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BEFORE

THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

*KJP*

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In re: A-00109226, Am-E Application of Gabler  
Trucking, Inc., For amendment so as to permit  
the transportation of property (except in  
bulk and household goods in use) between points  
in the County of Franklin and from points in  
said county to points in Pennsylvania, and  
return. Initial Hearing.

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Harrisburg, Pennsylvania  
November 18, 1992

**DOCUMENT  
FOLDER**

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Pages 1 to 90, inclusive

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**DOCKETED**  
DEC 09 1992

HOLBERT ASSOCIATES  
DEBRA ROSE-KEENAN  
2611 Doehne Road  
Harrisburg, Pennsylvania 17110

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DEC 8 1992

HOLBERT ASSOCIATES  
(717) 540-9669

SECRETARYS OFFICE  
Public Utility Commission

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BEFORE

THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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In re: A-00109226, Am-E Application of Gabler Trucking, Inc., For amendment so as to permit the transportation of property (except in bulk and household goods in use) between points in the County of Franklin and from points in said county to points in Pennsylvania, and return. Initial Hearing.

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Stenographic report of hearing held in Hearing Room 2, North Office Building, Harrisburg, Pennsylvania

Wednesday,  
November 18, 1992  
at 10:00 o'clock a.m.

- - - - -

BEFORE

LOUIS COCHERES, ADMINISTRATIVE LAW JUDGE

APPEARANCES:

DAVID H. RADCLIFF, ESQUIRE  
GRAF, ANDREWS & RADCLIFF  
2216 Walnut Street  
Harrisburg, Pennsylvania 17103  
Appearing on behalf of Gabler Trucking, Inc.

HOLBERT ASSOCIATES  
DEBRA ROSE-KEENAN  
2611 Doehne Road  
Harrisburg, Pennsylvania 17110

HOLBERT ASSOCIATES  
(717) 540-9669

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1 APPEARANCES, Continued

2 JAMES D. CAMPBELL, JR., ESQUIRE  
3 CALDWELL & KEARNS  
4 3631 N. Front Street  
5 Harrisburg, Pennsylvania 17110  
6 Appearing on behalf of New Penn Motor  
7 Express, Inc.

8 JOHN FULLERTON, ESQUIRE  
9 E-400 Strawberry Square  
10 Harrisburg, Pennsylvania 17108-2105  
11 Appearing on behalf of W. H. Johns, Inc.  
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| <u>WITNESS</u>      | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> |
|---------------------|---------------|--------------|-----------------|----------------|
| Denny Weise         | 6             | 27           | 32              |                |
| Denny Perry         | 33            | 39           |                 |                |
| Jeffrey Nitterhouse | 46            | 52           |                 |                |
| Michael Hair        | 53            | 60           |                 |                |
| Paul Lehman         | 65            | 79           | 84              | 85             |

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1 JUDGE COCHERES: Good morning. As most of you know,  
2 my name is Louis Cocheres. And I am the Administrative  
3 Law Judge assigned to hear the Application of Gabler  
4 Trucking, Incorporated, at Commission Docket Number  
5 A-00109226 F001 Am-E.

6 We are here this morning for an initial hearing in  
7 this application proceeding. I note that I have a  
8 representative of the Applicant and representatives from  
9 New Penn Motor Express, STS, Motor Freight, and W. H.  
10 Johns, Incorporated.

11 Mr. Radcliff, you are the Applicant's counsel, are  
12 there any items that we ought to go over before we start  
13 hearing testimony?

14 MR. RADCLIFF: Your Honor, I am going to have to  
15 watch the clock closely this morning. I have one shipper  
16 witness that I intend to put on as the first of the  
17 shipper witnesses, who needs to leave by noon today.

18 I don't believe that that will cause us to interrupt  
19 the regular flow of testimony, but if that appears to be a  
20 problem, I will bring that up and we will address it at  
21 that time.

22 We are ready to begin with our Applicant's witness.  
23 And I had delivered yesterday to the Commission and  
24 yourself, copies of a restrictive amendment that was made  
25 in this proceeding and I want to make certain that

1 Protestant's counsel have the latest restrictive  
2 amendment.

3 JUDGE COCHERES: This is by your letter dated  
4 November 17th?

5 MR. RADCLIFF: That is correct, Your Honor.

6 JUDGE COCHERES: Yes, I received that letter and I  
7 notice that you sent copies to all parties of record.

8 MR. RADCLIFF: Because it was only one day, I didn't  
9 want to trust the U.S. mail, I wanted to hand a copy to  
10 them at this point.

11 We had discussed this in advance, but they should  
12 have the full statement of the wording to begin with.

13 MR. CAMPBELL: What has changed in this one from the  
14 previous one?

15 MR. RADCLIFF: I don't believe there has been any  
16 change from the previous one, but I didn't know that you  
17 had my signed copy with the final statement as it was  
18 filed with the Commission.

19 MR. CAMPBELL: My last one that I received was dated  
20 November 17th with your signature on it.

21 MR. RADCLIFF: All right. Then you did have it. It  
22 is the same one.

23 MR. CAMPBELL: Okay, thanks.

24 MR. RADCLIFF: Denny Weise is the Applicant's  
25 witness.

1 JUDGE COCHERES: Okay, sir, would you take the  
2 witness stand and before you are seated would you raise  
3 your right hand.

4 DENNIS JAMES WEISE, called as a witness, having been  
5 duly sworn, was examined and testified as follows:

6 DIRECT EXAMINATION

7 JUDGE COCHERES: Good morning to you. Please be  
8 seated.

9 THE WITNESS: Good morning.

10 BY MR. RADCLIFF:

11 Q. Would you state your full name for the record,  
12 please.

13 A. My name is Dennis James Weise, W-E-I-S-E.

14 Q. And what is your business address?

15 A. P.O. Box 220, Chambersburg, Pennsylvania,  
16 17201.

17 Q. With what company are you affiliated?

18 A. Gabler Trucking, Incorporated.

19 Q. And how long have you been employed by the  
20 trucking company?

21 A. Approximately three years.

22 Q. What is your position with the company?

23 A. My position is vice-president, operations, sales  
24 marketing.

25 Q. And has that been your position for the entire

1 three years?

2 A. No, sir, it has not. I have only assumed that  
3 position and role in the last two years.

4 Q. And are you authorized to appear today on behalf  
5 of the Applicant in this proceeding?

6 A. Yes, I am.

7 Q. What are the responsibilities, your position as  
8 vice-president of operations with Gabler Trucking?

9 A. Basically, see the overall operations of the  
10 day-to-day level. I have various department heads  
11 reporting to me and aspects of the other functions,  
12 safety, recruitment and so forth.

13 Q. Please remember to keep your voice up because  
14 the other gentlemen need to hear you.

15 A. Okay.

16 Q. With regard to the authority sought in this  
17 proceeding, did you authorize the making of the further  
18 restrictive amendment on November 6th?

19 A. Yes, I did.

20 Q. And I am handing you a copy of that further  
21 restrictive amendment.

22 MR. RADCLIFF: Your Honor, I request that this be  
23 identified as Applicant's Exhibit Number 1 in this  
24 proceeding.

25 JUDGE COCHERES: So marked.



1 (Applicant's Exhibit Number 1 was produced  
2 and marked for identification.)

3 BY MR. RADCLIFF:

4 Q. Mr. Weise, does Applicant's Exhibit Number 1 set  
5 forth the scope of the authority that Gabler Trucking,  
6 Incorporated is seeking in this proceeding?

7 A. Yes, it does.

8 Q. Does your company hold authority from this  
9 Commission at the present time?

10 A. Yes, it does.

11 Q. When was that authority acquired by Gabler  
12 Trucking, Incorporated?

13 A. I do not have that in front of me. I don't know  
14 that date right off.

15 Q. Who was it acquired from?

16 A. Excuse me?

17 Q. Who was it acquired from?

18 A. I'm sorry.

19 Q. What company was the authority acquired from?

20 A. The most previous?

21 Q. Yes.

22 A. It would have been Nursery Supply.

23 Q. I don't think you understood the question. Let  
24 me hand you a copy.

25 A. Okay.

1 Q. Of the authority.

2 MR. RADCLIFF: Your Honor, I request that this  
3 multi-page document be marked Applicant's Exhibit Number  
4 2.

5 (Applicant Exhibit Number 2 was produced  
6 and marked for identification.)

7 JUDGE COCHERES: So marked.

8 BY MR. RADCLIFF:

9 Q. Mr. Weise, is Applicant's Exhibit 2 the  
10 authority from this Commission for Gabler Trucking,  
11 Incorporated?

12 A. Yes, it is.

13 Q. When did Gabler Trucking, Inc. come into  
14 existence?

15 A. In January 17, 1990.

16 Q. And prior to that time was this authority held  
17 by another company in Pennsylvania?

18 A. Yes, it was.

19 Q. What company was that?

20 A. H.C. Gabler, Incorporated.

21 Q. Is the ownership of Gabler Trucking, Inc.,  
22 today, the same as the previous ownership of H.C. Gabler,  
23 Inc.?

24 A. Yes, it is.

25 Q. Your present PUC authority at A-109226, does

1 that include authority to serve shippers to and from  
2 points in Franklin County?

3 A. No, it does not.

4 Q. Does it include specific authority for named  
5 shippers that are located in Franklin County?

6 A. I believe it does, yes.

7 Q. And I think you mentioned one of those earlier.

8 A. Nursery Supply.

9 Q. Is that the authority attached as the F001  
10 Amendment C authority, the last three pages of Applicant's  
11 Exhibit Number 2?

12 A. Yes, it is.

13 Q. And at F001, Amendment B, do you have specific  
14 shipper authority for another company located in Franklin  
15 County?

16 A. Yes, we do. Food Lion, Incorporated.

17 Q. And F001, Amendment A, do you also have specific  
18 shipper authority involving facilities in Franklin  
19 County?

20 A. Yes, we do, for Borden Food Services,  
21 Incorporated.

22 Q. In this proceeding, Applicant's Exhibit Number 1  
23 indicates you are seeking authority to transport property  
24 as a radial authority from Franklin County, subject to  
25 certain restrictions.

1 Why has the Applicant filed this application?

2 A. Two-fold reason, sir. Number one, we wanted to  
3 clean this matter and bring it to a unified authority so  
4 that we could provide the transportation to the customers  
5 and clients coming into Franklin County. It is a booming  
6 county.

7 And also, we find it to be very expensive and taxing  
8 on time, both the Commission's, and ours, it is a very  
9 expensive situation. And we felt at this time that it  
10 would be best suited for us to go for an all encompassing  
11 authority for property out of Franklin County.

12 There was a definite need, as we hope that our  
13 supporting shippers will present today, of this service.  
14 And that is why we went forth and went through this.

15 Q. Does your company also hold a contract carrier  
16 permit from the Interstate Commerce Commission?

17 A. Yes, it does.

18 MR. RADCLIFF: Your Honor, I request that this  
19 document, two-page document, be marked as Applicant's  
20 Exhibit Number 3.

21 JUDGE COCHERES: So marked.

22 (Applicant's Exhibit Number 3 was produced  
23 and marked for identification.)

24 BY MR. RADCLIFF:

25 Q. Mr. Weise, looking at the second page of

1 Applicant's Exhibit Number 3, would you state the general  
2 scope of this contract carrier permit?

3 A. "To operate as a contract carrier, by motor  
4 vehicle, in interstate or foreign commerce, over irregular  
5 routes, transporting general commodities (except classes A  
6 and B explosives, household goods, and commodities in  
7 bulk), between points in the United States, under  
8 continuing contract(s) with commerce shippers or receivers  
9 of such commodities.)

10 Q. Does your company also hold Docket Number  
11 MC-27817, common carrier authority from the Interstate  
12 Commerce Commission?

13 A. Yes, we do.

14 Q. What is the geographic scope of your common  
15 carrier authority?

16 A. The geographic scope is east of the Mississippi  
17 and the five states bordering the Mississippi River to the  
18 west.

19 Q. Do you have with you this morning a statement of  
20 the scope of that authority?

21 A. Yes, sir, I do.

22 MR. RADCLIFF: Your Honor, I request that this  
23 document, a two-page document, be marked as Applicant's  
24 Exhibit Number 4.

25 JUDGE COCHERES: So marked.

1 (Applicant's Exhibit Number 4 was produced  
2 and marked for identification.)

3 BY MR. RACLIFF:

4 Q. Mr. Weise, is Applicant's Exhibit Number 4 the  
5 entire scope of your company's ICC common carrier  
6 authority?

7 A. Well, one can see it is 25 pages. Yes, it is.

8 Q. You only have a portion of the 25 pages?

9 A. That is correct, only a portion.

10 Q. And the significant part that you were referring  
11 to is, which section of ICC authority?

12 A. Let's see, now.

13 (Pause.)

14 A. Repeat that question.

15 Q. Which portion is the broader scope of the common  
16 carrier authority?

17 A. Okay. Is, that is B, A and B of that.

18 Q. And you are looking at the second page of this  
19 document?

20 A. Yes, I am.

21 Q. About how far down on that second page are you  
22 referring to A and B?

23 A. The last third of the page.

24 Q. And after the letter A, what are the words you  
25 are referring to?

1 A. Well, let's see.

2 Q. I see a section about eight lines -- eight lines  
3 up that ends with A and B, classes A and B. Is that what  
4 you are referring to?

5 A. Yes.

6 Q. That begins, Number 152, general commodities  
7 (except classes A and B explosives.)

8 A. Yes.

9 Q. That is the portion of the Eastern United  
10 States?

11 A. Yes.

12 Q. On those states that you referred to?

13 A. Yes.

14 Q. Would you describe the terminal facilities of  
15 Gabler Trucking?

16 A. We have three terminal facilities in the state  
17 of Pennsylvania, full-service terminals with shops,  
18 drivers' lounges, communications facilities.

19 One is located in New Kingstown, Pennsylvania. One  
20 is located in Aspers, Pennsylvania, and one is located in  
21 Chambersburg, which also houses our general office and  
22 administrative support staff and dispatch operations.

23 Q. Is your equipment stationed at one particular  
24 terminal in Pennsylvania?

25 A. No, sir. Our equipment is between the three

1 terminals at New Kingstown, Aspers and Chambersburg.

2 Q. And what is the distance between the three  
3 terminals?

4 A. The distance between the three would be  
5 approximately, as in thirds, 20-couple miles. I would  
6 say.

7 JUDGE COCHERES: Sorry, sir, I'm not getting the  
8 second terminal. Are you calling it Aspers?

9 THE WITNESS: Aspers. It is right outside of  
10 Gettysburg, A-S-P-E-R-S. Aspers, Pennsylvania. Outside  
11 Gettysburg.

12 JUDGE COCHERES: Okay. Thank you.

13 BY MR. RADCLIFF:

14 Q. And New Kingstown is in what county?

15 A. I believe that is Cumberland County.

16 Q. So terminals are located in the contiguous  
17 counties of Franklin, Adams and Cumberland?

18 A. Right.

19 Q. At your New Kingstown facility, would you tell  
20 me how large that is?

21 A. How do you mean, large?

22 Q. How many, how many buildings are located there?

23 A. There are two facilities at that location.

24 There is a complete shop maintenance facility and there is  
25 a drivers' lounge, communications room, showers and small



1 storage area for return freight or supplies and  
2 equipment.

3 Q. And how much parking is available there?

4 A. Parking facilities for approximately 80 trailers  
5 and approximately 25 to 30 tractors.

6 Q. Are there any fuel facilities located at the New  
7 Kingstown terminal?

8 A. Yes, there are.

9 Q. And what communications facilities are located  
10 at New Kingstown? How many telephone lines do you have?

11 A. One public telephone and four private lines, I  
12 believe. And we also have a computer modem line, direct  
13 line to the computer in that facility.

14 Q. And where is the computer located?

15 A. The computer mainframe is located at our  
16 Chambersburg corporate office.

17 Q. And at Chambersburg, what communications  
18 facilities are maintained?

19 A. We have a PBX telephone system. We maintain  
20 direct shippers lines there, in-bound ship lines. We have  
21 direct line communications with one major shipper in  
22 Franklin County.

23 We have our complete in-bound WATTS lines for  
24 shippers as well as driver base and our general  
25 administrative offices. We maintain data communication

1 lines with five shipping principles that we have.

2 I am probably missing some more but that is a good  
3 summary.

4 Q. And how much parking is available at the  
5 Chambersburg terminal for your equipment?

6 A. Between, I would guess, 35 to 50 trailers and  
7 approximately 20 tractors. We have just expanded that by  
8 purchasing a piece of, parcel of land directly down the  
9 street, approximately a quarter of a mile from our office  
10 where we are going to be putting trailers. That will be a  
11 trailer parking lot.

12 Q. What maintenance facilities are located at the  
13 Chambersburg terminal?

14 A. We have a full-service maintenance facility at  
15 the Chambersburg facility doing preventive maintenance,  
16 repairs, overhauls.

17 Q. How many employees, other than drivers, work at  
18 the Chambersburg terminal?

19 A. Approximately 25.

20 Q. And how many drivers are employed there?

21 A. Approximately 30.

22 Q. At the Aspers facility do you have parking for  
23 your equipment?

24 A. Yes, we do.

25 Q. How many units can be parked there?

1           A. I would say approximately 80 trailers and about  
2 20 to 30 tractors.

3           Q. What communications facilities do you have at  
4 the Aspers terminal?

5           A. There, again, we have a public phone. We have  
6 private lines, a WATTS line communication. We have direct  
7 line communications with central dispatch operations and  
8 we have also a data line for our computer terminal.

9           We have a system there that is into the mainframe in  
10 Chambersburg.

11          Q. And how many personnel are employed at the  
12 Aspers terminal?

13          A. Non-driver?

14          Q. Non-driver, yes.

15          A. Five.

16          Q. Do you have drivers based at the Aspers  
17 terminal?

18          A. Yes, we do.

19          Q. How many drivers are there?

20          A. About 20.

21          Q. Do you have a maintenance facility at the Aspers  
22 terminal?

23          A. Yes, we do, sir, a full repair shop.

24          Q. And do you have fuel facilities there?

25          A. No, sir.

1 Q. What source of fuel is used by the equipment  
2 based in Aspers?

3 A. It is purchased outside.

4 Q. Do you have fuel facilities at the Chambersburg  
5 terminal?

6 A. No, sir, we do not.

7 Q. Is that also purchased outside?

8 A. It is sourced outside.

9 Q. Did you bring with you today a list of the  
10 equipment for your company?

11 A. Yes, I did.

12 MR. RADCLIFF: Your Honor, I request that this  
13 one-page document be marked as Applicant's Exhibit Number  
14 5.

15 JUDGE COCHERES: So marked.

16 (Applicant's Exhibit Number 5 was produced  
17 and marked for identification.)

18 BY MR. RADCLIFF:

19 Q. Mr. Weise, does Exhibit 5 show only company  
20 equipment?

21 A. No, sir, it does not. It also shows independent  
22 contractors who are just driving tractors under permanent  
23 lease to Gabler as of yesterday.

24 Q. And I note that this has 51 independent  
25 contractors?

1 A. That's correct.

2 Q. Your list shows 93 company tractors but  
3 significantly more trailer units; is that correct?

4 A. Yes, sir, it does.

5 Q. I assume that some of the independent  
6 contractors use the company trailers then?

7 A. Yes, they do.

8 Q. And describe the drop-deck trailer for us,  
9 please.

10 A. The drop-deck trailer is a trailer we use for  
11 retrieving or moving power vehicles for relocation of  
12 equipment from terminal to terminal. And also for moving  
13 supplies and/or equipment from our various terminals,  
14 over-sized equipment that needs that type of equipment.

15 Q. The flatbed trailers that you have, what is the  
16 approximate height from the ground of the bed of those  
17 trailers?

18 A. I don't know, sir.

19 Q. Are they all standard flatbeds?

20 A. Yes, sir.

21 Q. Or are some of them low boys?

22 A. No, they are standard flatbeds.

23 Q. And 35 temperature controlled trailers shown on  
24 Applicant's Exhibit Number 5, how are they equipped for  
25 temperature controlled purposes?

1           A. They have refrigeration units and are fully  
2 insulated. They can maintain a temperature of below minus  
3 10 degrees and can maintain product from freezing and they  
4 serve as a heater unit also.

5           Q. The same mechanical unit both heats and cools  
6 depending on the need?

7           A. It cools and it can maintain a temperature so if  
8 a product is needed to be protected from freezing we can  
9 set the unit at 55 or 60 degrees and maintain that  
10 temperature in the vehicle.

11          Q. Of the 306 dry van trailers on your Exhibit 5,  
12 is there any variation among those or are they all of the  
13 same size and utility?

14          A. We have two different types of dry van  
15 trailers. We have 48 foot by 102 inch wide and we have 48  
16 by 96 inch wide.

17          And of the 306 we have a small representative group  
18 that are fixed tandem axle. The remaining balance are all  
19 slider tandems.

20          Q. And what is the significance of the slider  
21 tandem axle?

22          A. It allows you to adjust the weight distribution  
23 of the trailer by moving the rear axles forwards or  
24 backwards, when you have over-sized loads where you have a  
25 heavy, dense commodity but it is only on a few palets, and

1 enables you to distribute the weight properly so you are  
2 not in violation traversing the interstate highway  
3 systems.

4 Q. What are the principal service features that  
5 Gabler Trucking offers to its customers?

6 A. We are very proud of the services we have to  
7 offer. We are very, we feel we have a very personalized  
8 service feature.

9 We become very close with our shippers. We let them  
10 know our business. We want to become a partner with that  
11 business. We feel that we offer a unique service in that  
12 we have been doing this for over 56 years.

13 We've maintained a service margin we are very proud  
14 of and have a very good safety record and we have a very  
15 fine group of professionals that do a good job every day.

16 Q. You mentioned your safety record. Has your  
17 company been audited for safety by the Federal Highway  
18 Administration?

19 A. Yes, it has.

20 Q. And what is its current safety rating?

21 A. Satisfactory.

22 Q. Did you bring with you a letter establishing  
23 that safety rating?

24 A. Yes, sir, I did.

25 MR. RADCLIFF: Your Honor, I request that this

1 one-page letter be marked as Applicant's Exhibit Number  
2 6.

3 JUDGE COCHERES: So marked.

4 (Applicant's Exhibit Number 6 was produced  
5 and marked for identification.)

6 BY MR. RADCLIFF:

7 Q. Mr. Weise, have you personally participated in  
8 any safety audits conducted by the Federal Highway  
9 Administration at Gabler Trucking?

10 A. No, sir, I have not.

11 Q. Did you bring with you today financial documents  
12 indicating the status of the company as of September 30,  
13 1992?

14 A. Yes, I did.

15 MR. RADCLIFF: Your Honor, I request that this  
16 multi-page document be marked as Applicant's Exhibit  
17 Number 7.

18 JUDGE COCHERES: So marked.

19 (Applicant's Exhibit Number 7 was produced  
20 and marked for identification.)

21 BY MR. RADCLIFF:

22 Q. Mr. Weise, what is Applicant's Exhibit Number  
23 ??

24 A. Our balance sheet, September 30, 1992.

25 Q. And as of September 30, 1992, what was the total



1 assets of the company?

2 A. \$1,043,233.63.

3 Q. Did you read that from the first page?

4 A. First page, first column, this year.

5 Q. And what total is that?

6 A. That is this year, total current assets.

7 Q. All right. If you will turn to the third page  
8 of the document, I believe you will find the total assets  
9 of the company as of September 30?

10 A. \$3,210,021.59.

11 Q. Those assets are primarily made up of two or  
12 three different categories from this long list of assets,  
13 both current and tangible property, aren't they?

14 A. Yes, sir.

15 Q. I note that your customer accounts receivable,  
16 although in excess of \$1 million, are about \$325,000 less  
17 than they were a year ago at the same time.

18 Why is that?

19 A. We made a very -- we made a business decision to  
20 change our business and where our transportation company  
21 was going. It was a marketing decision and what we did,  
22 we decided to bring ourselves back in to do what we did,  
23 originally, Mr. Gabler had started to do. And that is to  
24 service our backyard, our customers in our backyard. Be a  
25 short-haul regional truckload carrier.

1           And that was a decision made and it has proven  
2           itself to be a fruitful one. It was a wise decision. We  
3           have noticed a change.

4           Q. As a result of your operations in 1992, have you  
5           seen an improvement in the company's position from a year  
6           ago?

7           A. Yes, we have.

8           Q. I note that at the September 30 date, you had  
9           cash account with F&M Trust Company that was apparently in  
10          a negative status slightly in excess of \$550,000.

11          Is that a correct interpretation of that first  
12          number at the top of the first page of Exhibit 7?

13          A. Yes, sir.

14          Q. Would you explain how that account works for  
15          us?

16          A. Well, first of all, let me clarify that I am not  
17          the financial officer of the company, but I will do the  
18          best that I possibly can.

19          We have a working line of credit with the bank and  
20          the figure there shows a working capital that we use in a  
21          month and that includes cash advances, fuel purchases over  
22          the road, tires and so forth.

23          Q. Did you also bring with you an income statement  
24          comparing 1992 to 1991 as of September 30?

25          A. Yes, sir.

1 MR. RADCLIFF: Your Honor, I request that this be  
2 marked as Applicant's Exhibit Number 8.

3 JUDGE COCHERES: So marked.

4 (Applicant's Exhibit Number 8 was produced  
5 and marked for identification.)

6 BY MR. RADCLIFF:

7 Q. Mr. Weise, what were the carrier revenues  
8 year-to-date as of September 30, 1992?

9 A. \$8,490,163.67.

10 Q. And on those revenues, what was the income of  
11 the company for the first nine months of this year? The  
12 net income?

13 A. \$74,660 -- oh, excuse me. I'm sorry. Yes,  
14 \$74,660.17.

15 Q. And from that operating income, did you have  
16 additional expenses that had to be deducted?

17 A. Yes.

18 Q. Those additional expenses included primarily  
19 interest charges; is that correct?

20 A. Correct.

21 Q. And as of September 30, you were at a net loss  
22 for the year to date?

23 A. That's correct.

24 Q. That loss status is significantly less than the  
25 loss that you were experiencing at the same time last

1 year, is it not?

2 A. Yes, sir.

3 Q. Was that related to the change in your business  
4 philosophy that you referred to earlier?

5 A. Absolutely. It is a direct result.

6 Q. And operations in October and November to date,  
7 1992, how have they been?

8 A. Been very good. We are expecting to be in the  
9 black, in a positive posture, January 1, 1993.

10 Q. If this authority is granted by the Commission  
11 will the company be in a position to provide service to  
12 the additional shippers that you will be authorized to  
13 serve?

14 A. Yes, it will.

15 Q. Will you hold yourself out to the full range of  
16 shippers within that new authority in Franklin County?

17 A. Yes.

18 MR. RADCLIFF: I have no further questions of this  
19 witness, Your Honor. He is available for cross  
20 examination.

21 JUDGE COCHERES: Mr. Campbell?

22 CROSS EXAMINATION

23 BY MR. CAMPBELL:

24 Q. Mr. Weise, over the years your company has  
25 basically been engaged in the transportation of food and

1 food products and grocery store commodities, that sort of  
2 industry; am I correct?

3 A. That is true, yes, sir.

4 Q. And is it also true that the vast majority of  
5 your traffic is truckload traffic?

6 A. Yes, sir. Truckload with stop-off.

7 Q. Yes. And in explaining the improvement in your  
8 company's financial condition, did I understand you to say  
9 that you are attempting to return to the philosophy of  
10 Mr. Gabler in the sense of performing as a regional  
11 truckload carrier?

12 A. Correct.

13 Q. Is that what you said?

14 A. Correct.

15 Q. I wanted to make sure I got that correct.

16 A. That's correct.

17 Q. With respect to your comparative operations from  
18 interstate business as opposed to intrastate business, do  
19 you know how that breaks out?

20 A. I should have anticipated bringing that  
21 information with me. We are very pleased in what has  
22 happened there. We have seen a significant change in  
23 that.

24 I understand what you are saying, where the revenues  
25 are derived from. I can't give you an exact figure, sir,

1 I could provide you with that if you would so desire at a  
2 later date.

3 Q. Can you give me an estimate?

4 A. Approximately 35 percent.

5 Q. Is intrastate?

6 A. Intrastate.

7 Q. And approximately 675 interstate?

8 A. Yes, sir.

9 Q. And am I correct that your company's present  
10 operations do not involve what is commonly known as LTL  
11 transportation where you have across-dock unloading of  
12 freight from pickup units and loading onto line-haul  
13 units?

14 A. That's correct.

15 Q. And if the present application were approved, do  
16 you understand that based upon the restrictive amendment  
17 that was submitted, you would not have the right to handle  
18 shipments which weigh less than 200 pounds? That is one  
19 of the exclusions?

20 A. Yes, sir.

21 Q. In fact, Mr. Weise, if someone were to tender  
22 you a 300-pound shipment of lumber products from Scranton  
23 into Franklin County, you would not be prepared to  
24 undertake that type of shipment, would you?

25 A. Not unless I had another load to go with that,

1 sir.

2 Q. And if this application is approved you are not  
3 going to hold yourself out to provide LTL trucking in the  
4 traditional sense?

5 A. In the traditional sense I would say, yes.

6 Q. If that is the case, would you be willing to  
7 increase the limitation on shipments to some level above  
8 200 pounds?

9 A. Not at this particular time I wouldn't be  
10 interested.

11 Q. Are the figures shown on your financial  
12 exhibits, Exhibits 7 and 8, based upon a calendar year, is  
13 that your fiscal year?

14 A. Yes, sir.

15 Q. And so the year-to-date figures as of September  
16 30 would be third-quarter figures?

17 A. 75 percent, yes, sir.

18 MR. CAMPBELL: That is all the questions I have,  
19 Your Honor.

20 JUDGE COCHERES: Mr. Fullerton?

21 CROSS EXAMINATION

22 BY MR. FULLERTON:

23 Q. Look at A-6 for identification, Mr. Witness.

24 A. Yes, sir.

25 Q. As I understand, the Applicant here is Gabler

1 Trucking, Inc.; is that right?

2 A. Yes, sir.

3 Q. Do you agree that this safety rating letter,  
4 A-6, is dated September 4, 1986 and it is addressed to  
5 H.C. Gabler, Incorporated?

6 A. That's correct.

7 Q. And that is not this present Applicant, is it?

8 A. Not in name.

9 Q. Pardon?

10 A. Not in name.

11 Q. What terminal is going to be used to serve the  
12 application area?

13 A. All three terminals will be. Primarily  
14 Chambersburg and Aspers. But all three terminals would be  
15 called upon.

16 Q. For Franklin County?

17 A. Yes, sir.

18 Q. And in line with Mr. Campbell's question to you,  
19 since Gabler is traditionally a truckload carrier, the  
20 vehicle will go out to the shipper, load, and then go at  
21 any rate to the destination, won't it?

22 A. That's correct.

23 Q. You don't, you don't break bulk?

24 A. No, sir.

25 Q. At these terminals?



1 A. No, sir, no, sir. We do -- what we have done on  
2 occasion is to take a, as I said to the other gentleman,  
3 stop-off, a truck with stop-off, where we will take a load  
4 of 1,000 pounds and put that with a 38,000 pound load,  
5 master bill that with stop-off.

6 Q. But that is occasional. That is not your  
7 normal?

8 A. That is not our normal, no, sir.

9 MR. FULLERTON: Right. That is all I have, thank  
10 you.

11 JUDGE COCHERES: Okay. Redirect?

12 REDIRECT EXAMINATION

13 BY MR. RADCLIFF:

14 Q. In Pennsylvania, Mr. Weise, you are currently  
15 handling products other than food and grocery items under  
16 your existing authorities?

17 A. Yes. Yes, sir, we do.

18 Q. One of those would be your F001, Amendment C  
19 authority for the Nursery Supply?

20 A. Yes, sir.

21 MR. RADCLIFF: I have no other questions of the  
22 witness, Your Honor.

23 JUDGE COCHERES: Mr. Radcliff, did I understand the  
24 Commission document folder to indicate that your client  
25 had submitted for an Amendment D and then withdrawn it?

1 MR. RADCLIFF: Yes. That is correct. We did.

2 JUDGE COCHERES: Is there any recross based on my  
3 questioning or Mr. Radcliff's redirect?

4 MR. CAMPBELL: No, Your Honor.

5 MR. FULLERTON: No, Your Honor.

6 JUDGE COCHERES: All right then, the witness is  
7 excused. And thank you for coming, sir.

8 THE WITNESS: Thank you, sir.

9 MR. RADCLIFF: Denny Perry.

10 DENNIS PERRY, called as a witness, having been duly  
11 sworn, was examined and testified as follows:

12 DIRECT EXAMINATION

13 JUDGE COCHERES: Thank you. Please be seated. Good  
14 morning to you.

15 THE WITNESS: Good morning.

16 BY MR. RADCLIFF:

17 Q. Mr. Perry, would you state your full name for  
18 the record?

19 A. Dennis J. Perry. P-E-R-R-Y.

20 Q. And with what company are you affiliated?

21 A. Franklin Storage, Incorporated.

22 Q. And where is the company located?

23 A. 2294, Molly Pitcher Highway South, Chambersburg,  
24 Pennsylvania 17201.

25 Q. What is your title with the company?

1 A. I am general manager.

2 Q. How long have you held the position of general  
3 manager with Franklin Storage?

4 A. Seven-and-a-half years.

5 Q. Are you authorized to appear here today to  
6 support this application?

7 A. I am, sir.

8 Q. What is the nature of the business of Franklin  
9 Storage?

10 A. Franklin Storage is a general public warehouse  
11 dealing mainly in dry storage. We have 620,000 square  
12 feet of public storage at that location.

13 The scope of business includes, we store consumer  
14 products, raw materials for various industries throughout  
15 the east, really, and then arrange for the delivery and  
16 distribution of those products.

17 Q. With regard to the delivery of raw materials, do  
18 you have particular transportation requirements?

19 A. We do. Because of the volume of business we do  
20 and the scope of business we do, the customer list that we  
21 have, we have the need for multiple carriers to serve our  
22 business.

23 To give you an example, we are in kind of a busy  
24 season right now. Last Thursday we loaded and/or unloaded  
25 127 truckloads in one 10-hour shift. Because of the

1 volume of business we do, we need multiple carriers  
2 available to us.

3 Q. Are you familiar with the Protestants in this  
4 proceeding, New Penn, STS or W. H. Johns?

5 A. We know their companies, their companies haul in  
6 and out of Franklin Storage.

7 Q. If this application is approved, do you  
8 anticipate that any fewer numbers of shipments would be  
9 tendered to those carriers?

10 A. Not at all.

11 Q. If the authority is approved for Gabler  
12 Trucking, would their services be utilized to and from  
13 your facility?

14 A. Let me explain what happens as far as Franklin  
15 Storage goes. We make available to our customer list a  
16 list of carrier contracts, common carriers that have, as  
17 far as our knowledge, the authority to haul their  
18 products.

19 From that, our customers then, they dictate to us  
20 which carriers they would care to use. That is as a  
21 result of their negotiations with carriers. And then they  
22 would dictate to Franklin Storage which list of carriers  
23 they would care to use.

24 Some are very specific. You would only use a  
25 certain carrier -- some say, here is a list of five, start

1 in alphabetical rotation and call upon them as needed.

2 Q. Who actually calls the carriers to come to your  
3 company for service?

4 A. That depends on the customer and the commodity.  
5 Sometimes Franklin Storage has a designated girl that does  
6 that. We have a transportation girl that does that.

7 Sometimes it is the owner of the product that is  
8 being stored within the warehouse.

9 Q. How many customers do you have at the present  
10 time at Franklin Storage?

11 A. I would say 60.

12 Q. Of those 60 customers, how many of them handle  
13 their own transportation arrangements and how many do you  
14 have the authority to arrange the transportation for?

15 A. They all arrange their own transportation, for  
16 their own transportation. As far as making the initial  
17 call for the negotiations, we do not get involved in any  
18 negotiation or contract agreements, anything with the  
19 carriers.

20 As far as making a final call, saying that we need X  
21 number of trucks to deliver today, I would say it is  
22 probably 50 percent either way.

23 Q. You are talking about outbound delivery from  
24 Franklin Storage; is that correct?

25 A. That's right.

1 Q. You don't have anything to do with in-bound  
2 delivery?

3 A. Almost nothing.

4 Q. Can you name representative destinations of the  
5 freight to points in Pennsylvania?

6 A. We deliver to Philadelphia, Pittsburgh. We hit  
7 very strong our immediate area, Franklin County, Adams  
8 County. We come into the Harrisburg area.

9 In the northern tier we will have an occasional  
10 shipment up into Erie, Altoona, Scranton, Wilkes-Barre  
11 area. That entire area up in there.

12 At one point or another when you are loading 127  
13 trucks a day, you probably hit most of Pennsylvania  
14 eventually.

15 Q. Do you ship to points outside of Pennsylvania as  
16 well?

17 A. Yes, sir.

18 Q. So a portion of those 127 trucks go outside of  
19 the state?

20 A. That is a fact.

21 Q. Do you have a percentage on that? Can you  
22 estimate the number?

23 A. I really don't have a percentage. I could  
24 estimate in that I would say a good 75 percent of our  
25 shipments are within the state.

1 Q. And what type of equipment are we talking about  
2 for outbound delivery of this product?

3 A. Most all our products today are moving on vans.  
4 102, 48 longs, 96, 48 long. And we are shipping some 53  
5 material today.

6 Q. And what is 53 material?

7 A. 53-foot length trailers.

8 Q. Is that a lighter-weight material or a  
9 low-density freight?

10 A. Not necessarily. It really depends on what  
11 equipment is in. Some carriers may have 53-foot equipment  
12 available. We load it as a 48-foot. It doesn't matter  
13 that it is 53-feet long. No, most of our commodities are,  
14 could be hauled on a 48-foot trailer.

15 Q. If that application were approved, would it be  
16 of benefit to Franklin Storage to have the additional  
17 service of Gabler available?

18 A. Without a shadow of a doubt.

19 Q. Are you familiar with their service at the  
20 present time?

21 A. We are, indeed. We use them, we use them now  
22 for what products they have authority for and we would  
23 expand that use at that time and we would make it known to  
24 our customer list that they have increased their authority  
25 and they would become available.

1 Q. All right.

2 MR. RADCLIFF: The witness is available for cross  
3 examination.

4 JUDGE COCHERES: Mr. Campbell?

5 CROSS EXAMINATION

6 BY MR. CAMPBELL:

7 Q. Mr. Perry, you indicated familiarity with a  
8 service of New Penn Motor Express. And you are aware that  
9 New Penn can serve all points in Pennsylvania from your  
10 facility?

11 A. Yes, sir, Mr. Campbell, we know that.

12 Q. And do you make known New Penn to your customers  
13 as one of the carriers that can do that?

14 A. We do, indeed.

15 Q. And has the service that you have received from  
16 New Penn been generally satisfactory?

17 A. Very satisfactory.

18 Q. So you are not here to make complaint about that  
19 carrier?

20 A. Not at all.

21 Q. I am a little unclear as to the way that  
22 transportation comes and goes.

23 From what you said in loading or unloading 127  
24 truckloads, I infer that the vast majority of that traffic  
25 is truckload traffic?



1 A. Truckload, almost exclusively truckload.

2 Q. So you are really supporting this application  
3 for the ability to bring in an empty truck and load it up  
4 fully and take it out?

5 A. That's right.

6 Q. And it would generally just be from, I assume,  
7 from your customer either to some other facility that it  
8 had or to its customers?

9 A. That's right. From our facility, right. From  
10 the Franklin County facility.

11 Q. But it would be a truckload?

12 A. That's right, almost exclusively truckload  
13 moves.

14 MR. CAMPBELL: Thank you, sir. That is all I have.

15 JUDGE COCHERES: Mr. Fullerton?

16 CROSS EXAMINATION

17 BY MR. FULLERTON:

18 Q. Your warehouse is located specifically where in  
19 Franklin County?

20 A. Molly Pitcher Highway, it is U.S. Route 11. We  
21 are about two miles south of the center of town in  
22 Chambersburg on Route 11.

23 Q. Are you in a township?

24 A. Our building is so extensive, part of it is in  
25 the Borough of Chambersburg and part of it is in Guilford

1 Township.

2 Q. All right. Now, as I understand, you are here  
3 talking about outbound traffic only, which to me means it  
4 is traffic that starts at your warehouse and then goes  
5 out?

6 A. That's right.

7 Q. I wasn't clear as to how this transportation is  
8 arranged.

9 A. Okay.

10 Q. Who pays the freight?

11 A. We do not. Franklin Storage does not pay  
12 freight. Customers of mine do pay freight.

13 Q. Customers pay the freight?

14 A. That's right. The same customer that pays me to  
15 store his product also pays to have his product  
16 transferred from my location to his destination.

17 Q. And the customer, therefore, has the right to  
18 select a carrier, doesn't it?

19 A. Exactly. That is right. That is exactly  
20 right.

21 Q. And whatever the customer tells you, you would  
22 naturally follow, would you not?

23 A. As long as it is within the realms of the  
24 regulations.

25 Q. I am here representing STS and W. H. Johns.

1 A. Yes.

2 Q. And you indicated you were familiar with those  
3 carriers?

4 A. We are, indeed.

5 Q. And are they presently serving you?

6 A. Yes.

7 Q. And you are not here complaining about their  
8 service, are you?

9 A. Not at all. Not at all.

10 Q. And intrastate now, as distinguished from inter?

11 A. Yes.

12 Q. Do you have outbound shipments daily?

13 A. That's right.

14 Q. Does Ingram Book store anything at your place?

15 A. We do some work for Ingram Book, yes.

16 Q. And does it order service intrastate,  
17 Pennsylvania, from your warehouse?

18 A. It serves both.

19 Q. Pardon?

20 A. It serves both interstate and intra.

21 Q. I am only interested in intra as far as my  
22 questions are concerned here today.

23 A. Okay.

24 Q. How frequently do you have shipments for Ingram  
25 out of your warehouse?

1 A. Interstate?

2 Q. No. All my questions are just intrastate.

3 A. Okay. The number of truckloads out weekly, you  
4 are saying?

5 Q. No. I said, how frequently does Ingram have  
6 shipments going out of your warehouse to points in  
7 Pennsylvania?

8 A. Daily.

9 Q. And what carrier does Ingram tell you to use?

10 A. Ingram is kind of a unique situation. They have  
11 made all their own arrangements, when a truck shows up at  
12 the door, we load it, as long as he has proper  
13 designation.

14 So as far as customers or, excuse me, carrier  
15 selection, we don't get involved with Ingram's selection  
16 at all. That is all done through LaVerne, Tennessee.

17 Q. Now, James River, does it store anything at your  
18 place?

19 A. Currently I have no storage for James River. We  
20 have in the past.

21 Q. And if there would be an exclusion in any  
22 authority granted, whereby the Applicant here would not be  
23 authorized to haul any of James River's traffic, that  
24 wouldn't adversely affect your company at all, would it?

25 A. If my customer dictated I did not use, on the

1 James River account, if I had James River for storage, and  
2 they dictated I didn't use Gabler, I could not and would  
3 not use Gabler.

4 Q. But you changed the premise. I understand if  
5 James River did have something stored there?

6 A. Right.

7 Q. And told you not to use Gabler, you wouldn't use  
8 them, would you?

9 A. That's right. That's right.

10 Q. And the situation I am talking about is since  
11 James River does not store anything there right now?

12 A. Yes.

13 Q. Any exclusion would not adversely affect your  
14 company either, would it?

15 A. No.

16 Q. And you would have no objection to that?

17 A. No, I have no problem with that.

18 MR. FULLERTON: That is all I have, thank you.

19 JUDGE COCHERES: Any redirect?

20 MR. RADCLIFF: I have no further questions of the  
21 witness. May Mr. Perry be excused?

22 JUDGE COCHERES: He certainly may. Thank you for  
23 coming.

24 MR. RADCLIFF: I have two additional witnesses to  
25 put on at this time. I have one witness scheduled to be

1 here. I believe he is scheduled to be in at 12:00.

2 At the present time, I would request that we take  
3 perhaps a five-minute break at this point if we could. I  
4 see some possible need to talk to the Protestant's counsel  
5 at this point.

6 JUDGE COCHERES: All right.

7 MR. RADCLIFF: And I think we will get the other two  
8 witnesses on before the other gentleman is scheduled to be  
9 here at noontime.

10 JUDGE COCHERES: Fine. Before we go off the record,  
11 did you move your exhibits?

12 MR. RADCLIFF: I am sorry. I do move Applicant's  
13 Exhibits 1 through 8 at this time.

14 MR. FULLERTON: Yes. And I object to 6.

15 JUDGE COCHERES: And what is Exhibit Number 6?

16 MR. FULLERTON: That is the safety letter. And it is  
17 addressed to H.C. Gabler, Inc. And it is dated way back,  
18 December 4, 1986. H.C. Gabler, Inc., is not the Applicant  
19 here.

20 MR. RADCLIFF: We will withdraw that as an exhibit.

21 JUDGE COCHERES: All right. Then Applicant Exhibits  
22 1 through 5 and 7 and 8 are admitted without objection.

23 Applicant Exhibit Number 6 is not admitted.

24 (Applicant's Exhibit Numbers 1 through 5 and 7 and 8  
25 were admitted in evidence.)

1 JUDGE COCHERES: And we will be off the record until  
2 11:05.

3 MR. RADCLIFF: Thank you, Your Honor.  
4 (Whereupon, a brief recess was taken.)

5 JUDGE COCHERES: Back on the record.

6 MR. RADCLIFF: Thank you, Your Honor. Our next  
7 witness is Jeffrey Nitterhouse.

8 JUDGE COCHERES: All right. Sir.

9 JEFFREY NITTERHOUSE, called as a witness, having  
10 been duly sworn, was examined and testified as follows:

11 DIRECT EXAMINATION

12 JUDGE COCHERES: Thank you. Please be seated and  
13 good morning to you.

14 THE WITNESS: Thank you. Good morning.

15 BY MR. RADCLIFF:

16 Q. Would you state your full name for the record,  
17 please.

18 A. Jeffrey W. Nitterhouse.

19 Q. And your business address is what?

20 A. 2655 Molly Pitcher Highway South.

21 Q. What city?

22 A. Chambersburg, PA 17201.

23 Q. With what company are you affiliated?

24 A. Nitterhouse Concrete Products, Incorporated.

25 Q. What is your position with the company?

1 A. I am the executive vice president.

2 Q. Are you also one of the owners of the company?

3 A. Yes, I am.

4 Q. What is the business of Nitterhouse Concrete  
5 Products?

6 A. We are manufacturers of concrete masonry  
7 products, precast concrete products and pre-stress  
8 concrete products.

9 Q. Do these items move in truck transportation in  
10 Pennsylvania?

11 A. Yes, they do.

12 Q. Is a particular type of vehicle required to  
13 transport any one of these products?

14 A. We typically utilize flatbed trailers and tandem  
15 tractors.

16 Q. What is the typical size of one of the  
17 pre-stressed concrete items that moves on a flatbed  
18 trailer?

19 A. They can go from rather small-size pieces,  
20 perhaps four foot by five foot, and quite a few of those,  
21 up to panels, 10-to-12 feet wide, up to 46-feet long, one  
22 piece.

23 Q. And the weight of the larger panel would be  
24 what?

25 A. We are in the 40,000 to 42,000 pound range for a



1 typical large panel.

2 Q. Are you familiar with the services of Gabler  
3 Trucking?

4 A. Yes, I am.

5 Q. How has your company become familiar with their  
6 services?

7 A. Currently we are utilizing Gabler Trucking for  
8 interstate transportation of our concrete products. Years  
9 ago we also worked with Gabler Trucking for intrastate.

10 Q. Who is your current primary carrier for  
11 intrastate Pennsylvania?

12 A. Charles W. Karper, with a K.

13 Q. Are you familiar with either one of the three  
14 Protestants in this proceeding, W. H. Johns, STS, Motor  
15 Freight or New Penn?

16 A. I am familiar with their names.

17 Q. Do you use any of them for outbound  
18 transportation?

19 A. No, we do not.

20 Q. Have you utilized any of those Protestants for  
21 any in-bound, Pennsylvania-bound transportation?

22 A. We have not used them for in-bound personally.  
23 They may be hauling in-bound miscellaneous materials from  
24 vendors, other manufacturers for miscellaneous. Possibly  
25 skid lots, but we do not use them for outbound.

1 Q. What is the frequency of your traffic to  
2 Pennsylvania points?

3 A. Frequency ranges from zero loads per day, up to  
4 40-plus loads per day. And 40 can be conservative, it can  
5 go higher.

6 Q. Why does it vary so greatly?

7 A. Weather is a factor. The economy is a factor.  
8 We are construction related. So weather and the economy.  
9 And we bid our jobs, so we are at the mercy of all those  
10 factors.

11 Q. What type of construction does your company  
12 support?

13 A. Wide range. From single-family housing units to  
14 multi-family, to include institutional-type buildings,  
15 hospitals, prisons, a full range of construction projects  
16 throughout Pennsylvania.

17 Q. What are some of the miscellaneous products that  
18 you have transported into your Franklin County facility?

19 A. In-bound?

20 Q. In-bound.

21 A. Typically, supplies, miscellaneous supplies,  
22 steel. We have a lot of steel and cement that come  
23 in-bound from other manufactures that are raw materials  
24 for our process.

25 Q. And do you pay the transportation on any of that

1 in-bound material?

2 A. I think it is probably a mixture. Quite often  
3 the manufacturer pays the freight and possibly we pay the  
4 freight, occasionally.

5 Q. Would you utilize the service of Gabler Trucking  
6 for Pennsylvania transportation if it were available?

7 A. Most certainly.

8 Q. And why are you so definite about that?

9 A. Well, right now, today we have a shortage of  
10 equipment and our carriers just did not have enough  
11 equipment for today.

12 Q. Are you referring to a particular type of  
13 equipment when you say that?

14 A. In this case it was a shortage of flatbeds and  
15 tractors. We had to -- we had a job that needed multiple  
16 trucks and we couldn't get them. And we are going to have  
17 to take a load out, come back and go out and come back  
18 again, so that slows us down.

19 Q. Can you give us a list of representative  
20 destinations of the outbound Pennsylvania traffic from  
21 your company?

22 A. The Philadelphia area, we do work there.  
23 Allentown, Bethlehem area. Scranton, Wilkes-Barre,  
24 Hazelton, Altoona, State College, and the Pittsburgh  
25 area.

1 Q. And the vendors from which you received the  
2 in-bound steel or other products, where are they located  
3 in Pennsylvania?

4 A. Milton Steel, I believe, ships to us.  
5 Occasionally we get bulk cement out of the Bethlehem,  
6 Allentown area and that can come in on a carrier, bulk,  
7 tank-type carrier.

8 MR. FULLERTON: I object to this. Commodities and  
9 bulks is excluded.

10 MR. RADCLIFF: That is correct. Commodities and  
11 bulk is excluded. Perhaps my question wasn't artfully  
12 drawn when I asked him about his supplies in general.

13 Supplies that you would move, using a van or a  
14 flatbed-type trailer is what we are focusing on here, Mr.  
15 Nitterhouse.

16 BY MR. RADCLIFF:

17 Q. Are you familiar with Gabler's equipment?

18 A. Yes, I am.

19 Q. And do they have the type of equipment that  
20 meets your needs?

21 A. Yes, they do.

22 Q. If this application were approved, would it be  
23 of benefit to your company?

24 A. Yes, it would.

25 MR. RADCLIFF: I have no further questions of this

1 witness, Your Honor. He is available for cross  
2 examination.

3 JUDGE COCHERES: Before I allow that,  
4 Mr. Nitterhouse, is Milton Steel located in Milton?

5 THE WITNESS: I believe so.

6 JUDGE COCHERES: Okay. Thank you. All right.  
7 Mr. Campbell?

8 CROSS EXAMINATION

9 BY MR. CAMPBELL:

10 Q. Mr. Nitterhouse, you are supporting this  
11 application for flatbed traffic out of your facility for  
12 outbound shipments, is that not the case?

13 A. That's correct.

14 Q. And you are not here in support of traffic  
15 moving in dry van trailers?

16 A. I am not.

17 Q. And is it basically truckload traffic that you  
18 are concerned with?

19 A. Outbound, it is truckload, yes.

20 MR. CAMPBELL: That is all the questions I have,  
21 Your Honor.

22 JUDGE COCHERES: Mr. Fullerton?

23 CROSS EXAMINATION

24 BY MR. FULLERTON:

25 Q. Now, that takes care of the outbound, where you

1 say you are limiting it to flatbeds.

2 Now, on the in-bound, from these vendors, isn't it a  
3 fact that in most cases the vendor selects the carrier and  
4 pays the freight?

5 A. Yes, sir. I believe so. Yes. They select  
6 their own carrier, right.

7 Q. So you are not here really supporting this  
8 application for the in-bound from the vendor, are you,  
9 because you don't control that traffic?

10 A. That's correct.

11 Q. And the traffic that you have been talking  
12 about, it is all truckload traffic, isn't it?

13 A. Yes, it is.

14 MR. FULLERTON: That is all I have, thank you.

15 MR. RADCLIFF: I have no further questions of this  
16 witness. May he be excused?

17 JUDGE COCHERES: He certainly can. Thank you for  
18 coming, sir.

19 MR. RADCLIFF: Mike Hair.

20 MICHAEL HAIR, called as a witness, having been duly  
21 sworn, was examined and testified as follows:

22 DIRECT EXAMINATION

23 JUDGE COCHERES: Thank you, sir. Please be seated  
24 and good morning to you.

25 THE WITNESS: Thank you. Good morning.

1 BY MR. RADCLIFF:

2 Q. Mr. Hair, would you state your full name for the  
3 record, please.

4 A. Michael C. Hair.

5 MR. FULLERTON: Spell.

6 THE WITNESS: H-A-I-R.

7 MR. FULLERTON: It's what I need.

8 (Laughter.)

9 BY MR. RADCLIFF:

10 Q. Mr. Hair, with what company are you affiliated?

11 A. Sollenberger's Silo Corporation.

12 Q. And what is the address of the company?

13 A. 2294 Molly Pitcher Highway, in Chambersburg.

14 Q. How long have you been an employee of that  
15 company?

16 A. Approximately nine years.

17 Q. And what is your current title?

18 A. I am product sales manager.

19 Q. And what are the products of Sollenberger's  
20 Silos?

21 A. Sollenberger Silo Corporation manufactures  
22 cast-in-place concrete structures, particularly farm  
23 storage silos. And we sell and construct pre-cast  
24 concrete silos for bunker silos for farmers.

25 And we do some commercial work in water tanks and

1 water storage tanks, waste water treatment facilities and  
2 that type of thing.

3 Q. Is your product shipped to Pennsylvania points  
4 using trucks?

5 A. Yes, it is.

6 Q. Is there a seasonal relationship to the volume  
7 of shipments?

8 A. Yes. A busy season for agricultural products,  
9 particularly, would be during harvest season, September,  
10 October, November.

11 Q. Is there a season for the waste-related products  
12 that you mentioned?

13 A. That is usually on a year round -- and  
14 typically, that is a construction cast-in-place concrete  
15 construction process and that is seasonal. That is  
16 summer. Spring, summer.

17 Q. What are some of the representative destinations  
18 of your agricultural products that are shipped to points  
19 in Pennsylvania?

20 A. Agricultural products in the precast division  
21 would be any county in Pennsylvania where there is an  
22 active farming operation.

23 Q. Can you name some of the towns or areas where  
24 you have had recent deliveries of your products?

25 A. One of the most recent was Indiana, Pennsylvania



1 in Indiana County. We go up to Troy, Pennsylvania, which  
2 is the north-central portion of the state. Franklin  
3 County is a large dairy population. Bradford County,  
4 Adams County, Cumberland County.

5 Q. About how many shipments do you make to points  
6 in Pennsylvania on an annual basis? By truck?

7 A. By truck?

8 Q. Or is it better to do it on a monthly basis?

9 A. On the product that we are speaking of, the  
10 pre-cast concrete product, in Pennsylvania, would probably  
11 be 30 to 40 shipments per year.

12 Q. Are you familiar with Gabler Trucking Company?

13 A. I am.

14 Q. And has your company used their services?

15 A. Presently only in intrastate.

16 Q. Has their service been such that it meets the  
17 needs of your company?

18 A. Yes, it has.

19 Q. Why are you here today supporting this  
20 application for Pennsylvania service?

21 A. If everything is approved, we would use them  
22 interstate to ship products.

23 Q. What type of product would you ship using Gabler  
24 in Pennsylvania?

25 A. The pre-cast concrete products. Now that would

1 be in truckload quantities on flatbed trailers.

2 Q. Do you have any in-bound traffic in Pennsylvania  
3 that would be tendered to Gabler if this application were  
4 approved?

5 A. None.

6 Q. Who are your present carriers for Pennsylvania  
7 service?

8 A. Charles W. Karper.

9 Q. Are you familiar with the Protestants in this  
10 proceeding, New Penn, STS and W. H. Johns?

11 A. In name only. I am familiar with the  
12 companies.

13 Q. They are not providing any service to you at the  
14 present time?

15 A. None.

16 Q. What is the average weight of the shipment of  
17 the pre-cast concrete product?

18 A. Truckload quantities, 342,000 plus.

19 MR. RADCLIFF: I have no further questions of this  
20 witness. He is available for cross examination.

21 JUDGE COCHERES: Before we do that, Mr. Hair, you  
22 mentioned that you ship agricultural products to various  
23 destinations in Franklin County.

24 You have a line of products that is not simply  
25 agricultural products; correct?

1 THE WITNESS: Well, I don't understand how you mean  
2 that.

3 JUDGE COCHERES: Well, as I understood,  
4 Mr. Radcliff's questions to you, he asked you about  
5 representative destinations for your agricultural  
6 products.

7 THE WITNESS: Yes.

8 JUDGE COCHERES: Do you ship any other products  
9 within Pennsylvania that are not agricultural products?

10 THE WITNESS: We ship -- the same product is used  
11 for different applications. It consists of a pre-cast  
12 concrete wall system that can be used as a containment  
13 wall system for agricultural products, a retaining wall, a  
14 containment for aggregate or, and what we -- one use  
15 recently has been for containment of recycling material,  
16 recycled material, like aluminum and glass and that type  
17 of thing.

18 JUDGE COCHERES: And are these the same things that  
19 can be used for storage tanks and waste water treatment  
20 facilities, too?

21 THE WITNESS: Yes, they can.

22 JUDGE COCHERES: And so when you answered his  
23 question, were you talking about the same product being  
24 used for all of those uses and possible destinations or  
25 were you limiting your answer?

1 THE WITNESS: No, it would be all of those products,  
2 yes. It would be the same product used in different  
3 applications.

4 JUDGE COCHERES: But the destinations, you gave me a  
5 comprehensive list of destinations then?

6 THE WITNESS: Yes. They would be, again, they could  
7 be shipped anywhere in Pennsylvania.

8 JUDGE COCHERES: All right. I am not sure you are  
9 understanding the point I am trying to make.

10 THE WITNESS: No, I don't.

11 JUDGE COCHERES: Okay. As I understood the  
12 questions that were asked to you, Mr. Radcliff prefaced  
13 his question with focusing you on agricultural products  
14 and representative destinations.

15 Now, you have just told me that your manufacturing  
16 process produces a product that has more application than  
17 simply agricultural uses.

18 What I am concerned about is, did you limit your  
19 answer to his question about representative destinations  
20 to only places that have agricultural uses?

21 Because you talked about dairy farms in Indiana,  
22 Pennsylvania, Bradford County.

23 A. Yes.

24 Q. Or did you give me a list of representative  
25 destinations in Pennsylvania for all your product uses?

1 THE WITNESS: That would have been specifically  
2 talking about agriculture.

3 JUDGE COCHERES: All right. What other destinations  
4 do you have then in Pennsylvania?

5 THE WITNESS: Okay. At this point we have only had  
6 a couple but they would be, might be municipalities or  
7 department of public works. And probably metropolitan  
8 areas, more metropolitans, but they could be anywhere from  
9 large cities to small towns.

10 JUDGE COCHERES: And can you give me some names of  
11 places that you ship to.

12 THE WITNESS: Maybe the Philadelphia area,  
13 Pittsburgh area, Harrisburg area.

14 JUDGE COCHERES: Are we talking about city limits or  
15 are we talking about cities and suburbs?

16 THE WITNESS: Cities and suburbs.

17 JUDGE COCHERES: All right. Now, based on my  
18 questions, and Mr. Radcliff's, is there any cross  
19 examination, Mr. Campbell?

20 CROSS EXAMINATION

21 BY MR. CAMPBELL:

22 Q. Just so we are clear on this, Mr. Hair, when you  
23 say agricultural products, really you are talking more  
24 about your line of products being used for agricultural  
25 purposes?

1 A. That's correct.

2 Q. So if it is a pre-cast concrete silo, it is  
3 going to be used for agricultural purposes. If it is a  
4 pre-cast waste water treatment, that is outside your  
5 definition of agricultural products?

6 A. That would be.

7 Q. But all the products we are talking about are  
8 concrete structures, pre-cast concrete, that type of  
9 thing?

10 A. That's correct.

11 Q. And you are supporting this application for the  
12 transportation of those commodities in truckload lots on  
13 flatbed trailers; is that correct?

14 A. Yes, that is correct.

15 MR. CAMPBELL: That is all I have.

16 CROSS EXAMINATION

17 BY MR. FULLERTON:

18 Q. And only outbound?

19 A. Only outbound.

20 Q. And your place of business where this traffic  
21 originates, is it right in the Borough of Chambersburg?

22 A. That would be in Guilford Township.

23 Q. That is an adjacent township?

24 A. Yes.

25 Q. Do you have any freight documents here today to

1 support any of your shipments?

2 A. No, I do not. That would be through our  
3 dispatchers.

4 MR. FULLERTON: That is all I have, thank you.

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

7 JUDGE COCHERES: Yes, sir. Thank you for coming,  
8 sir.

9 MR. RADCLIFF: Your Honor, my case with the  
10 cooperation of counsel this morning, has gone faster than  
11 I anticipated.

12 We have an additional witness scheduled to be here  
13 at noon. Circumstances being what they are, with  
14 witnesses appearing, I would suggest that we break until  
15 1:00 so that we can present his testimony at that time.

16 JUDGE COCHERES: Let's go off the record for a  
17 moment.

18 (Whereupon, at 11:30 a.m., the hearing was recessed,  
19 to reconvene at 1:00 p.m., this same day.)

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AFTERNOON SESSION

1  
2 JUDGE COCHERES: Okay. On the record. It is my  
3 understanding that we may have another restrictive  
4 amendment.

5 Mr. Radcliff?

6 MR. RADCLIFF: Yes, Your Honor. At this point I am  
7 authorized to add to the restrictive amendment, the  
8 paragraph seven, no right, power or privilege is granted  
9 to transport non-refrigerated shipments which weigh less  
10 than 1,000 pounds, shipment being defined as a lot of  
11 freight moving from one consignor to one consignee on one  
12 day on one bill of lading.

13 And that restrictive amendment is agreed to by the  
14 Applicant to further limit the authority.

15 JUDGE COCHERES: And I understand, Mr. Campbell, you  
16 agree on behalf of New Penn?

17 MR. CAMPBELL: Yes, Your Honor. Predicated upon the  
18 amendment and its acceptance by Your Honor and the  
19 Commission and its incorporation into any authority which  
20 may issue in this case, and in reliance upon  
21 Mr. Radcliff's authority to make the amendment and it  
22 being formally submitted to the Commission, I have -- I  
23 have been authorized to withdraw the protest of the New  
24 Penn Motor Express, Incorporated.

25 I do desire to remain a party of the record for the



1 purpose of receiving any orders which may issue in the  
2 case.

3 And I respectfully ask leave to withdraw from the  
4 hearing room.

5 JUDGE COCHERES: You are welcome to do that in a  
6 minute. And the reason I say in a minute is, I don't  
7 quite understand what you told me.

8 MR. RADCLIFF: All right. Your Honor, the  
9 restriction raises the weight limit of shipments which may  
10 not be handled from 200 to 1,000, but it is applicable  
11 only to non-refrigerated shipments.

12 JUDGE COCHERES: So that --

13 MR. RADCLIFF: So a shipment that is less than 1,000  
14 pounds that requires refrigeration could be handled if it  
15 is also above 200 pounds.

16 It will require both restrictions to remain as  
17 separate items because of the earlier discussions with the  
18 courier services with the 200-pound weight limit, they  
19 move some items as courier service, which I didn't clear  
20 it definitely with them at the time, but I understand they  
21 may be refrigerated items.

22 JUDGE COCHERES: Okay. So, essentially, since most  
23 of the testimony I have heard, and that is the majority  
24 dealing with truckload lots, that is not a problem as I  
25 see it then.

1 MR. RADCLIFF: At this point, it doesn't have any  
2 impact on the shippers that have testified in this  
3 proceeding.

4 We have Mr. Lehman, who will talk about his shipment  
5 range, and we have one additional shipper that will  
6 discuss putting in their testimony at a later time.

7 JUDGE COCHERES: Okay. I think I understand. Thank  
8 you very much for your explanations. And, Mr. Campbell, I  
9 appreciate your cooperation. And we will leave you on the  
10 list of parties.

11 MR. CAMPBELL: Thank you, Your Honor.

12 JUDGE COCHERES: All right, are we ready for a  
13 witness then?

14 MR. RADCLIFF: Yes, Your Honor. I call Paul Lehman  
15 to the stand.

16 PAUL LEHMAN, called as a witness, having been duly  
17 sworn, was examined and testified as follows:

18 DIRECT EXAMINATION

19 JUDGE COCHERES: Thank you. Please be seated and  
20 good afternoon to you.

21 THE WITNESS: Thank you.

22 BY MR. RADCLIFF:

23 Q. Mr. Lehman, would you state your full name for  
24 the record and spell your last name, please?

25 A. Paul E. Lehman. L-E-H-M-A-N.

1 Q. And the name of your company is?

2 A. Paul E. Lehman, Incorporated.

3 Q. Where is the company located?

4 A. In the community of Colbertson at 5800  
5 Cumberland Highway, Chambersburg.

6 Q. Is that just outside of Chambersburg?

7 A. Yes, we are six miles outside of Chambersburg.

8 Q. What is your position with the company?

9 A. I am the board chairman.

10 Q. Are you also an owner of the company?

11 A. Yes, I own the company.

12 Q. And how long has the company been in business?

13 A. We are in our 42nd year.

14 Q. What is the nature of the business of Paul E.  
15 Lehman, Incorporated?

16 A. We are design-build contractors with several  
17 specialties, one of them being shielded chambers and the  
18 other one being automatic retrieval systems.

19 Q. Now, the --

20 A. In addition to that, we design and build all  
21 kind of commercial and industrial facilities.

22 JUDGE COCHERES: Let's back up for a minute. I  
23 don't quite understand what your products are.

24 THE WITNESS: Shielded anechoic chambers.

25 JUDGE COCHERES: What does that do, sir?

1 THE WITNESS: That is used for all kind of radar  
2 testing, testing electronic equipment. To make it simple,  
3 sir, it provides a clean room with total isolation from  
4 the outside world. It is a shield that microwaves, radio  
5 waves, or no other waves will penetrate.

6 JUDGE COCHERES: Okay.

7 THE WITNESS: It is for testing.

8 JUDGE COCHERES: And then you can conduct microwave  
9 and radio testing inside of that.

10 THE WITNESS: Yes.

11 JUDGE COCHERES: And what's the other.

12 THE WITNESS: Robotic warehousing.

13 JUDGE COCHERES: Okay.

14 THE WITNESS: Where everything is controlled with  
15 computer and all the work is done with robots.

16 JUDGE COCHERES: Okay.

17 BY MR. RADCLIFF:

18 Q. Mr. Lehman, while we are on the subject of the  
19 automatic retrieval systems, would you give us an example  
20 of such a system you have recently completed?

21 A. We recently completed one for the Federal  
22 Reserve in New York City for storing cash. Also completed  
23 one in Canada. We have completed systems for libraries,  
24 for books, for produce.

25 Q. How large are these systems when they are

1 completed?

2 A. They vary. We are starting a new line which we  
3 call a minicube, which will be small systems that could go  
4 in any building that is as high as 20 foot.

5 We also build the large ones where the racking is as  
6 high as 90 foot and unlimited lengths. And some of them  
7 are very extensive.

8 Q. The system that you constructed for the Federal  
9 Reserve Bank in New York, what was the overall size of  
10 that system?

11 A. That was 40-foot high and I believe the, I  
12 believe the aisles were 100-foot long. It was in the  
13 vault of the bank there.

14 Q. And the commercial facilities that you have  
15 described, are they buildings, is that what we are talking  
16 about when you say, facilities?

17 A. Yes.

18 Q. And is that on a particular type of design that  
19 your company specializes in?

20 A. We have developed the Lehman Octagon, which is  
21 one of our main buildings right now.

22 Q. And what type of uses has that octagon shape  
23 been applied to for building constructions?

24 A. For churches, for offices, retirement home.

25 Q. When those buildings are constructed at a

1 particular site, do you require truck transportation to  
2 deliver the building or the components to the site?

3 A. Yes, we do.

4 Q. Where is the material fabricated originally  
5 before it is delivered to site?

6 A. Close to Pittsburgh is where most of our  
7 buildings come out of, a little town called Homer City.

8 Q. And at your facilities outside of Chambersburg,  
9 what do you fabricate and produce there?

10 A. Okay, we fabricate the chamber panels, some of  
11 the work is done in our office. I mean at our plant.  
12 Some is done in Quincy, close to Waynesboro, and some is  
13 done outside of Chambersburg at SCIP, the Sunset  
14 Commercial Industrial Park.

15 JUDGE COCHERES: Let me interrupt for a moment. You  
16 mean Quincy, Pennsylvania.

17 THE WITNESS: Yes, close to Waynesboro, yes.

18 JUDGE COCHERES: Okay. Thank you.

19 BY MR. RADCLIFF:

20 Q. And the industrial park that you referred to,  
21 that is also in Franklin County?

22 A. Yes. It is between Chambersburg and our  
23 facility.

24 Q. And your headquarters facility is in what  
25 township?

1           A.  Greene Township.

2           Q.  From your headquarters facility, do you ship  
3  outbound in truck transportation?

4           A.  We don't a lot right now, but we expect to in  
5  the future.

6           We do some construction components that we build  
7  now.  For instance, some of our chambers we build there  
8  and ship out.  But we expect a lot more.  We have not yet  
9  produced rack systems.  We have erected them, but we have  
10 not been producing the rack systems and we want to develop  
11 the rack systems there at Visworth, V-I-S-W-O-R-T-H, Metal  
12 Manufacturing.  They're at Chambersburg.  And they will be  
13 fabricating our rack systems there.

14          Q.  Have you solicited business from particular  
15 customers at points in Pennsylvania for the installation  
16 of those rack systems?

17          A.  Yes, we are working with several clients right  
18 now.

19          Q.  Could you give us an idea of the geographic  
20 range of the points where those customers are located?

21          A.  The Pittsburgh area, the Penn State area,  
22 Philadelphia area.

23          Q.  By Penn State, are you referring to the  
24 University at State College?

25          A.  Yes.

1 Q. Not one of the branch campuses?

2 A. No, no. The main campus.

3 Q. And from the Quincy facility, what is shipped  
4 outbound from there using truck transportation?

5 A. Our shielded chamber components.

6 Q. What size shipments move in truck  
7 transportation?

8 A. They are usually truckload. Sometimes maybe  
9 half a truckload, but usually truckload lots.

10 Q. And do you have customers in Pennsylvania for  
11 that material?

12 A. Yes. We have potential customers for anyone  
13 that is in the electronic business, any military  
14 installations, and we are also developing a mobile chamber  
15 that we would need transported. And that could go to any  
16 company that has needs for a chamber, anyone that  
17 manufactures any kind of electronic equipment.

18 Q. I found the mobile chamber concept interesting.  
19 Would you describe how that is transported?

20 A. Yes. We have a detachable goose neck and  
21 detachable wheels, and it is moved over the highway. We  
22 try to keep the height under 14 feet. And we are  
23 currently manufacturing one right now, L. B. Smith in  
24 Harrisburg built the major structure. Then it has been  
25 shipped to our facility to be, to be fitted out and then



1 it will go back to L.B. Smith to be finalized, and then  
2 that will be shipped then to Atlanta.

3 JUDGE COCHERES: I didn't follow that explanation.  
4 I know what a goose neck is. But are you telling me that  
5 this is like, and I hate to use this analogy, but is this  
6 like a mobile home?

7 THE WITNESS: Well, it is somewhat similar. It will  
8 be a huge block, as big as we can get over the highway  
9 with normal permits, and we will be able to take it over  
10 the interstates. That is why I want to keep the height  
11 under 14 feet.

12 We can make them with the running gears attachable  
13 in the back with a goose neck attachable in the front.

14 We sell them with or without the running gears. We  
15 have hydraulic outriggers on the four corners that support  
16 it. So when we deliver it to the site, we take and detach  
17 the goose neck, go around to the other end of the facility  
18 and back it into the running gears and we bring the  
19 running gears back.

20 So they can buy it with or without the running  
21 gears.

22 JUDGE COCHERES: So essentially it has trailer-like  
23 characteristics and you remove the wheels at the delivery  
24 site?

25 THE WITNESS: That is right. Now we also make them

1 where they fit on a low-boy. But the problem is we get up  
2 closer to 15 foot and then we are limited in height.

3 So we hope to have a group of these that we will  
4 lease to companies, which will mean they will use them for  
5 a month or so, and then will move them to another site.

6 JUDGE COCHERES: Thank you.

7 BY MR. RADCLIFF:

8 Q. Now, you mentioned that materials move to and  
9 from the L.B. Smith facility; is that right?

10 A. Yes.

11 Q. And they are located where?

12 A. In Camp Hill.

13 Q. Do you have other intrastate facility movements  
14 within Franklin County that you use truck transportation  
15 for?

16 A. Between Visworth and our plant.

17 Q. And what type of material is moved between the  
18 headquarters plant and Visworth?

19 A. It would be prefabricated metal components that  
20 we would use for our rack systems. They also make some of  
21 our large frames for our overhead doors for the shielded  
22 chambers and they are also capable of making the shielded  
23 doors.

24 Q. What is the size or weight of these  
25 prefabricated metal components that you ship?

1 A. Normally it would be three quarters to a ton.

2 Q. That is 1500 pounds?

3 A. Yes, 1500 pounds would be a guess for the  
4 different components.

5 Q. And then you mentioned large overhead frames?

6 A. Yes.

7 Q. That also move. How much do they weigh?

8 A. It would be about the same. I would say the big  
9 ones that we use at Letterkenny, about 1500 pounds a  
10 piece.

11 Q. Is Letterkenny the military facility near here  
12 that I am familiar with?

13 A. Yes, it is a half-mile from our office.

14 Q. They are also in Franklin County?

15 A. Yes.

16 Q. And you have shipments that go from your office  
17 to Letterkenny?

18 A. Yes.

19 Q. Are there other military installations in  
20 Pennsylvania that you are also working with at the present  
21 time?

22 A. We have done considerable work at Puxatawny.

23 Q. When you are working on any of the building  
24 sites, the church buildings or commercial buildings, are  
25 there any of the components for those that move to and

1 from points in Franklin County?

2 A. Yes, we fabricated a lot in, in our facility  
3 there and ship them to locations. We have built in most  
4 areas of Pennsylvania. We built from Bradford to State  
5 College to Philipsburg, up into the Scranton area. We  
6 have worked all over the state.

7 Q. Which particular components are fabricated at  
8 the Franklin County facility?

9 A. It would be, wall units for -- prefabricated  
10 wall units mainly.

11 Q. To me a wall unit is a stereo component or a  
12 speaker that hangs on the wall. When you say wall unit,  
13 what do you mean?

14 A. They would be the structural wall components  
15 where we would use a crane to load and unload.

16 Q. Are you familiar with Gabler Trucking?

17 A. Very much so, yes. In fact, Mr. Gabler bought  
18 part of my father's business. My father was a trucker for  
19 40 years. And back about 1955 Harold Gabler, Senior  
20 bought part of my father's business.

21 Q. Have you used Gabler Trucking for some  
22 transportation service in recent years?

23 A. Yes. For our out-of-state shipments.

24 Q. And has their service met your needs?

25 A. Very much so, yes.

1 Q. What are the particular service requirements of  
2 Paul E. Lehman, Incorporated, with regard to truck  
3 transportation or trailer usage?

4 A. We have a lot of sophisticated things that are  
5 involved with our chamber and many times we would request  
6 that they drop the trailer for a week and we would want to  
7 work out of the trailer and then the same thing for the  
8 outbound.

9 We would like to have a trailer there for a week so  
10 we could load it as we build the components.

11 Q. And what type of service do you require with  
12 regard to actually handling the shipment over the  
13 highway? Are there service features that you look for in  
14 a trucking company?

15 A. It is always nice to deal with someone local and  
16 knowing the Gablers as well as we do, we just know that we  
17 will get the service that we would require.

18 Our shipments are very, very valuable. For  
19 instance, this shielded chamber that we are building right  
20 now, the total value of that when it leaves our plant next  
21 week will be \$125,000. And it will be moved to L.B.  
22 Smith, where they will do additional work and then it will  
23 go on to Atlanta.

24 When that, when that is completely finished, that  
25 will be over a half-a-million-dollar unit that we are

1 moving across the highway. And we just like to personally  
2 know the people that are handling that.

3 Q. If this application is approved for additional  
4 Pennsylvania authority for Gabler, would you utilize them  
5 for that service?

6 A. Yes, we would.

7 Q. Do you receive in-bound materials at any of your  
8 facilities in Franklin County from vendors in  
9 Pennsylvania?

10 A. Yes, we do.

11 Q. Who pays the freight on those in-bound  
12 shipments?

13 A. We do, as a rule.

14 Q. What are some of the origin points in  
15 Pennsylvania for that in-bound traffic?

16 A. Pittsburgh, Philadelphia, Harrisburg.

17 Q. And what type of materials are moving in-bound?

18 A. It would be electronic equipment, it would be  
19 insulation, building materials, fabricated steel, raw  
20 steel.

21 Q. The electronic equipment, what size are the  
22 shipments? What weight are the shipments?

23 A. They would vary. We would have some that would  
24 be a few hundred pounds. And we would also have crated  
25 units that would be probably 1,000 pounds up.

1 Q. You realize that this application has a  
2 restriction against shipments under 1,000 pounds?

3 A. We do.

4 Q. Would that in any way damage your support,  
5 restrict your support for the application by Gabler?

6 A. No. We would prefer they could handle the  
7 lighter, but, no, we would still use them. That would not  
8 interfere.

9 Q. What carriers are you using at the present time  
10 for Pennsylvania deliveries of your components and  
11 products?

12 A. We have quite a few. Roadway, New Penn, Ward.  
13 We have done quite a bit of work for Ward Trucking and  
14 they have handled quite a few of our drop shipments,  
15 handled most of our outbound.

16 Q. Are you familiar with Protestants in this  
17 proceeding, STS, Motor Freight or W. H. Johns,  
18 Incorporated?

19 A. I am familiar with W. H. Johns.

20 Q. Have you used their service in Pennsylvania?

21 A. They have delivered, yes, they have delivered  
22 there. I don't think we have had any outbound with them  
23 but they make deliveries there, yes.

24 Q. And although you are aware of other carriers  
25 being available in Pennsylvania, do you still support the

1 application of Gabler?

2 A. Very much so.

3 MR. RADCLIFF: I have no further questions of the  
4 witness. He is available for cross examination.

5 CROSS EXAMINATION

6 BY MR. FULLERTON:

7 Q. I am not clear on these commodities you ship  
8 that you were talking about.

9 Now, let's first start out with your plant. Is  
10 everything going to either start out or come in to your  
11 facility near Chambersburg?

12 What township did you say that was?

13 A. Greene Township.

14 Q. Pardon?

15 A. Greene, G-R-E-E-N-E.

16 Q. Yes. And that is about six miles, you say, from  
17 Chambersburg?

18 A. Yes, sir.

19 Q. From the borough?

20 A. Yes.

21 Q. All right. Now is everything going to either go  
22 out of there or come in to there?

23 A. The majority of it will be--

24 Q. So I you understand what I'm talking about.

25 A. One of three locations.



1 Q. Let me just ask the question first. The only  
2 thing I am interested in is your intrastate.

3 A. Okay.

4 Q. In and out of Franklin County.

5 A. Okay.

6 Q. Do you know what this application is about?

7 A. Yes, sir, I do.

8 Q. All right. So let's just stick to that.

9 A. Okay.

10 Q. Now, this plant of yours or whatever you want to  
11 call it, facility, at Greene Township, is that where your  
12 traffic either originates or is destined?

13 A. Yes.

14 Q. Okay. Now, so far as the shipments are  
15 concerned, are we talking about shipments that are  
16 truckload in nature that require either flatbed or  
17 drop-frame, something like that?

18 A. Many of them would be truckload.

19 Q. Well, what wouldn't be truckload?

20 A. Well, we would have, we would have less than  
21 truckload at times. They wouldn't always be truckload.  
22 There would be times they would be less than truckload,  
23 but the majority would be truckload.

24 Q. Well, those that are less than truckload, how  
25 much would they weigh? Approximately.

1 A. Probably eight to 10 ton.

2 Q. 16,000?

3 A. Yes. Probably.

4 Q. 20,000 pounds?

5 A. Yes.

6 Q. Well, which could end up being truckload because  
7 of not being able to put something with it for the same  
8 destination.

9 Q. Well, can we say for all practical purposes your  
10 truck loads will be shipped in and out of your facility?

11 A. The bigger part of them, yes.

12 Q. Now, as far as these shipments you are talking  
13 about here are concerned, does your company always pay the  
14 freight and have the right to select the carrier?

15 A. Normally.

16 Q. Well, I don't want normally. What is the  
17 situation? Where don't you?

18 A. There are a few suppliers that include freight  
19 but that is a rare thing. We normally pay the freight.

20 Q. Yes. Well, are you talking about when you buy  
21 from a vendor?

22 A. Yes.

23 Q. Well, let's stick to where you are the shipper.

24 A. Okay.

25 Q. And that would always be outbound, wouldn't it?

1 A. Yes.

2 Q. When you are the shipper?

3 A. That's right.

4 Q. You pay the freight and select the carrier?

5 A. Normally, yes, sir. We normally would.

6 Q. Well, so you keep using that word, normally.

7 Are there times when you have outbound shipments that you  
8 don't select the carrier?

9 A. There would be a rare occasion where we would  
10 not, yes.

11 Q. Well, then as a practical matter, outbound you  
12 pay the freight?

13 A. Practical matter, we include freight, yes.

14 Q. Now, on the in-bound, where you buy from a  
15 vendor, does the vendor --

16 A. It works both ways there. Normally we pay the  
17 freight. Occasionally the freight is included.

18 Q. All right.

19 A. But it is the usual that we pay the freight.

20 Q. And there, again, as a practical matter, it is  
21 truckload traffic, right?

22 A. Yes.

23 Q. All these different descriptions you have given  
24 like, oh, chamber panels, rack systems, things like that,  
25 is there any general description you can give as to the

1 type of commodity or commodities?

2 A. I have brochures with me that --

3 Q. No, just tell me if you can.

4 A. Okay. Shielded anechoic chambers is pretty much  
5 a new industry. And it particularly is for us. We just  
6 recently got a Ben Franklin grant to further develop.

7 And a lot of what I'm talking about now is what we  
8 project six, eight months from now. A lot of it we are  
9 not currently doing, but we are going to have these needs  
10 shortly.

11 Q. What are you shipping right now?

12 A. We are shipping components for chambers and we  
13 are shipping mobile chambers currently.

14 Q. And you are working on these new commodities  
15 that you expect?

16 A. That's correct.

17 Q. To perfect?

18 A. Yes.

19 Q. And then ship?

20 A. Yes, sir.

21 Q. Now, this, we are talking about Pennsylvania?

22 A. Yes, sir.

23 Q. This is stuff that is going to go just to points  
24 in Pennsylvania?

25 A. Right, sir. We would like to use the Gablers in

1 Pennsylvania as well as out of Pennsylvania.

2 Q. Well, this has nothing to do with out. All I am  
3 interested in is --

4 A. Yes, sir.

5 Q. Is from your place to points in Pennsylvania and  
6 vice-versa.

7 A. Yes, sir.

8 Q. And again, so we are clear, it is flatbed or  
9 drop-tray?

10 A. Or vans.

11 Q. You need vans?

12 A. We need vans also.

13 Q. Okay.

14 A. It would be all three.

15 MR. FULLERTON: That is all I have, thank you.

16 REDIRECT EXAMINATION

17 BY MR. RADCLIFF:

18 Q. Mr. Lehman, Mr. Fullerton asked you about  
19 transportation in and out of your Greene Township  
20 facility.

21 Do you have transportation in and out of your other  
22 Franklin County facilities that go to points in  
23 Pennsylvania?

24 A. We would have from Visworth in particular, yes.  
25 And also from Hess Manufacturing in Quincy. They build

1 some of our components.

2 Q. And they would go to points in Pennsylvania  
3 other than just to your headquarters plant at Greene  
4 Township?

5 A. Yes, yes, some of those would go direct.

6 Q. And would that be to the same representative  
7 destinations that you gave me earlier?

8 A. Yes, sir.

9 MR. RADCLIFF: I have no further questions.

10 RE CROSS EXAMINATION

11 BY MR. FULLERTON:

12 Q. So I am clear, in addition to Greene Township do  
13 you have other facilities in Franklin county?

14 A. We have Visworth Metal Manufacturing Company.

15 Q. I am not getting it.

16 A. Visworth.

17 Q. Spell it.

18 A. V-I-S-W-O-R-T-H. Visworth Metal Manufacturing  
19 Company.

20 Q. Is that your company?

21 A. No, it is not, sir.

22 Q. Well, you are not here on behalf of Visworth,  
23 are you?

24 A. We would contract with them to build parts of  
25 these components for us. They would be building part of

1 our components.

2 Q. And are you the one who is responsible for the  
3 transportation?

4 A. We do the design, we do the erection, they build  
5 some of our components.

6 Q. No, but I am interested in the transportation  
7 part.

8 A. We would handle all the transportation, yes.

9 Q. Now, where is Visworth located?

10 A. Between Chambersburg and our office. They are  
11 four miles outside of Chambersburg.

12 Q. All right. Then that would be inter-plant, it  
13 would be from Visworth to Greene Township?

14 A. And then there are times we would ship directly  
15 from Visworth to the end user.

16 Q. All right. Now, in addition to Visworth, which  
17 is four miles from your Chambersburg plant, what else did  
18 you have? You said something about Hess?

19 A. Hess Manufacturing builds some of our components  
20 and they are in Quincy Township.

21 Q. H-E-S-S, is it?

22 A. Yes.

23 Q. And where is Quincy Township in relationship to  
24 Greene Township?

25 A. It is approximately 20 miles away.

1 Q. In Franklin County?

2 A. Yes, sir, in Franklin County.

3 Q. And, again, would that be another plant?

4 A. Yes, sir, and sometimes we ship directly from  
5 there to the end user also.

6 Q. All right. Okay. Got you. Thank you.

7 MR. RADCLIFF: I have nothing further.

8 JUDGE COCHERES: But you did mention one other area  
9 that is associated with your manufacturing process and  
10 that being Homer City, which, as a college student in  
11 Indiana, Pennsylvania, I have a fair idea where that is  
12 and that is not in Franklin County, is it?

13 THE WITNESS: No.

14 JUDGE COCHERES: Now, how does Homer City fit into  
15 your manufacturing business.

16 THE WITNESS: Star Manufacturing has a manufacturing  
17 plant in Homer City and we get our building shipments from  
18 Homer City.

19 JUDGE COCHERES: So that would be in-bound shipments  
20 only?

21 THE WITNESS: Yes.

22 JUDGE COCHERES: All right.

23 THE WITNESS: Yes. No outbound.

24 JUDGE COCHERES: Okay. Are there any other  
25 questions based on my questions?



1 MR. RADCLIFF: No, Your Honor. I do not. May this  
2 witness be excused?

3 JUDGE COCHERES: Yes, sir. Thank you for coming and  
4 I appreciate all the extra explanation. It did help.

5 MR. FULLERTON: Okay. David, I will get in touch  
6 with you.

7 JUDGE COCHERES: Is there any other witness that you  
8 have, Mr. Radcliff?

9 MR. RADCLIFF: Your Honor, we have no further  
10 witnesses today. We had one witness, as I indicated  
11 earlier, who was unable to be present today. And, just a  
12 moment and I will give you his name again.

13 JUDGE COCHERES: Well, essentially, now we are going  
14 to have one more day of hearing, at which point we will  
15 hear that witness and the witnesses from Mr. Fullerton, if  
16 that is necessary.

17 MR. RADCLIFF: Yes. That is Mr. Weiner at  
18 Chambersburg Cold Storage, who was on our list for  
19 witnesses today and Mr. Fullerton has that name already.  
20 And he is the witness we would present at the one further  
21 day of hearings, when we can wrap everything up.

22 MR. FULLERTON: How do you spell his name?

23 MR. RADCLIFF: W-E-I-N-E-R. Marvin H. Weiner.

24 JUDGE COCHERES: All right. Then, Mr. Radcliff, I  
25 am going to put the onus on you to meet with Mr. Fullerton

1 and discuss whether a full settlement is possible and then  
2 get back to me.

3           Would it be appropriate to say right after the  
4 Thanksgiving holiday?

5           MR. FULLERTON: Yes.

6           MR. RADCLIFF: Yes, Your Honor.

7           JUDGE COCHERES: All right. And if you cannot reach  
8 a settlement with Mr. Fullerton's clients, then I will  
9 also put the onus on you, because I am sure your client  
10 would like to have this application acted on eventually in  
11 this lifetime, to contact Mr. Huntingdon and our  
12 scheduling staff.

13           MR. RADCLIFF: Right. Thank you, Your Honor.

14           JUDGE COCHERES: That is all I have.

15           (Whereupon, at 1:35 a.m., the hearing was recessed,  
16 to reconvene at a later date.)

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1 I hereby certify that the proceedings and evidence  
2 are contained fully and accurately in the notes taken by  
3 me during the hearing of the within cause, and that this  
4 is a true and correct transcript of the same.

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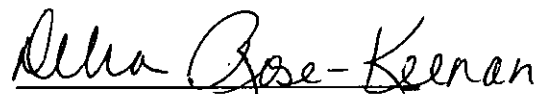
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24 HOLBERT ASSOCIATES  
25 DEBRA ROSE-KEENAN  
2611 Doehne Road  
Harrisburg, Pennsylvania 17110

HOLBERT ASSOCIATES  
(717) 540-9669