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COMMONWEALTH OF PENNSYLVANIA

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PUBLIC UTILITY COMMISSION

Matthew S. Sieber, t/a Sieber Trucking.
Right to transport, as a common carrier,
wood products from points in the
Counties of Juniata, Mifflin and Perry,
to points in Pennsylvania.

Docket No.
A-00109497

Initial Hearing

Pages 1 through 86

Hearing Room 1
North Office Building
Harrisburg, Pennsylvania
Monday, February 4, 1991

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

BEFORE:

HARRY BANZHOFF, Administrative Law Judge

APPEARANCES:

CHRISTIAN V. GRAF, Esquire
DAVID H. RADCLIFF, Esquire
Graf, Andrews and Radcliff, P.C.
407 North Front Street
Harrisburg, Pennsylvania 17101
(For the Applicant)

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(For the Protestant, Robert G. Hack)

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C O N T E N T S

WITNESSES

DIRECT CROSS REDIRECT RECROSS

Matthew S. Sieber

By Mr. Graf
By Mr. Walter
By Mr. Zettlemoyer

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Jill A. Becker

By Mr. Graf
By Mr. Walter
By Mr. Zettlemoyer

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Robert Sheaffer

By Mr. Graf
By Mr. Walter
By Mr. Zettlemoyer

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Donald Sheaffer

By Mr. Radcliff
By Mr. Walter
By Mr. Zettlemoyer

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Roy Weaver

By Mr. Radcliff
By Mr. Walter
By Mr. Zettlemoyer

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Randall Pellman

By Mr. Graf
By Mr. Walter
By Mr. Zettlemoyer

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Daniel Wingert

By Mr. Radcliff
By Mr. Walter
By Mr. Zettlemoyer

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Jill A. Becker

By Mr. Graf
By Mr. Zettlemoyer

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FORM 1

E X H I B I T S

NUMBER

FOR IDENTIFICATION IN EVIDENCE

Applicant's

1 (Partial Testimony of
Matthew S. Sieber, with
attached Appendices A,
B, C, D, E, F and G)

4 25

FORM 1

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P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE HARRY BANZHOFF: We are on the record.

MR. GRAF: I call Matthew S. Sieber.

JUDGE BANZHOFF: Would this witness and other witnesses that will be testifying today raise your right hands. Whereupon,

MATTHEW S. SIEBER

having been duly sworn, testified as follows:

JUDGE BANZHOFF: You may be seated.

DIRECT EXAMINATION

BY MR. GRAF:

Q Give us your name and home address.

A Matthew S. Sieber, 115 North Main Street, Mifflintown.

Q Have you had caused to be prepared your partial testimony in written form together with certain appendices thereto?

JUDGE BANZHOFF: Excuse me one minute. There's a fan going on here and it's very difficult to hear. The problem is a fan here.

.Anyway would you keep your voice up?

BY MR. GRAF:

Q Have you caused to be prepared in written form your partial testimony together with some appendices thereto?

A Yes.

FORM 1

1 MR. GRAF: I request that the document marked "Partial
2 Testimony of Matthew S. Sieber" be marked for identification
3 as Exhibit A-1.

4 JUDGE BANZHOFF: Granted.

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

8 MR. GRAF: I would state that I have mailed copies of
9 Exhibit 1 to opposing counsel, and I have put one up on your
10 desk, and I've given two to the court reporter.

11 BY MR. GRAF:

12 Q Are there any corrections which you desire to make to
13 your partial testimony?

14 A None.

15 MR. GRAF: I tender the witness for cross-examination.

16 JUDGE BANZHOFF: Let's go off the record.

17 (Discussion off the record.)

18 JUDGE BANZHOFF: On the record.

19 MR. WALTER: Your Honor, one housekeeping matter is there
20 was an amendment filed in this case early on dealing with
21 Clearfield and other -- several counties that are not
22 reflected in the direct testimony.

23 MR. ZETTLEMOYER: Your letter dated October 16, 1990.

24 JUDGE BANZHOFF: Off the record.

25 (Discussion off the record.)

JUDGE BANZHOFF: Back on the record.

1 BY MR. GRAF:

2 Q Mr. Sieber, do you agree to an amendment reading that
3 the application would have added to it "provided that no right,
4 power or privilege is granted to perform transportation to
5 points in the County of Clearfield"? Is that correct?

6 A That's correct.

7 Q And you adopt that amendment?

8 A Yes, I do.

9 MR. GRAF: With that correction, we are ready to proceed.

10 CROSS-EXAMINATION

11 BY MR. WALTER:

12 Q Mr. Sieber, would you turn to page 2 of your statement,
13 the description of equipment and the incorporated Appendix
14 B? Your Appendix B is in somewhat different form from the
15 equipment list that was attached to the temporary authority
16 application. Does it cover the exact, same equipment? There
17 has been no change in your equipment since the filing of the
18 temporary authority?

19 A I believe I added a couple of pieces of equipment, a
20 couple of trailers. I think it was two '88 Trailmobiles,
21 and I believe it might be that Great Dane van trailer to be
22 102A. I think we're talking about 102A, 103A and 104A.

23 Q Those would be additions to what was filed previously?

24 A Right.

25 Q And that's basically then the addition of new equipment

1 to the equipment that you're operating?

2 A Right.

3 Q Could I ask you to explain again with regard to
4 Appendix B, the last column? There is a designation of either
5 "TT" or "TL." Just so the record is clear, explain what those
6 two initials mean.

7 A Truck-tractor and truck-trailer, or trailer.

8 Q Of the trailers, is there any differentiation in type
9 of equipment between the various trailers?

10 A Yes. It would be length and -- 102A is a van trailer.
11 As far as the tractors, the only difference would be a couple
12 of them are conventionals and the rest are cab-overs. And
13 it would be a difference in, you know, 45 or 48 foot. A
14 couple of the 48s are aluminum, and I think three of them
15 are steel.

16 Q You have said that 102A was a van trailer. And the
17 rest then are flatbeds?

18 A Right.

19 Q And they are, for want of a better description, the
20 normal regular flatbed trailers?

21 A Right.

22 Q Can you tell me, Mr. Sieber, first with regard to the
23 tractors, whether you in your name own all of the tractors
24 listed here?

25 A Yes, I do.

1 Q And they are not leased from anyone currently?

2 A No; no, they aren't.

3 Q Are any of the tractors subject to a security interest
4 because, for instance, there is a bank loan from when you
5 purchased them?

6 A Yes.

7 Q Can you tell me which of those would be covered by such
8 an interest?

9 A I would believe it to be 400, 137, 142, 436, 433, 419;
10 I believe that's it.

11 Q And similarly are any of the trailers covered by a
12 security interest?

13 A Yes, all of the trailers are.

14 Q And you own all of the trailers?

15 A Yes, I do.

16 Q Do you currently operate by utilizing someone else's
17 trailers, either be it a shipper or another equipment owner?

18 A Occasionally if I pull a load for Treen I would use
19 one of their trailers.

20 Q With regard to your location in Mifflintown, are these
21 tractors and trailers typically kept at that location?

22 A Well, no. I park the equipment over behind Mifflintown
23 Auto Parts. If I had to I suppose I could get all the
24 equipment in behind my garage, but it's sort of inconvenient
25 to take it all over there. But I have an agreement with Sam

1 Kint and I purchase my fuel off of him, and there's a nice
2 lot provided there with easy access.

3 Q Is this terminal used for any other purpose besides
4 your trucking business?

5 A Yeah, I do minor car repair there.

6 Q And you do inspections for other people, I assume?

7 A Yes, I do.

8 Q Could you turn, Mr. Sieber, to your insurance certificate,
9 which I think is Appendix C. Do you have other policies other
10 than with either Progressive or Lincoln General that are
11 shown on this certificate?

12 A Not that I'm aware of, no.

13 Q And where it describes the vehicles we're talking about
14 a Great Dane trailer. That's the van trailer, I think, that
15 you identified on your equipment list; is it not?

16 A Yes.

17 Q Do you know what, if any, insurance covers any of your
18 other tractors or flatbeds since they're not listed here?

19 A Well, the cargo on the pallets is mainly -- that's
20 \$10,000, so I would -- it should be here. What I have is
21 \$10,000 worth of coverage on pallets, and when I haul for
22 Dayton Parts that requires \$75,000 per load. So --

23 Q I think you misunderstood my question, so I'll try again.
24 There are two vehicles, one tractor and one trailer, shown
25 on this Appendix C.

1 A Right.

2 Q Your equipment list covers nine tractors and fourteen
3 trailers, but they are not listed on this Appendix C. Do
4 you know what insurance covers those other vehicles?

5 A It would be the same company, but there should be
6 another policy attached there for that and there isn't.

7 Q Now, the Great Dane trailer that is listed here, I take
8 it, is not a trailer that you would use for the transportation
9 of the pallets that are in question generally?

10 A I could, but I don't normally use it for that.

11 MR. WALTER: I wonder if I could ask, Your Honor, that
12 the record be supplemented by evidence of insurance that
13 relates to the other tractors and, of course, the flatbed
14 trailers which are primarily the issue here.

15 MR. GRAF: Sure; we will do that.

16 BY MR. WALTER:

17 Q Mr. Sieber, you have also attached to your statement
18 a list of various people; I think it's Appendix E. Are all
19 of these folks your employees, or is there some other
20 arrangement where they just drive for you? How is that
21 actually done?

22 A You are referring to my employees that --

23 Q Appendix E, yes.

24 A Okay, well, all of those people drive for me, and James
25 Kint, he helps in the garage and does inspections and helps

1 me service the equipment, and whenever there's an occasional
2 need for him to take an extra load when everybody else is
3 out that's what he does.

4 Q And on a general basis -- I'm not asking you to give
5 me an exact number -- how are these people paid?

6 A They are paid on a percent of what the load pays me.

7 Q And do you deduct withholding taxes, for instance,
8 for these folks?

9 A Yes, I do.

10 Q And do you pay workers' compensation?

11 A Yes, I do.

12 Q How is the -- if it is reflected in your income state-
13 ment, how is the workers' compensation and the withholding
14 taxes -- I see payroll taxes; I stand corrected. Is the
15 workers' compensation payments reflected in that income
16 statement, which I think is the last page?

17 A That I don't know.

18 Q You're not sure if it is?

19 A No, I'm not sure.

20 Q But you are reasonably certain that in fact it is paid,
21 that you pay it?

22 A Oh, definitely.

23 Q Most people know that, unfortunately.

24 A Yeah, I'd be in big trouble if I didn't.

25 Q There are some statements, Mr. Sieber, in your statement

1 concerning prior moves both in interstate and intrastate
2 commerce that were before you acquired authority. Let's
3 concentrate just on the Pennsylvania intrastate, if you will.
4 When did you first begin to provide intrastate service for
5 any of the shippers that you have indicated will support this
6 application?

7 A I don't know a specific date.

8 Q Even a year is fine.

9 A Well, it would be 1990.

10 Q And what -- did you provide under lease or otherwise
11 any intrastate trucking service, that is intrastate within
12 Pennsylvania, prior to 1990 for anyone?

13 A No, I did not.

14 Q And were you in the trucking business generally before
15 1990?

16 A Yes.

17 Q And what kind of service was being performed?

18 A I was with lease to C.D. Zimmerman in Mifflintown and
19 Milton Transportation in Milton, PA.

20 Q And how did you come then to get into the business
21 of serving these particular types of shippers that we're
22 discussing this morning?

23 A Are you referring to pallets?

24 Q Yes, sir.

25 Q I was approached by Jill Becker; she wanted to know

1 if I would haul her pallets for her. She was dissatisfied
2 with the people that were hauling for her, and I figured if
3 she was going to look for somebody else anyway that I figured
4 I could take care of her needs, and I did so. I mean I got
5 the equipment and started hauling for her.

6 Q How long have you been in the trucking business, either
7 inter or intrastate?

8 A It would be May of '82, I believe.

9 Q Approximately eight years?

10 A Right.

11 Q And in that period of time you were aware, were you
12 not, of a variety of requirements that are imposed upon the
13 trucking industry for permits and those sorts of things?

14 A No, I was not. I never was involved in that. The
15 companies I was leased with always took care of all the
16 permits and everything.

17 Q You in any event had the appropriate permits, as far
18 as you know, for those operations?

19 A Yes, I did.

20 Q Did you think at the time that there was some difference
21 between movements that were within Pennsylvania and movements
22 that went outside of Pennsylvania; were you aware of that
23 distinction?

24 A Not -- no, I was not at that point.

25 Q Your statement indicates that you are presently working

1 under a lease to Jay Fulkroad and Suns, Inc.

2 A Correct.

3 Q Do you know what the scope of their Pennsylvania
4 intrastate authority is?

5 A All I understand is that it's just pallets. I'm sure
6 they cover from the counties that I would be hauling from.
7 I think it's Mifflin, Juniata and I don't know about Perry.

8 Q Do you have an idea of what their docket number might
9 be?

10 A I don't know it from memory. They had given me a sign
11 to put on one of my trucks.

12 Q And that sign has the A-number and the six digits or
13 so after it?

14 A Yes.

15 Q How does this arrangement work; do you have a lease
16 for each vehicle, or a lease that covers all of the vehicles?
17 What kind of documentation is involved?

18 A I had originally a lease for two vehicles, which were
19 an '87 International and a '77 International, which is all
20 that we wrote at that time.

21 Q And have you added additional tractors to the operation
22 since then under lease to Fulkroad?

23 A No.

24 Q Do you bill the shipper, or does Fulkroad bill the
25 shipper for these operations?

1 A I bill the shipper.

2 Q And how do you compute what the rate might be for a
3 particular movement?

4 A It's done by mileage, \$1.90 per loaded mile.

5 Q Do you know where that \$1.90 per loaded mile figure
6 comes from?

7 A That's just a general figure that everybody that hauls
8 pallets has, and it's what I base mine on, and I mean
9 basically when I get paid for a load the people that I haul
10 for already even have the mileage for that particular load,
11 and they just pay me.

12 Q Do you produce the bill of lading for any one -- for
13 each one of these movements?

14 A No, I don't.

15 Q Does the shipper produce the bill of lading?

16 A Yes.

17 Q And do you know whether it carries your name or Jay
18 Fulkroad and Sons on the bill of lading, itself?

19 A No, it does not.

20 Q Which? You've got one or the other there; which shows
21 up?

22 A Neither on the bill of lading.

23 Q If I were to look at one of those forms how can I tell
24 who is providing the transportation service for that
25 particular movement?

1 A That I can't answer.

2 Q If the Commission grants the authority that you've
3 applied for here after this hearing, do you expect that the
4 rates that you will charge for a similar movement from a point
5 in Mifflin County to somewhere else in Pennsylvania to be
6 the same as is currently being billed for the shipment?

7 A Yes.

8 Q Your statement indicates back at page 5 that approval
9 of this application will eliminate the deficit situation which
10 you currently experience. How do you intend to do that?

11 A Well, I wouldn't say it would totally eliminate it,
12 but it would greatly help it.

13 Q Yes, sir, but how? I mean what is going to be the
14 difference as far as you're concerned should this authority
15 be granted?

16 A I would have additional income for those loads that
17 were hauled within Pennsylvania. I mean these shippers have
18 a need for that service also.

19 Q Don't testify as to what the shippers need. I want
20 you to testify as to your operations please.

21 Is there a revenue sharing arrangement currently between
22 you and Jay Fulkroad and Sons for the movements that you are
23 moving in Pennsylvania?

24 A Actually we have made no real arrangement for that yet.

25 Q Your interstate certificate indicates -- and this is

1 not unusual -- that you are subject to a safety audit as a
2 first-time carrier. Has that -- have you contacted the
3 Department of Transportation, the Federal Highway Administra-
4 tion, to obtain that audit yet?

5 A No, I have not.

6 Q And to your knowledge, that audit has not been
7 scheduled?

8 A No, it has not.

9 Q Your balance sheet contains reference to both notes
10 payable and long-term debt. Of those two items, how much
11 of it relates to the purchase of either tractors or trailers?

12 A That I'm not really aware of. I can't really answer
13 that.

14 Q Do you have any real estate or mortgage loans that would
15 be reflected there?

16 A No, other than my garage.

17 Q There is a mortgage on the garage currently?

18 A Not a mortgage, no.

19 Q As a result of some of the prior service, prior to the
20 leasing operation with Jay Fulkroad and Sons, did the Public
21 Utility Commission issue you a road check or a citation or
22 has any complaint proceeding been instituted?

23 A Yes, there was a complaint, and the one truck was
24 stopped and checked out. I don't know the outcome of that,
25 but it was investigated, yes.

1 Q Do you know of the approximate date of that?

2 A I suppose it would have been late in June or early July,
3 somewhere in there.

4 Q Of 1990?

5 A Right.

6 Q And is that prior to or after the time that your
7 statement talks about it being brought to your attention by
8 one of the protestants that you needed the authority?

9 A That I don't recall.

10 Q Which protestant are you referring to there in your
11 statement?

12 A Do you mean that said that I needed the authority?

13 Q Correct.

14 A Well, the only statement that was made to me was by
15 Carol Ramsey. She said that: you know you need rights or
16 authority to handle this. And she said: you had better be
17 prepared. At that point I started to look into it, but it
18 took quite a while to find out what was necessary to handle
19 it, and as a result it took time to get the procedure
20 started for me to apply for my authority and everything, and
21 I contacted Chris Graf here and we got everything underway.

22 Q What procedure did you go through; who did you talk
23 to when you were trying to determine whether you needed the
24 authority or not?

25 A I just started asking different people. Number one

1 was Dan Musiak at Zimmerman's; he's a dispatcher for
2 Zimmerman's, and he made me aware of what all I needed and

3 --

4 Q That's C.D. Zimmerman, just to be clear?

5 A Right.

6 Q Can you give me an approximate time frame for that,
7 for when that occurred? Again what month; I don't want the
8 specific day.

9 A I would say sometime in the beginning of July.

10 Q Of 1990?

11 A Right.

12 MR. WALTER: I believe that's all I have, Your Honor.
13 Thank you, Mr. Sieber.

14 CROSS-EXAMINATION

15 BY MR. ZETTLEMOYER:

16 Q Good morning, Mr. Sieber. I just want to follow up
17 on a couple of things.

18 On the average how many units do you have on the road
19 daily? Can you tell me that please?

20 A Eight full-time. I have one spare outfit, one spare
21 tractor.

22 Q You keep a spare in case one of the other ones breaks
23 down; is that correct?

24 A Correct.

25 Q What is your present volume of interstate business?

1 Can you give us some idea of what that is, how many loads
2 a week?

3 A Do you mean from state to state?

4 Q Right; interstate.

5 A Well, with Zimmerman's -- or are you talking with the
6 lease with Zimmerman's or with --

7 Q Are you leased to Zimmerman's?

8 A Yes, I am. I have five outfits leased to them.

9 Q Five of the units on your equipment list are leased
10 to Zimmerman's?

11 A Right.

12 Q And how many of the units again are leased to Fulkroad?

13 A Two.

14 Q Two of the units are leased to Fulkroad?

15 A Right.

16 Q And how are those units used, the ones that are leased
17 to Fulkroad?

18 A They would pull the loads within Pennsylvania.

19 Q What are those loads?

20 A Intrastate loads.

21 Q Intrastate or interstate? Within Pennsylvania or --

22 A Within Pennsylvania.

23 Q Two of the units are used within Pennsylvania?

24 A Right.

25 Q And what do you haul with those units?

1 A Pallets.

2 Q Pallets. And what do you haul for Zimmerman?

3 A Steel and brick, whatever his authority covers and what-
4 ever load he's dispatched.

5 Q Okay, going back to my question about the volume of
6 your interstate business, can you tell me how much that is?

7 A I would say roughly a load a day, sometimes two loads
8 a day.

9 Q And with the units that are leased to Fulkroad --
10 excuse me; let's back up a second. You also have authority
11 from the ICC to haul wood products, I believe, in interstate
12 commerce; is that correct?

13 A Correct.

14 Q If you look at your Exhibit A I think that will
15 clarify it for us. Are you presently using that authority?

16 A Yes, I am.

17 Q And you have how many units do you use for that?

18 A Four.

19 Q Four units for that?

20 A Uh-huh.

21 Q Do you have any idea how and to what extent your
22 interstate service might be affected by the grant of
23 authority by this Commission to operate in interstate
24 commerce -- intrastate commerce; excuse me.

25 A I don't see as where it would be affected in any way

1 really. Basically right now I'm just hauling extra loads,
2 with the exception of Ridge View Pallets. I haul daily for
3 them and Dayton Parts in Harrisburg, PA, which is metal
4 products; no parts and different things. But I have enough
5 equipment that could handle the intrastate, if that's what
6 you're referring to.

7 Q Well, let's go to your equipment list for a minute
8 that's attached to the testimony here today. You identify
9 on there a number of trailers. Can you tell me the length
10 of those trailers please? Mr. Walter got at that generally,
11 but can you go through that list and tell me what the length
12 of them is generally?

13 A Okay, 104A would be 48 foot; 103A would be 48; 102A
14 would be 48 -- excuse me; 102A is a 45-foot van trailer.
15 101A is a 45-foot flat; 100A is a 45-foot flat. The rest
16 are 45-foot -- or excuse me, 40 -- 100A is 48; 101A is 48;
17 103A and 104A are 48. The rest are 45-foot flats.

18 Q And which trailers do you use to haul pallets?

19 A 100 --

20 Q You may have said this, but excuse me and just repeat
21 the answer if you did.

22 A Okay, it would be 100A, 101A, 103A, 104A and -- excuse
23 me; 119A is also a 48-foot flat, and I use that for pallets.

24 Q Thank you very much.

25 Let's concentrate on your -- answer a few questions for

1 me in connection with your arrangements with Fulkroad. You
2 were advised that you needed authority to operate in intra-
3 state commerce; is that correct?

4 A Right.

5 Q Sometime during -- Sometime in 1990?

6 A Correct.

7 Q Would that have been perhaps in May of 1990; do you
8 know?

9 A Not -- no; it was towards the end of June or the
10 beginning of July.

11 Q Okay. And you said you contacted a number of people,
12 including the dispatcher for C.D. Zimmerman, and then I
13 believe you ended up contacting Mr. Graf.

14 A Correct.

15 Q How did you get in touch with Fulkroad?

16 A Chris suggested that Fulkroad had authority and maybe
17 I could arrange some kind of an agreement with them, and I
18 checked into it, and I talked with Jerry Fulkroad, which I've
19 known him for a few years, and we just came up with an
20 agreement.

21 Q Do you have a lease with Fulkroad?

22 A I do. I don't have it with me.

23 Q Is that lease currently in effect?

24 A Yes.

25 MR. ZETTLEMOYER: I wonder if we could have the record

1 supplemented to add a copy of that lease.

2 Do you object to that, Mr. Graf?

3 MR. GRAF: I don't see that it's particularly pertinent.
4 He says he's got it and candidly admitted it. I don't have
5 it or I'd give it to you.

6 JUDGE BANZHOFF: Off the record.

7 (Discussion off the record.)

8 JUDGE BANZHOFF: We've had an off the record discussion
9 concerning a request, and Mr. Graf has indicated that he will
10 provide a copy of the lease.

11 BY MR. ZETTLEMOYER:

12 Q You lease five of your units to C.D. Zimmerman. Do
13 you ever use those to haul pallets?

14 A No, I'm not legally allowed to.

15 Q Those are leased strictly to Zimmerman, and do you haul
16 steel with those? Is that correct?

17 A Correct.

18 Q You have a list of drivers attached to your prepared
19 statement; I believe that's Appendix E. How many of those
20 have you hired recently, say within the last few months?

21 A Within the last -- what are you referring to? Two?

22 Q Within the last two or three months.

23 A Possibly -- well, Terry Waite and Timothy Waite within
24 the last two to three months. That's all that I know of.

25 Q Do you handle the hiring?

1 A Yes, I do.

2 Q Have any drivers left you within the last two to three
3 months?

4 A Other than -- well, excuse me; I had a part-time fellow
5 that I had hired, which is William Stratford. He's not
6 listed -- yes, he is; William Stratford. He was hired within
7 the last two to three months, and I no longer use him. Since
8 I hired Terry Waite he's full-time for me, so I no longer
9 had a need for William Stratford, and I'm going to exclude
10 him.

11 Q In your prepared statement, Mr. Sieber, you indicated
12 that the granting of this authority will help erase the
13 deficit in your financial situation. Have you made any
14 projections about that? I'm still a little unsure as to how
15 you reached that conclusion.

16 A Any additional load that I can acquire would increase
17 my income, which would help.

18 Q Do you have any idea how many additional loads you might
19 have per week or per month?

20 A No, I do not.

21 MR. ZETTLEMOYER: I think that's all I have, Your Honor.

22 MR. GRAF: I have no redirect.

23 JUDGE BANZHOFF: The witness is excused.

24 (Witness excused.)

25 MR. GRAF: I would offer into evidence Exhibit 1.

1 MR. ZETTLEMOYER: Fine.

2 JUDGE BANZHOFF: It's admitted.

3 (Whereupon, the document marked
4 as Applicant's Exhibit No. 1
5 was received in evidence.)

6 MR. GRAF: I call Mrs. Becker.

7 Whereupon,

8 JILL A. BECKER

9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. GRAF:

12 Q Would you give us your name please?

13 A Jill A. Becker.

14 Q And where do you reside?

15 A I reside at R.D. 1, Box 273-B, Thompsontown.

16 Q And by what company are you employed?

17 A I'm employed by Rockland Ridge Farms, Incorporated,
18 doing business as Ridge View Pallets.

19 Q What is its address?

20 A R.D. 1, Box 670, Mifflintown.

21 Q And what is your capacity with that company; what do
22 you do for them?

23 A My father is the president of the company, and I am
24 the secretary. I essentially run the company, being that
25 he is not there to oversee or anything.

Q Are you familiar with the transportation requirements

1 of your company?

2 A Yes, I am the one who handles all the trucking.

3 Q What is the nature of Ridge View Pallets' business?

4 A We are a manufacturer of pallets and skids.

5 Q And do you ship both beyond Pennsylvania and within

6 Pennsylvania?

7 A Yes, we do.

8 Q And do you now use Sieber Trucking for interstate work?

9 A Yes, we do.

10 Q Do you use them within Pennsylvania?

11 A Yes, we do, under the lease of Jay Fulkroad and Sons.

12 Q Do you have with you a list of destination points in
13 Pennsylvania to which you have shipped pallets in the past?

14 A Yes, I do.

15 Q Would you please name those points?

16 A Yes. Bethlehem, Brockway, Boyertown --

17 Q Go a little slower so that they can copy them down.

18 A Okay.

19 Q You named Brockway.

20 A Boyertown, Berwick, Aston, Allentown, Danville,
21 Hazleton, New Castle --

22 Q Go slower please.

23 A Lebanon, Lansdown, Lewisburg, Hamburg -- I go there
24 three times a year at least; Lampeter is once a month.

25 Laureldale, Harrisburg -- I go there three times a month.

1 Mountain Top, New Oxford, Morrisville, Trexlertown five
2 times a year, Stowe, Pittston, Philadelphia at least once
3 a month.

4 Q Slow down.

5 A I'm sorry.

6 Q I got lost at Trexlertown.

7 A Trexlertown, Stowe, Pittston, Philly at least once
8 a month, Quakertown, Reading, West Point, Whitehall,
9 Wrightsville once a month, York at least two times -- once
10 very two months, and Columbia. I'm also working on new
11 accounts as my own broker trying to get more local business.

12 Q And do you have any customers lined up?

13 A Yes, I do. I took a count on how many times I went
14 to Pennsylvania last month and how many times I'd be going
15 this month. We trucked eight times in the last month to PA.

16 MR. WALTER: Which month is that?

17 THE WITNESS: January.

18 MR. WALTER: January; thank you.

19 THE WITNESS: I'm booked out to the 12th right now, and
20 I have four loads scheduled. However, I don't know how many
21 other ones will come up for next month. And that's out of
22 nine loads I have four loads going to PA.

23 BY MR. GRAF:

24 Q You mentioned that you use Sieber under the lease with
25 Jay Fulkroad.

1 A Yes.

2 Q Who else have you used to Pennsylvania points in the
3 past?

4 A In the past for the first two years of business up until
5 June 2nd of 1990 I was using Ramsey Trucking.

6 Q Who was that?

7 A Ramsey Trucking. And sometimes I'd use Eddie Mayes
8 and Garrison and anybody else that could pick up a load if
9 Ramsey couldn't haul it for me, generally.

10 Q How was the service that you received from those other
11 companies?

12 A I haven't dealt that much with Mayes and the other ones;
13 I've only dealt with them maybe once or twice a year when
14 Ramsey couldn't take the load. I was dissatisfied with
15 Ramsey Trucking. If we had a load and they couldn't take
16 it they'd call my broker directly and move the load for me.
17 And in the competitive business of pallet making your load
18 has to be there promptly on time. There was one instance
19 where the load was supposed to go down to G.A.F. Building
20 Products in Baltimore, and the load was scheduled for 4-27
21 of 1990. I called Carol at Ramsey Trucking on the day before
22 that, on the 26th, to confirm if it was all right to leave
23 here by 10:00 instead of the night before. Carol said it
24 was okay, and then come the next morning whenever she was
25 supposed to come she called me at 8:00 and said: no, the

1 trucker couldn't; we couldn't find any drivers to go down
2 there because it was rush hour. Their drivers didn't want
3 to go down in rush hour. Well, that's not my problem; my
4 load has to be there. So they declined to take the load
5 that same day. And I called around to several trucking firms;
6 I think I called about 20. I was on the phone for two hours.
7 I finally found one. They came in at 1:00 and took the load
8 down. The load was there right at 3:00, and the driver had
9 a lot of problems with it. Therefore, the load was rejected
10 and we lost about \$4,000 right there, plus the pallets are
11 still setting back at the shop right now and I have no place
12 to go with them. Once you get a load that was rejected, no
13 matter what the reason is, you can't get rid of them.

14 Q Do you think you need the service of Sieber Trucking?

15 A Yes, very definitely.

16 Q And why is that?

17 A Matt has the aluminum trailers, which not many other
18 truckers, if any that I know of, have the aluminum trailers.
19 And I can put on more heavy-weight pallets, more so than I
20 could on Ramsey's. I have one load, for instance, that goes
21 to Lampeter, Pennsylvania, and I could put on 1,160 pallets
22 -- 1,160 skids, whereas with Ramsey's light-weight trailers
23 I could -- I'm sorry; with Sieber's light-weight trailers
24 I can put 1,260 on. It makes my price, my freight price per
25 pallet cheaper; therefore, I'm more competitive in the pallet

1 market.

2 Q And would you use the service if this application were
3 approved?

4 A Most definitely.

5 Q And about how often would you use it?

6 A I use him about -- intrastate or interstate?

7 Q Intra, within Pennsylvania.

8 A Intra, probably once a week, at least. It depends how
9 much more I'll get through my brokering on my own.

10 Q And do you use them in interstate commerce too?

11 A Yes, I do. I use -- intra and interstate I use Matt
12 about five to seven loads a week.

13 Q How has the service been?

14 A Excellent.

15 Q Is that what you're looking for in Pennsylvania?

16 A That's what I'm looking for, yes. His drivers come
17 out and they strap down the trucks. Whenever I was with
18 Ramsey's the drivers would sit in the truck or else sit in
19 the break room. They wouldn't help.

20 Q What difference does that make to you?

21 A It cuts down on my overtime. If I have to have my men
22 out there strapping down the truck -- well, first of all,
23 whenever Ramsey's did come I usually got the last truck in.
24 That would be there at 3:30 or 4:00. Then my men would have
25 to -- our quitting time is at 3:30, and my men would have

1 to stay and strap down the truck and help load the truck.
2 Therefore, I paid them overtime. Right now I have two trailers
3 allotted to me, so while one is out on the road I have one
4 setting there at the dock, and we can take it right off the
5 nailing machine right onto the trailer, and it's all set
6 ready to go, and then if Rick comes and it's not done and
7 loaded yet Rick will stay and help. That's my driver through
8 Matt. He will stay and help me load the truck.

9 MR. GRAF: Cross-examine.

10 CROSS-EXAMINATION

11 BY MR. WALTER:

12 Q Ms. Becker, Mifflintown is in Juniata County; is that
13 correct?

14 A That's correct.

15 Q In listing the various destination points you
16 occasionally gave us the frequency and sometimes you did not.
17 On the points that you did not, is that because those were
18 just occasional points and not repeat points.

19 A Those are ones that I do through a broker. I don't
20 know when I'll be getting those loads again, or whatever.
21 Instead of getting those loads I might be getting somewhere
22 else to Pennsylvania. I deal through a broker mainly, and
23 he gives me whatever loads he sees fit. If Matt doesn't
24 have the authority to get into Pennsylvania then I can't haul
25 them into Pennsylvania. I'm losing a lot of loads by that.

1 Q The broker you are referring to is not a transportation
2 broker; he's someone who brokers the pallets?

3 A That's correct.

4 Q And your function -- I say "your;" I mean Ridge View
5 Pallets; you manufacture, construct or put together, or
6 whatever, the pallets?

7 A That's right.

8 Q As you may or may not know, I represent Robert Hack,
9 who also is a carrier holding authority. Your direct
10 testimony did not indicate that you have utilized his
11 services.

12 A I've called Robert Hack once for this G.A.F. load
13 going to Baltimore, and he could not help me because he was
14 full up.

15 Q Have you ever called him for an intrastate load, within
16 Pennsylvania?

17 A I never thought it would come to this; I never really
18 kept dates or anything. I don't recall. I've been in the
19 business now for three years. I know I called him on two
20 occasions and he could not haul either one.

21 Q Was either one of those occasions an intrastate load?

22 A Like I said, I don't remember which loads I called him
23 for.

24 Q Is Mr. Sieber providing all of your intrastate
25 transportation right now?

1 A Yes, he is.

2 Q And that is on the lease arrangement with Mr. Fulkroad,
3 Jay Fulkroad and Sons?

4 A Uh-huh. I do have -- excuse me, I do have small
5 trailerloads, 23-foots, that Matt does not handle. I have
6 another trucker who does take that.

7 Q And how are they moved then? Are they your trailers
8 that move then?

9 A No, it's another pallet shop who runs small trucks.
10 But that is like I might have one every two or three months.
11 It's not that significant.

12 Q And whether or not Mr. Sieber gets this authority
13 really isn't going to make much difference as far as that
14 small trailerload traffic goes?

15 A Not the small ones, but then again that's not what I'm
16 dealing with mainly. My business is geared to more the 48-
17 foot trailers.

18 Q Up until the time that you became involved with Mr.
19 Sieber did you receive any service from Jay Fulkroad and Sons?

20 A No -- well, we buy things from them.

21 Q But no trucking?

22 A No.

23 Q No transportation type services?

24 A No. I was through Ramsey Trucking at the time.

25 Q And do you know where the rate that you are currently

1 charged by Mr. Sieber comes from?

2 A That came from -- let's see; originally it was \$1.80
3 whenever Matt and I started up, and that was set back --
4 I think it was the end of last -- of '89, whenever Hack and
5 Ramsey and all the truckdrivers around got together and set
6 the rates. And then whenever the price of gas increased I
7 guess they all got together again and set the rate. Of
8 course the price of fuel went up so they brought it up a dime.
9 I'm not involved with that. All I know is what the current
10 rate is.

11 Q Do you understand that carriers who are regulated by
12 this Commission as common carriers must file what is
13 called tariffs, which is essentially their rate structure?

14 A I have no idea of anything about the trucking end of
15 it. I'm not involved with that; that's my trucker. Whoever
16 I lease my truck from, that's his problem, not mine. All
17 I care about is my pallets are delivered and I get good
18 service, and that's it.

19 Q That's fair enough. But you haven't reviewed or even
20 seen a filed tariff by any of these carriers?

21 A (Witness shaking head.)

22 Q Is that correct?

23 A Yes..

24 Q The reason I did that is she has to have an oral
25 response, and I wasn't sure she saw you shaking your head.

1 Am I correct from your direct testimony that currently
2 as to any intrastate loads that you may have Mr. Sieber is
3 moving them for you?

4 A Yes, he is. And I understand through Fulkroad he is
5 allowed to.

6 Q If Mr. Sieber acquires the authority from this
7 Commission what do you expect to be different from the service
8 that you now currently get?

9 A If Matt doesn't receive the service he can't haul
10 inside of PA. Therefore, I'll be having a more difficult
11 time with other truckers who I might have to go through.
12 They do not have the aluminum trailer beds so I cannot put
13 as many pallets on because they weigh out faster. Matt
14 charges from my dock, whereas most pallet people -- most of
15 the truckers charge from Mifflintown on into their
16 destinations. I figure that to be about -- let's see how
17 much money I was saving by doing that. Whenever I was with
18 Ramsey, right, they would charge me from Mifflintown to the
19 destination, and that was a difference of about eight miles.

20 Q I don't mean to interrupt you, but is not Mr. Sieber
21 doing that now?

22 A No. No. He's going to my dock. We're actually --

23 Q No, that's what I'm saying. Mr. Sieber is doing what
24 you want him to do currently, right now, at a rate that you
25 have agreed upon?

1 A Yes. And if he doesn't get the PUC I can't use him
2 inside PA.

3 Q What makes you believe that you can't use him if you
4 can currently use him legally?

5 A I don't understand.

6 Q Well, he's providing service to you.

7 A Right.

8 Q And you've already said that you understand that that's
9 appropriate, that that's legal, and I haven't heard anybody
10 argue with you yet.

11 A Uh-huh.

12 Q If we assume that's correct, what, from your standpoint,
13 will be different should he acquire this authority, if he's
14 doing it now?

15 A What happens if I get three loads going into PA on the
16 same day; he only has two trucks leased out to Fulkroad right
17 now, and then I'm stuck with the third load.

18 Q You're saying he doesn't have sufficient equipment to
19 serve you?

20 A No. No. If he has his PUC license then I wouldn't
21 have to worry about it because all of his trucks would be
22 ready to run in PA.

23 Q You believe then that it's the existence or non-
24 existence of a standing lease that will determine how Mr.
25 Sieber uses his equipment within Pennsylvania?

1 A I don't understand what you're asking me.

2 Q You're concerned about the two trucks that are leased
3 now.

4 A Yes.

5 Q Are you aware of any reason why, if you have a need
6 for it, Mr. Sieber could not lease an additional vehicle to
7 Fulkroad to provide service for you?

8 A Not that I'm aware of. I don't know what Matt's
9 situation is.

10 Q So if he has the equipment he could lease it to
11 Fulkroad and he could provide the additional service that
12 you might encounter?

13 A Yes. However, that's not very convenient for him. I'd
14 rather deal directly through Matt than have to go through
15 Fulkroad.

16 Q Do you call Fulkroad currently to dispatch these loads?

17 A No.

18 Q You do call Mr. Sieber now?

19 A I call Mr. Sieber, yes.

20 Q You testified that there was a load to Baltimore that
21 was rejected. Was that because of the timing of the delivery,
22 or was there something inherent in the load, itself?

23 A Really down in Baltimore we aren't sure what went on.
24 We heard several different stories. Whenever I initially
25 called them -- you have to understand what the customer is

1 like once you get a load down there and it's late and they're
2 ready to go home. They are very agitated. They don't want
3 to unload these pallets. I don't know what went on in
4 Baltimore. I heard a complaint about the driver who I did
5 get. I also heard a complaint about the nailing. However,
6 when the pallets were brought up again the broker came over
7 -- two of my brokers came over and said there was nothing
8 wrong with them at all. But I did hear a complaint about
9 the truckdriver, whereas I feel, and so does the broker, that
10 if the pallets would have gotten in there on time at 10:00
11 whenever they were supposed to leave, or whatever, there would
12 not be a problem with them, because the customer would not
13 have been agitated, and usually if you get a customer
14 agitated he is going to nitpick through everything.

15 Q You also talked in your direct testimony, toward the
16 end of it, in reference to your driver through Matt, and I
17 assume that's a driver --

18 A Yes.

19 Q -- of Mr. Sieber's, the man who is being referred to
20 there. Do more than one of Mr. Sieber's drivers provide
21 service to you?

22 A No. Only when I have two loads going on the same day,
23 and sometimes I can put one in in the morning and he can come
24 back and take the other one in the afternoon. I have one
25 driver; I like it better that way.

1 Q He is the regular fellow who provides the service to
2 you when you contact Mr. Sieber?

3 A Yes.

4 Q Does Ridge View Pallets have any transportation
5 equipment of its own?

6 A No.

7 Q Have you ever had any transportation equipment?

8 A No. I don't want to get into that end of it. The
9 pallet-making is enough.

10 MR. WALTER: That's all I have, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. ZETTLEMOYER:

13 Q Ms. Becker, just a couple questions about this trip
14 to Baltimore. You're not -- that was an interstate move;
15 is that not correct?

16 A That was interstate.

17 Q That was going from Pennsylvania outside; it was
18 going outside of Pennsylvania?

19 A That was right, but I'm just saying that was one of
20 the reasons why I broke off with Ramsey and hired Matt, was
21 because of that. That was the breaking point at that time.

22 Q Were there any other reasons?

23 A Oh, my, yes. The fact that Carol, whenever I called
24 up Mrs. Ramsey and wanted to schedule a load, if she was full
25 that day she would call directly to my brokers. Truckers

1 are not supposed to talk to the brokers.

2 Q All right, the brokers you're talking about are who?

3 A My pallet brokers. The truckers are not supposed to
4 talk to the brokers, especially not to move a load. It would
5 be setting on my dock taking up space if they would do that,
6 and I'd be cramped for space.

7 Q You are telling us that if she couldn't haul a load
8 she would call your pallet broker?

9 A Yes, she would.

10 Q Why would she do that?

11 A Just to push it back so that she could fit -- have the
12 load the next day, if she would have an opening the following
13 day.

14 Q How do you know this?

15 A Huh?

16 Q How do you know this?

17 A The brokers told me. And also whenever the pallets
18 weren't outgoing I'd call the broker, and ask why, and he'd
19 say: well, Ramsey called me and told me she wanted to push
20 it back.

21 Q Did you have any trouble with Ramsey's delivering your
22 loads within Pennsylvania?

23 A Not that I can recall.

24 Q Thank you.

25 A However -- can I add something?

1 JUDGE BANZHOFF: Proceed.

2 THE WITNESS: Okay, I made a lot of mistakes whenever
3 I was in the pallet business but I feel getting rid of
4 Ramsey's and hiring Matt wasn't one of them. I have really
5 thought that Matt's service was excellent. He saves me time.
6 He saved me mileage freight. He saves -- I mean this is the
7 best choice I've ever made.

8 BY MR. ZETTLEMOYER:

9 Q You had a contract with Ramsey's; is that correct?

10 A That's correct.

11 Q You did have a contract with Ramsey's; okay. With
12 regard to your dealings with Mr. Sieber, you prepared the
13 bills of lading; is that correct?

14 A That's correct.

15 Q And do you indicate on the bill of lading who the
16 trucking company is?

17 A No. I only indicate what is on the delivery ticket;
18 that's what you're talking about, right?

19 Q Yes.

20 A Is the broker's name; my name doesn't even appear on
21 the delivery ticket. It's the broker's name and the customer's
22 name, and that's it.

23 Q Who do you pay?

24 A Who do I pay for the trucking?

25 Q Mr. Sieber's --

1 A Mr. Sieber.

2 Q You pay Mr. Sieber directly?

3 A Yes, I do.

4 MR. ZETTLEMOYER: I don't have any further questions.

5 MR. GRAF: I have no redirect.

6 JUDGE BANZHOFF: The witness is excused.

7 (Witness excused.)

8 JUDGE BANZHOFF: We'll go off the record now.

9 (Discussion off the record.)

10 JUDGE BANZHOFF: On the record. Let's take a brief recess.

11 (Recess.)

12 JUDGE BANZHOFF: On the record.

13 Whereupon,

14 ROBERT SHEAFFER

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. GRAF:

18 Q Will you give us your name please?

19 A Robert Sheaffer.

20 Q Where do you reside?

21 A Millerstown.

22 Q And what company are you connected with?

23 A Treen Box and Pallet.

24 Q And what's its address?

25 A RD 1, Box 262, Mifflintown, PA.

1 Q Do you have a home office somewhere else?

2 A In Bensalem.

3 Q And what is your function with the company?

4 A Plant manager.

5 Q And as such, do you have anything to do with
6 transportation?

7 A I take care of all of the transportation at our
8 facility.

9 Q What is the business of your company?

10 A We manufacture pallets.

11 Q And you ship them from the address you gave in Mifflin-
12 town?

13 A That's right.

14 Q What county is Mifflintown in?

15 A Juniata County.

16 Q Do you ship both beyond Pennsylvania and within
17 Pennsylvania?

18 A Yes, we do.

19 Q And have you used Sieber Trucking beyond Pennsylvania?

20 A Yes.

21 Q Do you have a list of points at which you have
22 customers in Pennsylvania with you?

23 A Yes, I do.

24 Q Will you read those names slowly?

25 A I have 112 of them.

1 JUDGE BANZHOFF: Let's go off the record for a moment.

2 (Discussion off the record.)

3 JUDGE BANZHOFF: On the record.

4 Just name some of them.

5 THE WITNESS: Allentown, Belfonte, Bristol, Carnegie,
6 Connelville, Conshohocken, Downingtown, Fairless Hills,
7 Greensburg, Harrisburg, Lancaster, Lititz, Logan's Ferry,
8 Mechanicsburg, New Cumberland, Philadelphia, Pittsburgh,
9 Punxsatawney, Tyrone, West Chester, Wilkes-Barre and York.

10 BY MR. GRAF:

11 Q Those are representative points?

12 A That's right.

13 Q How many loads do you handle during any given period
14 of time to Pennsylvania points?

15 A Probably 12 to 15 loads a week, which we ship about
16 22 to 25 loads a week.

17 Q And how are you handling that traffic now?

18 A Right now Hack Trucking is taking most of it.
19 Occasionally if he can't haul anything then I call Matt
20 Sieber.

21 Q Do you know how Matt's handling it?

22 A Well, he just goes through Fulkroad.

23 Q With a lease?

24 A With a lease, right.

25 Q And is Hack Trucking going to continue to handle the

1 bulk of your traffic?

2 A Yes, he is.

3 Q Do you think you need the services of Matt Sieber?

4 A I sure do.

5 Q For what purpose?

6 A Well, it looks to me like Hack maybe calls for Perry
7 first and Dan Weaver second, and whatever he's got left for
8 me. On several occasions -- I can't tell you how many; I've
9 got it marked down at home -- he didn't have no trucks, and
10 that's when I called Matt Sieber.

11 Q How frequently does this happen?

12 A Not very much. I don't know if it would be twice a
13 month on the average or not.

14 Q When it does happen is it important for you to have
15 Sieber Trucking available?

16 A Yes, it is.

17 Q Why?

18 A I've got those loads ordered and they've got to be there
19 on a certain date.

20 Q Do they specify dates when they want the traffic
21 delivered?

22 A Yes, they do.

23 Q What happens if you don't get the -- if they don't get
24 them by that date?

25 A They're not very happy. Occasionally we have to run

1 two loads or deliver them at night or something to get them
2 in there.

3 Q Have they ever cancelled any orders on you?

4 A Not when he said he was going to take them, he never
5 did. The only one he ever cancelled was a New York load.
6 He flatly refused to haul a New York load for me, and so did
7 Carol Ramsey, which Sieber hauls every week.

8 Q You know he has the ICC authority?

9 A Yes, I do.

10 Q How has his service been?

11 A Very good.

12 Q Is that the type of service you want to back up Hack?

13 A I sure would like to, yes.

14 Q And would you use the service if it this application
15 were approved?

16 A Yes, I would.

17 Q Is there enough volume there that Hack wouldn't lose
18 anything?

19 A Oh, yes, there's plenty.

20 Q Who else have you used besides Hack?

21 A Just Matt Sieber.

22 Q You mentioned Ramsey. Have they hauled to Pennsylvania?

23 A They never hauled anything for me.

24 Q They haven't?

25 A Not for me. They've hauled for Treen but not for me.

1 I only ever called them on one occasion and they refused
2 the load, so I just never bothered with them after that.

3 Q I see.

4 MR. GRAF: Cross-examination.

5 DIRECT EXAMINATION

6 BY MR. WALTER:

7 Q Mr. Sheaffer, I may have heard something wrong you just
8 said, but if so maybe the record can be corrected. You said
9 that Ramsey hauls for Treen but not for you. I thought you
10 were here testifying on behalf of Treen.

11 A That's right; you did hear that right. We are our own
12 brokers, and we sell about 60 loads of pallets a week, and
13 other pallet shops make pallets for Treen and other trucking
14 companies take care of it. I only take care of the Mifflintown
15 plant.

16 Q For Treen?

17 A For Treen.

18 Q For Treen. Do you have any -- how do I say this? Do
19 you have any relationship with, for instance, Perry Pallet?

20 A Part owner.

21 Q And is Donald Sheaffer then on this list perhaps your
22 brother?

23 A That's right.

24 Q Do you request or control the transportation for Perry
25 Pallet as well?

1 A No. My brother takes care of that.

2 Q Of the various points that you listed, out of the 112
3 or so that are on your list those I take it are the points
4 that are repeat points, that you go to the most often?

5 A That's right.

6 Q Within that list are there any that you are concentrating
7 on currently in the past, say, six months or so?

8 A Oh, yes, New Cumberland, Philadelphia almost every day.

9 Q And the other points; we'll start with Allentown, for
10 instance. Is that one you are currently serving on a repeat
11 basis?

12 A Yeah, three to four times a week. There is no
13 standard procedure; two or three or four times a month. It's
14 hard to say.

15 Q And without going through the whole list, it would be
16 a similar type of arrangement for each one of those points
17 that you read off your list.

18 A Some of them you might only go to once a year or
19 twice a year, and then other ones every week.

20 Q Does Treen Box and Pallet have any equipment of their
21 own to transport pallets?

22 A Just trailers only. They pull our trailers. We have
23 four flatbeds and one van.

24 Q And when, for instance, Mr. Hack provides transportation
25 does he use your trailers or his own trailers?

1 A It all depends on who's loading. You know, if we put
2 the load on a certain trailer we don't know if it's his
3 trailer or our trailer.

4 Q In addition to Mr. Hack and whatever tractors you get
5 from Mr. Sieber, does anyone else on an intrastate basis now
6 provide you with a tractor -- Treen, I mean?

7 A Yes, they did. Mike Rhoades and Gerald Jones; they
8 are permanently leased to us.

9 Q And are they employees of Treen, or is it just a lease
10 arrangement?

11 A If they've got a lease they're on the payroll.

12 Q Of Treen?

13 A That's right.

14 Q And since they are on the payroll do they get
15 essentially the first loads out of the facility?

16 A Right.

17 Q And you indicated that's maybe two times a month when
18 those folks and Mr. Hack, between them, don't have enough
19 equipment on a given day. In those cases Mr. Sieber is
20 providing you with an additional tractor?

21 A That's right.

22 Q And has been doing so for how long, if you know?

23 A I'm thinking August of 1990, but I'm not sure.

24 Q And is that a fairly regular situation, that is about
25 twice a month since August that that's occurred?

1 A I can't -- I'd say about that, but I'm not sure. If
2 I was up at the office I could tell you. I didn't used to
3 keep track of that before, but in the last year and a half
4 or two years I've been keeping track.

5 Q Would it be correct, given your direct testimony, that
6 you are pleased with the services of Robert Hack and you will
7 continue to use him?

8 A We've had some, you know, trouble, but I mean you're
9 going to have that I think with anybody.

10 Q And if the Commission grants this particular authority
11 is the order of service, that is how you tender the loads to
12 your two employees and to Mr. Hack and then Mr. Sieber,
13 assuming nothing else changes that is going to stay essentially
14 the same; is that correct?

15 A That's right.

16 Q Do you anticipate that the rate at which your freight
17 moves will change any if this particular authority is
18 granted?

19 A It shouldn't. Pretty much if the fuel stays the same
20 I think the rate will stay the same. If the fuel goes up
21 it has to go up; you know, they'd have to get more money.

22 Q Other than the arrangement, whatever it may be, that
23 Mr. Sieber has with Jay Fulkroad and Sons, have you in the
24 last eight months to a year had any direct contact with
25 Fulkroad?

1 A No.

2 Q Did you use them prior to Mr. Sieber's arrangement with
3 them at all?

4 A No, we didn't.

5 Q How does your arrangement work? You call Matt Sieber
6 and say: on Tuesday I need one of your vehicles?

7 A Right.

8 Q What do you expect to be different if this authority
9 that you're appearing here for this morning is granted
10 from the situation which you currently have?

11 A I don't think there will be anything different, except
12 it would be more legal. Sieber should be able to make more
13 money not having to pay Fulkroad for his rights.

14 Q How -- I'm sorry; you may have answered this. What
15 is your position with Treen Box and Pallet?

16 A Plant manager.

17 Q Are you an officer of the corporation, itself?

18 A No, I'm not.

19 Q And is the -- the home office, which I guess you said
20 is in Bensalem --

21 A That's right.

22 Q They are aware that you're here this morning in support
23 of this application?

24 A Yes, they are.

25 Q Thank you, Mr. Sheaffer. That's all I have.

CROSS-EXAMINATION

1
2 BY MR. ZETTLEMOYER:

3 Q Mr. Sheaffer, just a couple follow-up points. When
4 you use Sieber do you pay Mr. Sieber directly for his services?

5 A Yes, we do.

6 Q Have you ever asked Ramsey Trucking to provide you with
7 intrastate service?

8 A No.

9 Q Why is that?

10 A Because they rejected me on the -- we had to be there
11 the next day and Hack Trucking refused to take it. Ramsey
12 said if they delivered it at 5:00 in the morning they
13 could take it. At 11:00 they wouldn't take it, and it was
14 an 11:00 delivery.

15 Q Where was that going?

16 A Allied Chemical.

17 Q Where is that?

18 A Long Island City.

19 Q So that was interstate; that wasn't within Pennsylvania?
20 Is that correct?

21 A That's right.

22 Q So you haven't asked them to haul anything for you just
23 within Pennsylvania; is that correct?

24 A That is right.

25 Q And you didn't contact Fulkroad directly to provide

1 you with service?

2 A No.

3 MR. ZETTLEMOYER: That's all the questions I have.

4 MR. GRAF: I have no redirect.

5 JUDGE BANZHOFF: The witness is excused.

6 (Witness excused:)

7 MR. RADCLIFF: Your Honor, our next witness will be

8 Donald Sheaffer.

9 Whereupon,

10 DONALD SHEAFFER

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. RADCLIFF:

14 Q Mr. Sheaffer, you were previously sworn this morning;
15 is that correct?

16 A Yes.

17 Q Sir, would you state your name for the record please?

18 A Donald Sheaffer.

19 Q And where do you reside?

20 A R.D. 1, Mifflintown, PA.

21 Q And with what company are you affiliated?

22 A Perry Pallet.

23 Q Are you a part owner in that company?

24 A Yes, I am.

25 Q Is Perry Pallet incorporated?

1 A Yes.

2 Q What office do you hold with the company?

3 A President.

4 Q How long have you been with Perry Pallet?

5 A A little over four years.

6 Q Are you familiar with the transportation requirements
7 of Perry Pallet?

8 A Right.

9 Q And in what business is Perry Pallet involved?

10 A We manufacture new pallets.

11 Q What is the address of the manufacturing facility?

12 A R.D. 1, Box 620, Millerstown, PA.

13 Q And is Millerstown in Perry County?

14 A Yes, it is.

15 Q What are these pallets manufactured from?

16 A Wood.

17 Q To what types of customers do you sell your pallets;
18 where are they shipped to?

19 A All over. To the same points that was given, basically
20 the same points as Treen because they are all manufactured
21 for Treen.

22 Q Who pays you for the pallets that you manufacture?

23 A Treen.

24 Q And who finds the customers that the pallets are being
25 shipped to?

1 A Treen.

2 Q Who pays the transportation charges for the trucking
3 company to move those pallets?

4 A Treen pays me, and I pay whoever may haul, Hack or
5 whoever.

6 Q You heard the list of points that Robert Sheaffer gave
7 as representative of Pennsylvania points?

8 A Yes, I did.

9 Q Are you familiar with the destinations of the shipments
10 that move from Millersville for Perry Pallet?

11 A Yes, I do.

12 Q And would those be the same representative destinations?

13 A That and many more because we go all over. As he said,
14 100 and some.

15 Q How frequently do you have shipments from Millerstown
16 to points in Pennsylvania?

17 A I would say every week. Maybe not quite half to go
18 there, half Pennsylvania and half out.

19 Q How many loads per week would that be?

20 A Well, probably seven.

21 Q And that's a total of fourteen loads a week then that
22 you are shipping out?

23 A Right. And that varies, you know.

24 Q What trucking companies have you called in the past
25 for transportation of the pallets to Pennsylvania points?

1 A Hack and on one occasion whenever he couldn't take the
2 load then I had to get one of Treen's own truckers to haul
3 it.

4 Q Those were those two leased trucks the employees of
5 Treen drove that Robert Sheaffer spoke about?

6 A Yes.

7 Q Are you familiar with the applicant, Matt Sieber?

8 A Yes, I am.

9 Q Have you used his trucking service?

10 A Yes, I did.

11 Q And when you needed to arrange movement of pallets in
12 Pennsylvania in the past few months have you called him for
13 that service?

14 A Yes, I did, last month on one occasion when Hack
15 couldn't provide me with the truck.

16 Q And "last month," was that December or January as last
17 month?

18 A That was --

19 Q Now that we're at the beginning of a new month, which
20 were you referring to?

21 A That was 12-17, to be exact.

22 Q What type of trailers do your pallets move out on?

23 A 95 percent on flatbeds, 48-footers.

24 Q Does Mr. Sieber handle any interstate traffic from your
25 facility?

1 A Not at this time he hasn't, no.

2 Q If this application were approved would you use Mr.
3 Sieber's service for Pennsylvania deliveries in the future?

4 A Yes, providing, you know, Hack couldn't cover them all.

5 Q So you are going to use him as a back-up service?

6 A Yeah, because we need that.

7 Q Why do you say you need a back-up service?

8 A Because, like I say, these loads are all scheduled,
9 and when you need trucks you need trucks, and if he don't
10 have them I've got to fall back on somebody else to haul them.

11 Q Has Mr. Sieber provided you with the type of service
12 that you expect from a trucking company?

13 A Yes, on that one occasion there.

14 MR. RADCLIFF: I have no further questions of this witness.
15 He's available for cross-examination.

16 CROSS-EXAMINATION

17 BY MR. WALTER:

18 Q Mr. Sheaffer, you, I take it, listened to the testimony
19 of your brother, Robert, when we were talking, he and I.
20 To avoid being repetitious, I had asked him about some of
21 the points and the frequencies and so forth; is it fair to
22 say that again when we're talking about the list of points
23 that they really are coextensive and the frequency is about
24 the same since, as you've indicated, a lot of what's involved
25 with Perry Pallet is a Treen pallet, if you will?

1 A Yeah, we build for them and they basically go to the
2 same place, York.

3 Q When there is a movement that you are involved with
4 for Perry Pallet do you or someone in your office call the
5 carrier?

6 A Yeah, my secretary does; she calls.

7 Q And the call isn't made for someone for Treen or at
8 Treen's location?

9 A No, it's made right there.

10 Q And ultimately when you receive the funds from Treen
11 you pay the carrier; that is Perry Pallet does?

12 A Yes, I do.

13 Q You mentioned an occasion in December when the
14 equipment from Mr. Hack was not available. Let me run through
15 a series of questions on that. Could you tell me what the
16 date was again for that?

17 A 12-17 was the one.

18 Q 12-17, and do you know what the destination was for
19 that movement?

20 A It went to New Jersey.

21 Q Do you have, sir, an instance that you recall when there
22 was a movement to a point in Pennsylvania within the reasonable
23 past when Mr. Hack was not able to provide the vehicle to
24 you?

25 A Not in Pennsylvania, but I had another instance in

1 New Jersey, which happened last summer.

2 Q Do you happen to know on the 17th of December how many
3 other loads, if any, Mr. Hack, would have been moving either
4 for you or for Treen?

5 A I would say that particular day he probably was moving
6 two to three other ones besides that one.

7 Q And on at least this one occasion in December Mr.
8 Sieber was able to provide you with the equipment that you
9 needed?

10 A Sure.

11 Q And the pallets got to New Jersey, I assume, within
12 the appropriate time?

13 A Yes, they did.

14 Q And in that instance do you, if you recall -- to pay
15 Mr. Sieber did you pay Jay Fulkroad and Sons, or how did that
16 work out?

17 A I paid Mr. Sieber.

18 Q And you really, I take it, did not inquire into whatever
19 arrangement he has with Fulkroad?

20 A No, I didn't.

21 Q As far as your relationship with the carriers, that
22 is either with the employees of Treen who are providing some
23 service or with Robert Hack or, for that matter, your
24 relationship with Mr. Sieber, if this authority is granted
25 what do you expect would change as a result of the grant of

1 this authority?

2 A Well, what would change mostly is I would probably
3 continue using Hack for a period; but going back to the load
4 last summer that he couldn't handle, I give it to one of
5 Treen's own trucks on a Friday, and Saturday morning Mr. Hack
6 is down there in my face cursing me out to no end why I'd
7 give a load of pallets away, you know, to somebody else.
8 And that's what I'm not going to put up with. As far as his
9 boy and the trucking, yes, but nobody is going to come down
10 and tell me who to -- that's why we need other people to
11 haul, so we can, you know, rely on somebody else. He
12 couldn't cover the load; yet he come down there and flew all
13 over me and called me everything under the sun, you know.
14 I ain't going to tell you what he called me, but to this day
15 I haven't forgiven him, you know, so I ain't going to tell
16 you that he's going to get it all. It all depends on how
17 the relationship goes.

18 Q I understand that we all have personal relationships
19 that sometimes aren't exactly what we'd like them to be, and
20 sometimes they change.

21 A Right.

22 Q But let me -- how will the granting of the authority
23 to Mr. Sieber change that? That's really my question.

24 A In a case like that I'll have somebody to back up, and
25 that gives me more of a choice of who I want to haul it.

1 Q Can't you use Mr. Sieber now?

2 A Well --

3 Q Aren't you in fact using him now?

4 A On one occasion, yes.

5 Q And if you had more of those kind of loads you could
6 in fact use him?

7 A You're 100 percent right. But let me explain myself
8 a little bit further. That load that was in question was
9 on Mr. Hack's trailer. We have two company trailers too that
10 he pulls. And Treen drivers all have trailers in this same
11 pool. And that's what he jumped me about, why that guy had
12 the right to take his trailer and go down the road. You
13 know, I don't feel he had a right because the trailer was
14 in the pool. Last month he took my company trailer and went
15 to a pier and brought a load of nails back to one of my
16 competitors and never asked me nothing. The trailer set
17 over a day being unloaded. So I mean, like I say, it goes
18 both ways. That's my feelings about it.

19 Q I think your brother indicated that the trailers
20 were sort of interchanged, that you treat them as inter-
21 changeable.

22 A That's right. I'm just saying nobody is going to come
23 down and dictate to you, shouldn't have the right to dictate
24 to me who is going to haul my pallets.

25 Q But you are the one who calls the carrier and chooses

1 the carrier, are you not?

2 A That is right. I'm afraid to call anybody else.

3 Q Thank you, Mr. Sheaffer. That's all I have.

4 CROSS-EXAMINATION

5 BY MR. ZETTLEMOYER:

6 Q Just one or two questions, Mr. Scheaffer. Have you
7 ever called Gary L. Ramsey Trucking to provide service for
8 you?

9 A On the one occasion.

10 Q To provide intrastate service for you?

11 A No, that was the same load that went to Jersey.

12 Q And you haven't had occasion to call him to see if they
13 were able to provide you with service within Pennsylvania?

14 A That's right.

15 Can I say something else?

16 Q Sure.

17 A That when you do call up to Hack's you're calling the
18 garage, and some mechanic answers the phone and you cannot
19 get no answer until later on that afternoon; they have no
20 dispatcher and evidently nobody to keep records, because if
21 you need a truck at the spirit of the moment there's nobody
22 to give you that decision whether they can give you three
23 tomorrow or two. I feel they should be able to tell you a
24 little bit, maybe not right down to the truck, but you
25 would know how to run your business. If you need a truck

1 tomorrow and you call and give them three, you know there's
2 nobody to -- and that's probably where I'd use Sieber
3 because if I call at dinnertime, which happens, and I need
4 a truck, then I'd have to have somebody else to fill in.
5 And that's what happened in this case.

6 MR. WALTER: Let me just follow up on that a little bit
7 if I may, Your Honor.

8 FURTHER CROSS-EXAMINATION

9 BY MR. WALTER:

10 Q I understand what you're saying, Mr. Sheaffer, but
11 isn't it your testimony that in fact you have been getting
12 the service that you need from Mr. Hack? That seemed a
13 little inconsistent.

14 A Yeah, he's doing an 80 percent good job; that's what
15 I'm saying. But there's some improvements that should be
16 -- could be made.

17 MR. WALTER: I'm sorry.

18 MR. ZETTLEMOYER: I think that's all the questions I have,
19 Your Honor.

20 MR. RADCLIFF: I have nothing further. May this witness
21 be excused, Your Honor?

22 JUDGE BANZHOFF: Yes.

23 (Witness excused.)

24 MR. RADCLIFF: I have another witness who will be
25 very brief. I'd like to put his testimony on before we

1 consider a lunch break, Your Honor.

2 Roy Weaver.

3 Your Honor, Mr. Weaver was not previously sworn, and he
4 would like to affirm his testimony.

5 Whereupon,

6 ROY WEAVER

7 having duly affirmed, testified as follows:

8 MR. WEAVER: What was that?

9 MR. RADCLIFF: You have to say yes. He asked if you
10 affirmed that your testimony would be true and correct.

11 MR. WEAVER: Yes.

12 DIRECT EXAMINATION

13 BY MR. RADCLIFF:

14 Q Would you state your name for the record please?

15 A Roy Weaver.

16 Q You'll have to speak up a little bit so that the other
17 counsel can hear you. They need to hear you and the Judge
18 needs to hear you up there, Mr. Weaver.

19 A Roy Weaver.

20 Q Mr. Weaver, where do you reside?

21 A Beaver Springs, Pennsylvania.

22 Q And have you been involved in the pallet business for
23 some time?

24 A Yes.

25 Q Are you currently manufacturing pallets?

1 A No.

2 Q Have you formed a company at this time?

3 A Yes.

4 Q What is the name of your company?

5 A J&M Pallet.

6 Q When will J&M Pallet begin operations in manufacturing
7 pallets?

8 A Hopefully, in '91.

9 Q Are you the only owner of that company?

10 A Yes.

11 Q When were you last involved in the pallet business?

12 A In 1989.

13 Q And what did you do with that company?

14 A Sold it.

15 Q What steps has J&M Pallet taken towards getting ready
16 to manufacture pallets in the future?

17 A Well, built the shop and bought 80 percent of the
18 equipment.

19 Q Where is the shop located?

20 A R.D. 1, Mifflintown.

21 Q And is that in Juniata County?

22 A Yes.

23 Q When you say you have purchased the equipment, are you
24 talking about the saws and the nailers that are necessary?

25 A Yes..

1 Q How many employees do you expect to have in this
2 company?

3 A Maybe none. I have some children. It might be a
4 family affair, and maybe one or two, but I don't know
5 yet for sure.

6 Q It will be two people or so from your own family that
7 will --

8 A Yes.

9 Q -- be manufacturing the pallets.

10 A Yes.

11 Q How many pallets per week -- or how many truckloads
12 per week would you manufacture at this facility?

13 A From one to two.

14 Q One to two what?

15 A Truckloads.

16 Q And how will you locate customers to purchase those
17 pallets?

18 A I deal through brokers.

19 Q Is this the manner that your business has taken in the
20 past when you owned a pallet company?

21 A Yes. I might do business with them.

22 Q Who are the brokers that you've worked through in the
23 past?

24 A Remmy Wood Products, Robison Pallet, Acme Pallet,
25 Albany Pallet, Stroudsburg Pallet.

1 Q And these people find the customers for the pallets?

2 A Yes.

3 Q And how are the pallets moved from your facility to
4 the customers?

5 A Flatbed trailer.

6 Q Who calls the trucking company?

7 A I do.

8 Q Who pays for the trucking?

9 A I do.

10 Q Are you familiar with the applicant, Mr. Sieber?

11 A Yes.

12 Q And you know that he has trucks available to perform
13 this service?

14 A Yes.

15 Q Later this year when you begin manufacturing pallets
16 would it be of benefit to your company to have his services
17 available for transportation?

18 A I've considered him pretty highly.

19 Q And would you use his service if it were available?

20 A If nothing else turns up, yes.

21 Q How many loads of pallets to Pennsylvania per week would
22 you expect to be shipping -- or per month or per year?

23 A Maybe one or two a month.

24 MR. RADCLIFF: I have no further questions of this witness.

25 He's available for cross-examination, Your Honor.

CROSS-EXAMINATION

1
2 BY MR. WALTER:

3 Q Mr. Weaver, do you know Robert Hack as well?

4 A Yes.

5 Q And in your former business did you utilize his
6 transportation service?

7 A It might have happened once or twice in eight years.

8 Q And would you anticipate looking into his services as
9 well when the new J&M Pallets starts up?

10 A I've thought of it. That's about it.

11 MR. WALTER: That's all I have, Your Honor.

CROSS-EXAMINATION

12
13 BY MR. ZETTLEMOYER:

14 Q Mr. Weaver, do you have any experience with any other
15 carriers besides Hack and Sieber?

16 A Yes.

17 Q Tell me who that is please.

18 A B&G Trucking, Garrison Trucking; there's a couple more
19 I can't think of.

20 Q Are you familiar with Ramsey Trucking at all?

21 A Just from what I hear.

22 Q Do you expect to contact any of those people to see
23 if they can meet your trucking needs?

24 A The little volume I'll do, I probably won't.

25 Q You won't contact them to see if they can provide you

1 with better service or less expensive service?

2 A I have already talked to him about it once, or they
3 have to me.

4 Q B&G and Garrison have talked to you?

5 A No, Ramsey.

6 Q So you are familiar with them?

7 A Yes.

8 MR. ZETTLEMOYER: I think that's all the questions I have,
9 Your Honor.

10 MR. RADCLIFF: I have no questions, Your Honor. May this
11 witness be excused?

12 JUDGE BANZHOFF: Yes, go ahead.

13 (Witness excused.)

14 MR. RADCLIFF: I would request a lunch break at this point.
15 We have still three or four --

16 JUDGE BANZHOFF: Let's go off the record.

17 (Discussion off the record.)

18 JUDGE BANZHOFF: On the record.

19 We will adjourn until 1:00.

20 (Whereupon, at 12:10 p.m. the hearing was adjourned, to
21 be reconvened at 1:00 p.m. this same day.)

22

23

24

25

1 requirements of your company?

2 A Yes. I schedule everything.

3 Q What does your company manufacture?

4 A Wooden roof trusses.

5 Q And do you ship them beyond Pennsylvania as well as
6 within Pennsylvania?

7 A Yes, both.

8 Q What is the difference percentagewise; how many go
9 beyond Pennsylvania and how many within Pennsylvania?

10 A I'd say 95 -- between 95 and 98 percent within
11 Pennsylvania, and just a very little out of Pennsylvania.

12 Q And to what type of customers do you sell these
13 trusses?

14 A Contractors and also building suppliers.

15 Q Building suppliers?

16 A Yes.

17 Q Who have you used for your Pennsylvania traffic?

18 A Matt and also Charles Ryan Trucking.

19 Q Who has handled the bulk of the traffic?

20 A Matt Sieber.

21 Q Have you used Sieber for beyond Pennsylvania traffic?

22 A Yes, I have.

23 Q Have you ever had any dealings with Robert G. Hack?

24 A We tried to get Mr. Hack to haul some trusses for us here
25 last year. I contacted him roughly five or six times for

1 delivery, and we got no response back from him. The phone
2 calls didn't get returned, so I just had to rely on somebody
3 else at the time.

4 Q Didn't he ever tell you he didn't have the authority
5 to haul?

6 A No.

7 Q Did you ever call on Ramsey Trucking?

8 A Yes. We had called them probably four or five times
9 for some deliveries we needed made, but they didn't have --
10 they weren't -- I guess they were too busy at the time to
11 do deliveries for us.

12 Q Did they tell you that they didn't have the authority
13 to haul for you?

14 A No.

15 Q Did you have any trouble with the Ryan company?

16 A No. I just got that. At the end there -- I shouldn't
17 say that. At first we didn't, but near the end he started
18 dealing more with Agway and we sort of got put on the back
19 burner, and that did create a problem then as far as
20 deliveries, and then I finally got hold of Matt.

21 Q When was that?

22 A I'm going to guess in August of '90.

23 Q What points have you shipped to?

24 A Mechanicsburg, to Camp Hill, Carlisle, Dillsburg,
25 Harrisburg, State College, and a few more here and there.

1 That's the bigger ones.

2 Q How many of those points does he serve you for?

3 A He primarily runs them all for us.

4 Q How has his service been?

5 A Very good.

6 Q Have you used him beyond Pennsylvania?

7 A Yeah. He goes into McKenny, Virginia and Wakefield,
8 Virginia to pick up lumber for us. We use southern yellow
9 pine in our product, and two of the mills I use are in
10 Virginia, and he runs into there and picks up the lumber for
11 us.

12 Q Have you used him for the finished roof trusses to
13 points in interstate commerce?

14 A No, I haven't had a chance to with him yet. I haven't
15 had the chance.

16 Q Do you think you need the availability of Sieber
17 Trucking's services?

18 A Yes, very much. We aren't equipped for our truss --
19 we have two trailers and one tractor at the moment with a
20 crane on it, but our longest trailer is only 37 feet, which
21 limits us in length for trusses. We do construct anywhere
22 from 45 to 65 foot trusses which we can't haul, and we've
23 used him for all these products.

24 Q For the over-lengths?

25 A Yes, that are too long for our trailers.

1 Q How many loads has this been on the average?

2 A It's a seasonal -- wood trusses is a seasonal
3 business, but during the main time, the main frame time,
4 that's the summer and fall months, and we could use them
5 two -- a couple, two, three times a week.

6 Q Is it necessary for you to have this service continue?

7 A Yes, very much.

8 Q And will you continue to use him?

9 A Yes.

10 MR. GRAF: I have no further questions.

11 CROSS-EXAMINATION

12 BY MR. WALTER:

13 Q Mr. Pellman, from your facility at Mifflin do you ship
14 only wooden roof trusses?

15 A Yes.

16 Q And you are currently using Mr. Sieber's services?

17 A Yes.

18 Q And you or someone in your office calls him and asks
19 him to provide the service when you need it?

20 A Yes, I personally call.

21 Q And do you -- and by "you" I guess I mean Truss-Tech
22 -- pay him for the service rather than paying somebody else?

23 A That's correct.

24 Q Do you ship either pallets or lumber outbound from your
25 facility at Truss-Tech?

1 A No, it's not pallets. It's sort of the reverse of the
2 normal shipment.

3 Q You only ship roof trusses?

4 A Right.

5 MR. WALTER: That's all I have. Thank you.

6 CROSS-EXAMINATION

7 BY MR. ZETTLEMOYER:

8 Q I think you said that the loads are --

9 MR. GRAF: I'm sorry; I didn't hear you.

10 MR. ZETTLEMOYER: I'll try to speak up.

11 BY MR. ZETTLEMOYER:

12 Q I think you said that the loads are over lengthwise;
13 is that correct?

14 A Yeah.

15 Q Maybe I'm not referring to that correctly.

16 A They are too long. Our longest trailer is 37 foot,
17 so with the tails for the trusses we can haul maybe a
18 35-foot -- I'd say about a 40 or 42-foot truss, and we'll
19 leave maybe eight to ten feet out over, depending on the
20 splicing on our bottom part so it doesn't sag too much.
21 But over that, over 45 feet, we use -- we have him haul our
22 trusses for us.

23 Q Are those loads that need special permits?

24 A Some do; some don't, depending on the width. The
25 width is the biggest problem.

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Q Does your hauler get special permits if he needs them?

A I do.

Q You do?

A Yes.

Q You do get them every time you need them?

A Yes.

MR. ZETTLEMOYER: I believe that's all the questions I have.

MR. GRAF: I have no redirect.

JUDGE BANZHOFF: The witness is excused.

(Witness excused.)

MR. RADCLIFF: Your Honor, I will call Dan Wingert.

Your Honor, Mr. Wingert has not been previously sworn, and he will affirm his testimony also.

Whereupon,

DANIEL WINGERT

having duly affirmed, testified as follows:

DIRECT EXAMINATION

BY MR. RADCLIFF:

Q Would you state your name for the record please?

A Daniel Wingert.

Q Where do you reside?

A R.D. 2, McAlisterville.

Q Do you own a company that makes wood products?

A Yes, I do.

FORM 1

1 Q What's the name of your company?

2 A Oakland Pallet Company.

3 Q And you a partner in that company?

4 A Yes.

5 Q Where is the company's facility located?

6 A R.D. 2, McAllisterville.

7 Q Is that in Juniata County?

8 A Yes.

9 Q What product do you make at that company?

10 A Wooden pallets.

11 Q How many truckloads of pallets do you make per week?

12 A Oh, probably six or seven.

13 Q And those six or seven truckloads of pallets, where
14 are they shipped to from your facility?

15 A To New Jersey and Pennsylvania.

16 Q Within Pennsylvania can you name some representative
17 destination points for the transportation of those pallets?

18 A Harrisburg, York, New Kensington.

19 Q Who pays for the transportation of the pallets?

20 A That is usually figured in with the pallets so the
21 broker would really pay that, but I usually give the man a
22 check.

23 Q You give the check to the trucking company?

24 A Yes.

25 Q And do you use a pallet broker to find your customers;

1 is that how you line up customers?

2 A Yes.

3 Q Did you hear the testimony of a couple of witnesses
4 this morning who talked about using pallet brokers?

5 A Yes.

6 Q Do you operate in a similar manner to the way that they
7 operate?

8 A Yes.

9 Q Who are some of the pallet brokers that you have worked
10 with?

11 A Acme Pallet, Treen Pallets, Albany Pallet, Woodville.

12 Q And when you have pallets to be transported who calls
13 the trucking company to arrange for that?

14 A I do.

15 Q What trucking companies are you presently using for
16 your service?

17 A Dave Zimmerman's Trucking.

18 Q Are you familiar with Ramsey Trucking?

19 A Yes, they get my extra loads.

20 Q How long have you been using Ramsey for transportation
21 of pallets to points in Pennsylvania?

22 A I'd say probably 1988.

23 Q How long have you been using Zimmerman for transportation
24 of pallets to points in Pennsylvania?

25 A Since October of '84.

1 Q When you call Ramsey for service how do they respond?

2 A Fair.

3 Q Why do you say "Fair"?

4 A Well, sometimes they call me and they say: I don't know
5 for sure; I'll let you know a little bit later. Which is
6 okay, I guess.

7 Q Do they take the loads when you want them to move to
8 your customers?

9 A Sometimes. Sometimes I think they get somebody else
10 to take them for them too.

11 Q When you call Ramsey for service do you know what
12 trucking company is going to respond to handle that for you?

13 A No. Usually Ramsey's come up with the truck.

14 Q You say sometimes someone else does?

15 A Very seldom. I think they come out with the trailers
16 and then they get somebody to take the load for them.

17 Q Have you used Matt Sieber for transportation of pallets
18 in Pennsylvania?

19 A No.

20 Q Do you want to have his service available for you?

21 A Yes, it would be nice.

22 Q And if that service were available, would you use it?

23 A As a back-up service, I would.

24 Q In addition to the three points that you named,
25 Harrisburg, York and New Kensington, are there other points

1 in Pennsylvania to which you regularly ship pallets?

2 A Very seldom.

3 Q About how many loads a week do you have to Pennsylvania
4 points?

5 A Probably one a week.

6 MR. RADCLIFF: I have no further questions. The witness
7 is available for cross-examination.

8 CROSS-EXAMINATION

9 BY MR. WALTER:

10 Q Mr. Wingert, have you ever contacted Robert Hack?

11 A Yes.

12 Q Has he in the past provided any trucking service for
13 you?

14 A Yes.

15 Q Is Mr. Hack perhaps one of the people who sometimes
16 shows up when you call Ramsey, or is it somebody you are
17 not familiar with?

18 A There's never anybody I'm not familiar with, but I
19 think Hack did come out there. That was when Carol said
20 she couldn't take it.

21 Q You don't have a need to regularly call Mr. Hack though?

22 A No. I gave him a chance to haul my loads one time,
23 and he called me and he said: get somebody else to haul your
24 pallets. He said: I don't have time to do it. So I got
25 Carol Ramsey to take it. But it would still be nice if I

1 had a back-up for her.

2 Q Thank you, Mr. Wingert. That's all I have.

3 CROSS-EXAMINATION

4 BY MR. ZETTLEMOYER:

5 Q If I understand you correctly, Mr. Wingert, when you
6 call Ramsey Trucking for service, they either provide it with
7 their own vehicles or see that you have service from someone
8 else?

9 A True.

10 Q Isn't that correct?

11 A True.

12 Q Are they able to handle all your loads right now?

13 A I have Dave Zimmerman haul my pallets five days a week.

14 Q So Ramsey is sort of a back-up; is that correct?

15 A That's true.

16 Q And they are able to meet your needs right now; isn't
17 that correct?

18 A Yes.

19 Q Thank you. I have no further questions.

20 MR. RADCLIFF: I have no follow-on questions. May this
21 witness be excused, Your Honor?

22 JUDGE BANZHOFF: The witness is excused.

23 (Witness excused.)

24 MR. RADCLIFF: Thank you, Mr. Wingert.

25 MR. GRAF: Mrs. Becker; I would like to recall her please

1 for a few questions.

2 You are still under oath.

3 Whereupon,

4 JILL A. BECKER

5 having previously been duly sworn, testified further as
6 follows:

7 DIRECT EXAMINATION

8 BY MR. GRAF:

9 Q You are still under oath.

10 A Yes.

11 Q You were asked earlier whether you would use
12 Ramsey, I believe.

13 A Yes, I was.

14 Q Are you still using Ramsey?

15 A No.

16 Q Why not?

17 A I terminated their lease whenever I got hold of Matt
18 Sieber to do my trucking, because of the problem I had with
19 them in the past that I discussed earlier. I called --
20 according to the lease, I had 60 days to call them and notify
21 them about terminating the lease, and I did that. And they
22 sent me a letter from an attorney that said that they only
23 had to give me 30 days. And then Steve, Carol Ramsey's son,
24 called me up and said: well, we really only have to give you
25 15 days. And so we made our arrangements whereas I wouldn't

1 give any more loads to them until Matt came into effect,
2 which was 30 days before the lease was actually up. At that
3 time I asked Carol -- I said: now if this thing with Matt,
4 doesn't work out, you know if I need you for extra hauling
5 or whatever will you handle my loads; will you take some
6 loads for me?

7 No, I'm not going to take anything more out of this shop,
8 she goes.

9 Q So you couldn't use her now if you wanted to?

10 A No, unless her feelings have changed a lot, but I
11 don't really feel as though I should ask her after she told
12 me that.

13 Q How many pallet companies are there in your area?

14 A We figured it out that within the three-county area
15 that we're talking about, Perry, Mifflin and Juniata County,
16 there's about -- at least 31 shops, plus there's more going
17 in. Even one stretch of road, it was just Rockland Pallet
18 and myself, and just this year Ray Weaver came in and Dan
19 Wingert's brother is building a pallet shop right next door
20 also, and that's within a block area. Now I haven't had a
21 count since then, but I know at the time I did a presentation
22 on it there were 31 shops within that three-county region.

23 Q Thank you. Those are all the questions I have.

24 MR. WALTER: I don't have any.
25

1 MR. ZETTLEMOYER: Well, let me ask a question or two.

2 CROSS-EXAMINATION

3 BY MR. ZETTLEMOYER:

4 Q Are you a spokesman for all the pallet shops in the
5 area?

6 A No, I'm not. I'm a spokesman for Ridge View Pallets.

7 Q Who wrote the letter telling you that you had --

8 A Carol Ramsey.

9 Q From the lease or the contract you had with her to --

10 A From --

11 Q -- transport your pallets; is that correct?

12 A That's right. In the lease -- I have the lease agreement
13 here also. It says that I'm supposed to give the party --
14 either party given 60 days notice that the lease will be
15 terminated. On May -- Friday, May 4th, I guess it was, I
16 gave Steve notice that I was terminating the lease, and then
17 further down in the letter it says: after talking to our
18 attorney in Harrisburg, he told us 30 days' notice will be
19 given to you in writing. As of June 2nd, 1990 we will no
20 longer be responsible for delivery of your pallets.

21 Q You gave notice first; is that correct?

22 A I gave a 60-day notice. I was under the impression
23 that they would handle my pallets until July 17th -- or
24 July 4th. Whenever I gave them that they said: we'll get
25 back to you. And then they told me the 30 days was all they

1 legally needed, but I didn't know that.

2 Q If they had authority to provide you with service,
3 then you could give them loads if you wanted to, is that
4 correct?

5 MR. GRAF: You could give them what?

6 BY MR. ZETTLEMOYER:

7 Q Loads if she wanted to.

8 A Why would I go to her and ask her for service whenever
9 she told me she would no longer take any more pallets?

10 MR. ZETTLEMOYER: I have nothing further.

11 MR. GRAF: I have nothing further.

12 JUDGE BANZHOFF: The witness is excused.

13 (Witness excused.)

14 MR. GRAF: I would rest. That's it.

15 JUDGE BANZHOFF: All right, let's go off the record.

16 (Discussion off the record.)

17 JUDGE BANZHOFF: Let's go back on the record.

18 It's been suggested that counsel contact the scheduling
19 office for hearing dates for protestants, and proceed on that
20 basis.

21 This hearing is concluded.

22 (Whereupon, at 1:35 p.m. the hearing was adjourned, to
23 be reconvened at a time and place to be set by the
24 Pennsylvania Public Utility Commission.)

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 stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

BY: Phyllis Glass
Phyllis Glass

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