 A Yes.

25 Q Do you know how long?

1 A I couldn't tell you. They have been an agent
2 for United Van Lines since 1947, so they were in business
3 probably back when trucks still had solid tires and doing
4 hauling coal and ice. That's how they started. Likewise,
5 with the other company, the same.

6 Q So, both companies have been around for a long
7 time?

8 A Long time.

9 Q Did the Veselys more recently, though, buy
10 Century III?

11 A Yes, in April of 1990, Peter J. Vesely, Sr., and
12 Joseph B. Vesely purchased the Century III Moving System.
13 Actually, they purchased the Clairton Transfer
14 Company/Pleasant Hills Van and Storage Company from myself
15 and my senior partner, Gene Balombini.

16 Vesely Brothers Moving and Storage does not own
17 Century III Moving Systems. The two brothers own both
18 companies.

19 Q Prior to 1990, though, you were an older of the
20 company?

21 A A part owner, yes.

22 Q When you gave those other names, the Clairton
23 and the Pleasant Hills name, those are trade names of
24 Century III Moving Systems, correct?

25 A Yes.

1 Q So, would I be correct that when you sold
2 Century III in 1990 to the two Veselys, that you stayed
3 with the company and came to work for them?

4 A It was part of the package. If I did not agree
5 to stay for a limited period, they didn't wish to buy the
6 company, and I have been there way beyond my...

7 Q The limited period has become, at least as of
8 now, more than ten years?

9 A It's right at that. Next month it will be ten
10 years. Actually, it's this month. This is April.

11 Q Are you familiar with the operations of both
12 Vesely Brothers and Century III?

13 A Very much.

14 Q Are you authorized to testify for both of those
15 companies?

16 A Yes.

17 Q Let's take Vesely first and try to separate
18 these. Does Vesely Brothers hold operating authority from
19 the PUC at Docket Number 102958?

20 A Yes, they do.

21 MR. GRAY: Your Honor, may we have marked as Vesely
22 Exhibit 1, the PUC operating authority referred to for
23 Vesely Brothers?

24 JUDGE CORBETT: Yes, that will be so marked and
25 identified as Vesely Exhibit 1.

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

4 MR. STEPHENSON: Your Honor, we have already
5 stipulated as to Vesely 1 and Century III 1.

6 JUDGE CORBETT: All right. The other authority will
7 be marked and identified as Century III Exhibit 1.

8 (Whereupon, the document was marked
9 as Century III Exhibit No. 1 for
10 identification.)

11 BY MR. GRAY:

12 Q Mr. Shawl, please look at Vesely 1, and what I
13 want to do is just go over with you the relevant grants of
14 authority in Vesely 1.

15 A Okay.

16 Q First of all, do you understand, by this
17 application, the applicant seeks to provide authority with
18 a 75-mile radius of the court house in Allegheny County?

19 A Yes, that's 75 airline miles, I understand.

20 Q Do you have a fairly good idea of where that
21 area is?

22 A Yes.

23 Q Have you and I looked at a map to sort of put
24 that into perspective?

25 A Yes.

1 Q Do you understand that the applicant now can
2 provide service from points in Allegheny County to points
3 within that 75 miles?

4 A Yes.

5 Q Let's look at the Vesely Exhibit 1. I will try
6 to lead you through this a little bit to make it easier.
7 Would you agree that paragraph 1 is a paragraph involving
8 household goods authority and permits service between
9 points in Allegheny County?

10 A Yes.

11 Q You understand that the applicant can already
12 handle that, provide that service?

13 A Yes.

14 Q Paragraph 2 authorizes service from points in
15 Allegheny County to other points in Pennsylvania and vice
16 versa. Do you understand that that paragraph is relevant
17 in that the applicant cannot presently provide service from
18 other counties with the 75 miles to Allegheny County?

19 A Yes.

20 Q Does Vesely provide service under this authority
21 from points in counties within 75 miles to Allegheny
22 County?

23 A Yes.

24 Q Have you, for many years, provided that service?

25 A Yes.

1 Q Are you today providing that service?

2 A Yes.

3 Q Are the revenues from that service significant
4 to your company?

5 A Yes.

6 Q If you would go to Folder 1, Amendment A,
7 paragraph 1 authorizes service between points in the
8 Borough of Fayette City, Fayette County, and within five
9 miles by the usually travelled highways of the limits of
10 said borough.

11 To the extent that you need to, I have a map and a
12 ruler here where each inch equals ten miles, but maybe you
13 just know this. Where is Fayette City located in Fayette
14 County?

15 A It is in, probably, north Fayette County.

16 Q Is it near the border of other counties?

17 A Yes, it's near the border of Washington County
18 and Westmoreland.

19 Q Would five miles of Fayette City then involve
20 three counties, Washington, Westmoreland and Fayette?

21 A Yes.

22 Q Paragraph 2 authorizes household goods
23 transportation from certain townships and boroughs in
24 Fayette County and in Washington County and in Westmoreland
25 County and vice versa, correct?

1 A Yes.

2 Q Does Vesely provide PUC service in the areas
3 that we have just talked about, Washington, Westmoreland
4 and Fayette Counties, from those areas?

5 A Yes.

6 Q And, does it provide service to those areas from
7 points within 75 miles?

8 A Yes.

9 Q Moving to paragraph 3, it authorizes service
10 between points in the Borough of Fayette City and within 12
11 miles of the usually travelled highways of Fayette City.
12 You already said that five miles gets you into Washington
13 and Westmoreland Counties and Fayette. Twelve miles would
14 obviously get you further into those counties?

15 A And, into Allegheny County; not all of Allegheny
16 County, but it would certainly go into Allegheny County.

17 Q Paragraph 4 authorizes services from that
18 Fayette City and 12 mile area to points in Pennsylvania and
19 vice versa, correct?

20 A Yes.

21 Q Does Vesely provide service from that 12 mile
22 area to points within 75 miles?

23 A Yes.

24 Q And, does it provide service from points within
25 75 miles back into that 12 mile area?

1 A Yes.

2 Q Paragraph 5 authorizes services from certain
3 points in Fayette County, Westmoreland and Washington
4 County to points in Pennsylvania and vice versa, correct?

5 A Yes.

6 Q Do you provide service under this authority?

7 A Yes, we do.

8 Q What revenues did Vesely earn in 1999 from the
9 service provided under its PUC authority?

10 A It was \$319,000.

11 Q Where were most of those revenues earned from;
12 some of those revenues were outbound and some of them were
13 inbound, correct?

14 A Yes.

15 Q Let's break those two out first. The outbound
16 would amount to what percentage?

17 A I would say about 85 percent.

18 Q And, the inbound would be 15 percent?

19 A Yes, sir.

20 Q Of the inbound, of that 15 percent, would most
21 of those revenues be earned from within 75 miles or from
22 outside of 75 miles?

23 A They would be from other parts of the state such
24 as central and eastern Pennsylvania back into our domiciled
25 area.

1 Q Would there be revenues from the area within the
2 75 miles back into the base area?

3 A Yes.

4 Q What percentage would you say, of the 15
5 percent, would be from points within the 75 miles back into
6 the base area?

7 A I would say probably ten percent.

8 Q And, the rest would be more long-distant?

9 A Yes.

10 Q Of the outbound, that is from the base area out,
11 would those revenues be earned from all of the counties
12 that you mentioned; that is, Westmoreland, Washington,
13 Fayette and Allegheny?

14 A Yes.

15 Q Would the revenues that you derived from the
16 other than Allegheny, the Washington, Westmoreland and
17 Fayette, to points within the 75 miles, what approximate
18 percent would that be, and that would include within the
19 base area -- what percentage would you say would be
20 involved in movements from Washington, Westmoreland and
21 Fayette to...

22 A And, Allegheny County?

23 Q We are going to exclude Allegheny out for now.

24 A Okay.

25 Q From those three, what percentage would you say

1 are the revenues, PUC revenues?

2 A I would say about 40 to 45 percent.

3 Q That would be to within the 75 miles, so the
4 other 55 to 60 percent would be revenues either that went
5 beyond the 75 miles or that went from Allegheny County?

6 A Correct.

7 Q Are these revenues that you derive that are in
8 conflict with this application, what you have described as
9 the 40 to 45 percent of the PUC revenues, outbound
10 revenues, important to your operation?

11 A They certainly are.

12 Q Do you presently have competition for the those
13 trips, that is the trips from Washington, from Westmoreland
14 and Fayette to points within 75 miles, including points in
15 those various counties?

16 A Yes, we do. Just as everyone stated about the
17 Yellow Pages, I couldn't tell you how many carriers because
18 I never counted them, but there's a lot.

19 Q Let's turn our attention to the authority issued
20 to Century III. Am I correct that the authority at
21 paragraph 1 involving movements within Clairton, Allegheny
22 County, is service that Gardner can already provide?

23 A Yes.

24 Q The second paragraph of the authority involves
25 service from Clairton to points within 25 miles and vice

1 versa. Do you understand that Gardner can already provide
2 service that would be under this authority outbound, but
3 can't provide inbound service?

4 A Yes.

5 Q Paragraph 3 then authorizes service between
6 points in Clairton and within 15 miles to other points in
7 Pennsylvania. Where is Clairton located in Allegheny
8 County, at least in general terms?

9 A South, pretty much directly south of Pittsburgh.

10 Q Would a 15 miles radius of Clairton also get
11 into other counties?

12 A Yes, Allegheny, Westmoreland, Washington,
13 Fayette.

14 Q Certainly not all of those counties, correct?

15 A Yes, sir, touch...

16 Q I would go into those counties on...

17 A Yes, go into certain areas of those counties, on
18 the fringes of some and a little further into one of them

19 JUDGE CORBETT: You will have to let Mr. Gray ask a
20 complete question before you answer. You are talking over
21 him.

22 THE WITNESS: Okay.

23 BY MR. GRAY:

24 Q Does Century III provide service under this
25 paragraph 3 grant of authority involving outbound service

1 from points in Allegheny, Washington, Westmoreland and
2 Fayette counties within 15 miles of Clairton?

3 A Yes.

4 Q Do you provide inbound service from points
5 within 75 miles, the relevant area to this application,
6 into this area within 15 miles of Clairton?

7 A Yes.

8 Q Moving to paragraph 5, that paragraph also
9 involves Clairton and 15 miles, and therefore, looks much
10 like paragraph 3, does it not?

11 A Yes.

12 MR. STEPHENSON: Excuse me, counsel, what paragraph?

13 MR. GRAY: Paragraph 5, it's somewhat similar to 3.

14 MR. STEPHENSON: Right.

15 BY MR. GRAY:

16 Q Okay. I want you to turn now to paragraphs 9,
17 10 and 11. Those are at least all relevant to the extent
18 that they are in the 75 mile area sought by this
19 application, correct, and all involve household goods?

20 A Yes.

21 Q Paragraph 10, for example, involves Pittsburgh
22 to points within five miles and vice versa, correct?

23 A Yes.

24 Q Most points within five miles of Pittsburgh
25 would be in Allegheny County, correct?

1 A Yes.

2 Q But, paragraph 11 authorizes service between
3 points in Pittsburgh and from Pittsburgh to points within
4 five miles and vice versa. That would also be within
5 Allegheny County, correct?

6 A Yes.

7 Q Taking the authority of Century III, and I
8 believe you said it involves basically four counties;
9 Allegheny, Westmoreland, Washington and Fayette, parts of
10 those counties. What amount of revenues did Century III
11 earn this past year from PUC service under the Century III
12 Exhibit 1 authority?

13 A That was \$192,000.

14 Q Of that amount of Century III's revenues,
15 estimating again, what amount would you say was from
16 outbound service versus inbound service?

17 A For Century III, I would say 90 percent
18 outbound.

19 Q And, ten percent inbound?

20 A Yes.

21 Q All of the ten percent of the inbound would be
22 service that Gardner cannot not now provide, correct?

23 A Yes.

24 Q Of the outbound, Gardner now can provide service
25 from Allegheny County but cannot provide service from the

1 other counties; Washington, Westmoreland and Fayette.
2 Approximately what percentage of the outbound would be from
3 Washington, Westmoreland and Fayette as opposed to
4 Allegheny County?

5 A It's probably 50/50.

6 Q So 50 percent of the 90 percent of the outbound
7 revenues would be revenues from service that Gardner cannot
8 now provide?

9 A Yes.

10 Q And, these would be revenues closer to your home
11 area, correct?

12 A Yes.

13 Q In Belle Vernon?

14 A For now, Belle Vernon.

15 Q Historically, where has the office of Vesely
16 Brothers been located?

17 A Fayette City, which is just three to four miles
18 from the present location, which is a brand new facility.

19 Q For how many years did the Vesely company
20 operate in Fayette City, if you know?

21 A Since their existence; this is their first move.

22 Q If Century III were to have diverted from it the
23 revenues that it earns from service that the applicant
24 cannot now provide but which it seeks to provide by this
25 application, would the loss of those revenues be

1 significant to Century III?

2 A Yes.

3 Q In what regard?

4 A Century III is not a large operation, has never
5 been a real large operation, and local moving and
6 intrastate moving is very important to the function of
7 Century III Moving Systems.

8 Even though we represent United Van Lines as an
9 interstate carrier, we are not a large United agency.

10 Q Would you anticipate, based upon the same amount
11 of competition that you had this past year, that for both
12 of these companies, they would earn approximately the same
13 revenues from PUC service in year 2000?

14 A I hope so, or we might all be looking for jobs.

15 Q Is there any reason now that would make it
16 appear to you that the revenues would substantially change?

17 A No.

18 Q From PUC service?

19 A No.

20 Q You had mentioned a van line affiliation. Who
21 is that with?

22 A United Van Lines.

23 Q Is Vesely and Century III affiliated United?

24 A Yes.

25 Q Both of them are?

1 A We are separate agencies.

2 Q The van line affiliation only applies, does it
3 not to interstate trips?

4 A Yes.

5 Q You handle all of your intrastate trips under
6 the respective authorities of Vesely and Century III,
7 correct?

8 A Yes.

9 Q What amount of equipment does Vesely operate,
10 separate and apart from Century III?

11 A Vesely has 18 trailers, 16 tractors, six
12 straight trucks and four pack trucks, which are
13 approximately 14 foot bodies used for going out and doing
14 preliminary packing and small locals or picking up small
15 interstate shipments.

16 Q What amount of equipment does Century III
17 operate?

18 A Two tractors, two trailers, four straight trucks
19 and one pack truck, and I am excluding company cars and
20 vans.

21 Q Would it be correct that because of the
22 disparity in numbers of equipment here, that Vesely does
23 more of the interstate service under the van line
24 affiliation?

25 A Yes.

1 Q In other words, the equipment owned by Century
2 III is pretty much used exclusively for Pennsylvania
3 intrastate service, correct?

4 A One tractor-trailer would be interstate and one
5 straight truck. The others would be intrastate.

6 Q Have you every had occasion to lease equipment
7 from Vesely to Century III?

8 A Yes, and vice versa.

9 Q So, if the need arises, is that what you do, you
10 enter into a lease agreement and lease the equipment?

11 A Yes.

12 Q How many employees does Vesely have?

13 A Approximately 40.

14 Q How many of those are drivers?

15 A About 20, 22, that's tractor-trailer and
16 straight truck drivers.

17 Q And, the rest are what?

18 A They are helpers, packers and office people.

19 Q Does Century III have its own employees?

20 A Yes.

21 Q How many drivers does it have?

22 A We about ten employees; drivers, six.

23 Q And, the others would be helpers, packers and
24 office personnel, right?

25 A Right.

1 Q Would you describe for us the facility located
2 now in Belle Vernon; what do you have at that facility?

3 A We have a brand new warehouse and office.

4 Q What size?

5 A The warehouse is 31,500 square feet, stackable
6 four high for containers, and office space of 6,000 square
7 feet.

8 Q At the present time, do Vesely and Century III
9 share that office and warehouse?

10 A Yes.

11 Q Do they have their own separate compartments of
12 the warehouse or is there now breakdown of separate areas?

13 A The warehouse is probably not separated. The
14 office people are separated.

15 Q Calls that come in for Century III are handled
16 by Century III people in a separate office of Century III?

17 A Yes, separate telephone lines.

18 Q And, the same would be true of Vesely?

19 A Yes.

20 Q What is the purpose of a household goods mover
21 having a large warehouse; I mean, why do you need a
22 warehouse as a household goods mover?

23 A To provide storage for local moves where people
24 do not have an actual address available at the time. They
25 may have to sell a home and have to vacate. They have to

1 go somewhere, so they put their goods in a warehouse such
2 as ours versus a self-storage warehouse. It's much more
3 protected.

4 Also, for interstate shipments coming into the area,
5 many corporate moves come into the area. A lot of times,
6 the customer doesn't have a location to put that in
7 immediately, so that is called storage in transit. To be
8 quite honest, it's a very good source of revenue.

9 Q What hours is the service of Vesely available?

10 A Seven days a week, 24 hours a day.

11 Q If I want moved during other than normal
12 business hours, will you move me?

13 A Yes, if you're willing to pay the premium.

14 Q There is a premium rate for that?

15 A For evenings and weekends.

16 Q Is the same true for Century III, that they are
17 available seven days, 24 hours a day?

18 A Yes.

19 Q Does Vesely Brothers advertise its service to
20 the public?

21 A Yes.

22 Q In what form or forms?

23 A Pretty much the Yellow Pages would be the
24 biggest source of our advertising. We do have our own Web
25 site. We also sponsor a lot of local programs, high school

1 football, basketball, things like that.

2 Q You get your name out in the public with those?

3 A Yes.

4 Q Mr. Debo, when he was a witness, and I believe
5 you were here, had a whole stack of Yellow Pages editions
6 that he advertised in. Do you also advertise in multiple
7 editions of the Yellow Pages?

8 A Multiple, but not to the extent he does,
9 especially up north of Allegheny County; we do not go heavy
10 up there.

11 Q Does Vesely Brothers advertise its service in
12 all of the counties that are in its base area, which are
13 Washington, Westmoreland, Fayette and Allegheny County?

14 A Yes.

15 Q You have a lot of vice versa authority which
16 permits you to come from any area in Pennsylvania back into
17 your base area. Do you advertise in other areas besides
18 Washington, Westmoreland, Fayette and Allegheny at all?

19 A No.

20 Q Is most of that work, the vice work, come from
21 people located in your base area, who become aware of you
22 through your base area?

23 A You are asking if coming from another part of
24 the state back into this area?

25 Q Yes. Let's say you get a movement from

1 Johnstown back into your base area, how would that
2 ordinarily come to you?

3 A Most likely from either a previous move or from
4 one of our accounts that would be sending someone back into
5 this area.

6 Q You have described for me the advertising of
7 Vesely. What about the advertising of Century III; does it
8 doe separate advertising?

9 A Yes.

10 Q And, does it advertising the same formats as you
11 have described as to Vesely; that is, Yellow Pages, Web
12 site and sponsoring local activities?

13 A Very much the same, probably identical.

14 Q But different advertisements?

15 A Yes.

16 Q Based on what you have heard in these hearings
17 and today specifically, do you believe that there is any
18 need, in the areas where you provide service, for the
19 additional service of Gardner?

20 A No.

21 MR. GRAY: That's all the questions that I have. I
22 move the admission of Vesely Exhibit 1 and Century III
23 Exhibit 1.

24 MR. STEPHENSON: No objection.

25 JUDGE CORBETT: All right. Vesely Exhibit 1 and

1 Century III Exhibit 1 are admitted.

2 (Whereupon, the documents marked as
3 Vesely Exhibit No. 1 and Century III
4 Exhibit No. 1 were received in
5 evidence.)

6 MR. GRAY: Thank you, Your Honor.

7 JUDGE CORBETT: Mr. Stephenson.

8 CROSS EXAMINATION

9 BY MR. STEPHENSON:

10 Q I am trying to understand the relationship
11 between the two companies. I understand that both
12 companies use the same office space. Is that correct?

13 A Yes.

14 Q So, they would both be in that same 6,000 square
15 foot office?

16 A Yes.

17 Q If I call Century III and ask them to give me an
18 estimate, they will do that for me, won't they?

19 A Yes.

20 Q If I call Vesely and ask them to give me an
21 estimate, will they do that for me?

22 A You could, at times.

23 Q If I call into Vesely and ask them to please
24 come out to my house and estimate my move, will they do
25 that for me?

1 A Going out to the house, most likely we catch
2 that and be duplicated, so we may not do that, but there
3 are times when we would.

4 Q Now you lead me to an interesting question since
5 these are different companies. Do Vesely and Century III
6 compete for business with each other?

7 A At times, yes.

8 Q Is that intentional?

9 A No.

10 Q So, it not the business practice of these two
11 corporations to compete with each other; is that right?

12 A Yes.

13 Q So, when you talk about the competition in your
14 area, you view both of these companies as one entity, don't
15 you?

16 A Not really. We are two separate corporations.
17 We file two separate PUC assessment reports.

18 Q I appreciate that, but if I am sitting on the
19 Century III side of the house and I see a call come into
20 Vesely, I'm not supposed to try and get that business into
21 the Century III side by underbidding, am I?

22 A Well, number one, in PUC business there is no
23 bidding. That's an improper term.

24 Q I appreciate that and that's a fair correction,
25 but you do you pay your sales people who deal with the

1 public to compete with each other, the Century III people
2 versus the Vesely Brothers people?

3 A We don't pay them to compete, but they are paid
4 separately.

5 Q I appreciate all the legal separation, but I am
6 just trying to get a sense of actual competitiveness in the
7 market place. Do you operate these two companies so that
8 they shall be competitors to each other in the markets in
9 which you do business.

10 A Can you rephrase that, please?

11 Q Sure. As you administer the one and are general
12 manager to the other, do you direct your work force, when
13 they attempt to obtain business for the company, that they
14 should also be competing with each other; that Vesely
15 people are competing with Century III people in order to
16 obtain business?

17 A At times that could happen, but as a rule, no.

18 Q How many actual competitors do you have in the
19 various certificated areas that your counsel has taken you
20 through today?

21 A A difficult question; I never sat down and
22 counted them, but I can say there are many, many around
23 from small carriers such as -- and this is nothing against
24 Mr. Gardner, but three trucks versus companies that have 75
25 or a hundred trucks.

1 Q You raise a good question. If Mr. Gardner were
2 to be granted this authority, considering the service that
3 you already maintain and the name in the area he would be
4 looking to serve, if it were granted and you had to make
5 allowances for what you might have diverted from you, how
6 many moves would you expect to see diverted from your area,
7 let's say, in a year of the granting of that application?

8 MR. GRAY: You are assuming that Mr. Gardner does not
9 add anything beyond what he has now?

10 MR. STEPHENSON: Thank you, that's a fair question.

11 BY MR. STEPHENSON:

12 Q Assuming no other fact changes, that you, for
13 example, don't add or lose equipment and Mr. Gardner does
14 not add or lose equipment, but all things stay the same
15 other than the authority is granted, how many moves would
16 you expect to lose to Mr. Gardner?

17 A That's a pretty hard question to give an
18 accurate answer to, but I would say it would probably be a
19 small number.

20 Q Are you aware of whether Gardner Moving has any
21 well known presence in, for example, the Fayette City area?

22 A In Fayette City, no.

23 Q In the area surrounding Fayette City, are you
24 aware of Gardner Moving have a notable presence in the
25 public mind?

1 A If he is moving or has relocated close to the
2 Washington County line, then he is going to have a
3 presence.

4 Q That isn't what I asked you. I said, are you
5 aware now, sitting here today, that yes, in fact, Gardner
6 Moving has established a notable presence in the Fayette
7 County area?

8 MR. GRAY: I object. He's not allowed to have
9 established any presence there because he doesn't have any
10 authority there. I hope he doesn't have presence there.

11 MR. STEPHENSON: That's not true. That is absolutely
12 not true. You can be known wider than your authority to
13 operate.

14 JUDGE CORBETT: We will allow the question.

15 THE WITNESS: Can you rephrase the question?

16 BY MR. STEPHENSON:

17 Q Absolutely. Do you have personal knowledge of
18 whether Gardner Moving has established the -- is know to
19 the people of Fayette County as a mover in that area?

20 A I would say somewhat because I see his trucks
21 and so would the public see them just like I do.

22 Q So it would be just the commonplace of seeing
23 him go by?

24 A Sure.

25 Q Do you know how extensive that knowledge is?

1 A No.

2 Q Have you performed any financial study or
3 calculation of any type to attempt to determine what
4 adverse impact your business might see if the Gardner
5 application were granted?

6 A Again, I think that's kind of an unfair
7 question, but I have not done a study on that, but it could
8 be done.

9 Q Have you consulted any of the protestants in
10 this case to determine if they had performed such a study?

11 A I have not consulted any protestants, period.

12 Q Have you been contacted by any of the other
13 protestants?

14 A I have not.

15 MR. STEPHENSON: I have no further questions.

16 JUDGE CORBETT: Mr. Gray?

17 MR. GRAY: No redirect, Your Honor.

18 JUDGE CORBETT: Thank you very much, sir. You are
19 excused.

20 (Witness excused.)

21 I think that concludes what we have to transact for
22 this afternoon.

23 MR. GRAY: Your Honor, I have one housekeeping
24 matter.

25 JUDGE CORBETT: Sure.

1 MR. GRAY: I meant to do it at the beginning of the
2 protestants' case. I have been authorized and directed to
3 withdraw the protest to the application filed by McNaughton
4 Brothers, Inc.

5 That does not have any effect on any other protestant
6 that I represent, but the protest of McNaughton Brothers,
7 Inc., is to be withdrawn.

8 JUDGE CORBETT: Okay. We will note that for the
9 record.

10 I think that's all we have to take care of today. We
11 will see you tomorrow morning at 10:00. Thank you.

12 (Whereupon, at 4:22 p.m., the hearing was adjourned,
13 to reconvene on April 7, 2000, at 10:00 in this same
14 location.)

15
16
17
18
19
20
21
22
23
24
25

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.

COMMONWEALTH REPORTING COMPANY, INC.

BY: Barbara A. Spin
Barbara A. Spin

FORM 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25