

A P P E A R A N C E S:

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WILKES-BARRE, PA

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* * * *

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ADMINISTRATIVE LAW JUDGE

1
2 LOVENWIRTH: Good morning. We'll now
3 commence an initial hearing concerning the
4 application of PA Mangione Trucking Company
5 at A-109823.

6 In this case, an application was
7 filed by PA Mangione Trucking Inc., on June
8 17th, 1991, seeking a right to begin to
9 transport as a common carrier by motor
10 vehicle kulm, silt, cinders, sands, gravel
11 and stone between points in the City of
12 Scranton, Lackawanna County, and within an
13 airline distance of 50 statute miles of the
14 limits thereof; subject to the following
15 conditions:

16 That no right, power or
17 privilege is granted to transport coal from
18 points in the counties of Luzerne and
19 Schuylkill two points of the counties of
20 Sullivan and Lycoming; and that no right,
21 power or privilege is granted to render
22 service in the counties of Monroe and Pike.

23 The rights sought are to be a
24 transfer of the rights authorized under the
25 certificate of public convenience issued by

1 the commission at A - 108238 to Joseph W.
2 Knorr subject to the same limitations and
3 conditions. All right. Now, in this case
4 the commission set as the last date of the
5 filing of protest the date of July 29th,
6 1991.

7 And advertisement of the filing
8 of the application of the last date of the
9 filing of the protests was effectuated in the
10 Pennsylvania bulletin on July 6, 1991.

11 Thereafter, protest were filed as follows:

12 On June 18th, 1991, by Joseph
13 Mihalka and Robert Romanski trading and doing
14 business as J & R Trucking Co. Also a
15 protest was filed on July 23, 1991, by Robert
16 Romanski trading and doing business as
17 Romanski Trucking.

18 And finally, a protest was filed
19 on July 22, 1991, by Joseph Mihalka trading
20 and doing business as Mihalka trucking. All
21 right.

22 I have before me the appearance
23 sheet which indicates that the applicant in
24 this case PA Mangione Trucking Inc. Is
25 represented this morning by it's Attorney

1 Joseph F. Saporito. Good morning, Mr.
2 Saporito.

3 MR. SAPORITO: Good morning,
4 sir.

5 JUDGE LOVENWIRTH: And the
6 appearance sheet indicates that James F.
7 Geddes, Jr., Esq., is here to represent
8 protestants. Good morning, Mr. Geddes.

9 MR. GEDDES: Good morning, Your
10 Honor.

11 JUDGE LOVENWIRTH: Do you
12 represent all three protestors? There are
13 technically three protestors.

14 MR. GEDDES: I filed a protest
15 on behalf of J & R Trucking Company.

16 JUDGE LOVENWIRTH: So you don't
17 represent Mr. Romanski or Mr. Mihalka
18 concerning the protest which they filed
19 concerning other protestants in the capacity
20 as --

21 MR. GEDDES: Not formally but I
22 do represent them in so far as they are
23 trading and doing business as J & R Trucking
24 Co.

25 JUDGE LOVENWIRTH: You're only

1 here to represent and to cross-examine and to
2 present witnesses concerning protests filed
3 by J & R Trucking Co?

4 MR. GEDDES: Yes.

5 JUDGE LOVENWIRTH: So that Mr.
6 Mihalka and Mr. Romanski should be given an
7 opportunity to participate concerning cross
8 examination, for example, concerning separate
9 protests; is that correct?

10 MR. GEDDES: If they would so
11 wish.

12 JUDGE LOVENWIRTH: Is Mr.
13 Mihalka and Mr. Romanski present?

14 MR. GEDDES: Yes, sir.

15 JUDGE LOVENWIRTH: Which one is
16 is which?

17 MR. MIHALKA: I'm Mihalka.

18 MR. ROMANSKI: I'm Romanski.

19 JUDGE LOVENWIRTH: Good
20 morning, Mr. Mihalka. Good morning, Mr.
21 Romanski. It's nice to have you with us,
22 Gentleman. Is that what you want to do?

23 I'll start with you, Mr.
24 Mihalka. You don't want Mr. Geddes to
25 represent you on separate protests; is that

1 correct, Mr. Mihalka?

2 MR. GEDDES: It really doesn't
3 matter.

4 JUDGE LOVENWIRTH: Well, why
5 don't you confer. I have to know. It's very
6 important because one protestant has
7 different rights issued to it by the
8 commission than another protestant.

9 It might effect it's standing
10 the cross-exam concerning certain issues.
11 All right. Do you understand what I'm
12 saying, Mr. Geddes?

13 We'll go off the record for a
14 moment.

15
16 (At this time, there
17 was a brief discussion held
18 off the record.)

19
20 MR. GEDDES: I think the
21 gentleman would desire to have me represent
22 them as well for the Mihalka Trucking and
23 Romanski Trucking.

24 So I'll represent all three as
25 far as cross examination is concerned.

1 JUDGE LOVENWIRTH: Now, Mr.
2 Saporito, I think I mentioned that you are
3 here on behalf of the applicant. Good
4 morning, sir.

5 MR. SAPORITO: Good morning,
6 sir.

7 JUDGE LOVENWIRTH: You wanted
8 to interject something when I was speaking on
9 the record. My version of the history of
10 these proceedings.

11 MR. SAPORITO: I've changed
12 mine. It's been covered.

13 JUDGE LOVENWIRTH: Very good,
14 thank you. All right. Mr. Saporito and Mr.
15 Geddes, are there any preliminary matters
16 before we proceed with the reception, Mr.
17 Saporito?

18 MR. SAPORITO: I haven't
19 discussed any with him. If you want to
20 stipulate the Applicant's Exhibits to be part
21 of the record.

22 JUDGE LOVENWIRTH: You want to
23 go off the record so you can confer with him
24 for a moment? Is that what you to do?

25 MR. SAPARITO: Yes.

1 (At this time, there was
2 a brief discussion held
3 off the record.)
4

5 MR. SAPORITO: We've agreed
6 myself as counsel with PA Mangione Trucking
7 and James Geddes as the attorney for the
8 protestants that the application as filed
9 will be part of the record.

10 The exhibits will develop to
11 make it part of the evidence. We'll submit
12 it as evidence, but the application itself
13 would be part of the record.

14 JUDGE LOVENWIRTH: But you're
15 not -- are you also stipulating that the
16 information set forth in the application is
17 true and correct?

18 Mr. SAPORITO: We will develop
19 the exhibits, the information as evidence.

20 JUDGE LOVENWIRTH: All right.
21 Very good. Are there any other preliminary
22 matters?

23 Mr. SAPORITO: None.

24 MR. GEDDES: We might also
25 stipulate to have the protests of the various

1 parties part of the record.

2 MR. SAPORITO: Yes. That's all
3 right. I agree.

4 JUDGE LOVENWIRTH: Very good.
5 Again you're not stipulating as to the truth
6 of the information set forth on these various
7 pleadings you just made part of the record by
8 stipulation; is that correct?

9 MR. SAPORITO: We stipulated
10 that the protests have been filed.

11 JUDGE LOVENWIRTH: Very good.
12 Anything else preliminarily, gentleman?

13 MR. GEDDES: Not at all.

14 JUDGE LOVENWIRTH: Do you want
15 to call your witness, Mr. Saporito? Good
16 morning, sir. Please remain standing for a
17 moment. What is your name?

18 THE WITNESS: Joseph W. Knorr.

19 JUDGE LOVENWIRTH: And you
20 spell your name K-n-o-r-r?

21 THE WITNESS: Yes

22 JUDGE LOVENWIRTH: It's nice to
23 have you with us, Mr. Knorr.

24 THE WITNESS: Thank you.

25

1 J O S E P H W. K N O R R ,
2 WAS CALLED TO THE STAND, HAVING BEEN DULY
3 SWORN, WAS EXAMINED AND DEPOSED AS FOLLOWS:
4

5 JUDGE LOVENWIRTH: Mr.
6 Saporito.

7 DIRECT EXAMINATION
8 BY MR. SAPORITO:

9 Q. Give your name and address,
10 please.

11 A. Joseph W. Knorr, 28 Sullivan
12 Street, Ashley, PA.

13 Q. You lived at one time at 520 Ash
14 Street, Scranton when you first obtained your
15 PUC rights?

16 A. I was a partner of consumers at
17 one time.

18 JUDGE LOVENWIRTH: You said Ash
19 Street?

20 MR. SAPORITO: Ash, A-s-h.

21 JUDGE LOVENWIRTH: And you said
22 you were a partner in consumers at one time?

23 THE WITNESS: Yes, sir.

24 BY MR. SAPORITO:

25 Q. But your present address is 28

1 Sullivan Street, Ashley Pennsylvania?

2 A. Yes.

3 Q. Mr. Knorr, do you hold any
4 certificate of public convenience for the
5 Pennsylvania Public Utility Commission?

6 A. Yes, I do.

7
8 (At this time, Applicant's
9 Exhibit No. 1 was marked
10 for identification.)

11
12 JUDGE LOVENWIRTH: All right.
13 We'll return to the record, Mr. Saporito.

14 BY MR. SAPORITO:

15 Q. Mr. Knorr, are you the holder of
16 a certificate of public convenience number
17 A - 00108238?

18 A. Yes.

19 Q. I show you what's been marked as
20 exhibit Applicant's Exhibit No. 1. Do you
21 recognize that?

22 A. Yes.

23 Q. Is that the certificate that's
24 been issued to you by the Pennsylvania Public
25 Utility Commission?

1 A. Yes.

2 Q. And you presently hold this?

3 A. Yes.

4

5 (At this time, Applicant's

6 Exhibit No. 2 was marked

7 for identification.)

8

9 BY MR. SAPORITO:

10 Q. Mr. Knorr, I show you what's
11 been marked Exhibit No. 2 and ask you if you
12 recognize that?

13 A. Yes.

14 Q. This defines what your rights
15 are under that certificate?

16 A. Yes.

17 JUDGE LOVENWIRTH: I want you to
18 keep your voice up a little bit, please.

19 BY MR. SAPORITO:

20 Q. I've shown you Exhibit No. 2.
21 Does that spell out your rights under the PUC
22 certificate?

23 A. Yes, they do.

24 Q. Would you read that for the
25 record, please.

1 A. To transport as a Class D
2 carrier --

3 JUDGE LOVENWIRTH: Read more
4 slowly, please.

5 THE WITNESS: To transport as a
6 Class D carrier coal, culm, silt, cinders,
7 sand, gravel and stone between points in the
8 City of Scranton, Lackawanna County, and
9 within airline distance of 50 miles of the
10 limits thereof.

11 JUDGE LOVENWIRTH: It's 50
12 statute miles.

13 THE WITNESS: Statute miles.

14 JUDGE LOVENWIRTH: Subject to
15 the following conditions.

16 THE WITNESS: Subject to the
17 following conditions. That no right, power,
18 or privilege is granted to transport coal
19 from points in the countries of Luzerne and
20 Schuylkill to points in the counties of
21 Sullivan or Lycoming that no right, power, or
22 privilege is granted to render service in the
23 counties of Monroe and Pike.

24 JUDGE LOVENWIRTH: That's all
25 right. That's the end. When was it issued

1 on January 18th, 1989; is that correct?

2 THE WITNESS: Yes.

3 BY MR. SAPORITO:

4 Q. And attached to that is the
5 schedule of rights, is that correct, that you
6 have filed?

7 A. Yes.

8 Q. And that shows a rate being 8
9 cents per ton, per mile, for coal, culm,
10 silt, cinder, sand and stone?

11 A. Yes.

12 Q. And miles will be determined
13 from the odometer of the vehicle; is that
14 correct?

15 A. Yes.

16 Q. How long have you been operating
17 under the rights as given in the certificate,
18 Mr. Knorr?

19 A. Since January of 1989.

20 Q. And from whom did you purchase
21 that certificate or those rights?

22 A. Consumers Coal Company, I
23 believe it was, the field company.

24 Q. And that was back in 1989?

25 A. Back in 1989.

1 Q. Do you know how long they've had
2 that certificate?

3 A. A long time. I don't really
4 don't know how long.

5 Q. In any event, did you purchase
6 it in '89 and you are the holder of that and
7 you are operating under that certificate
8 since the time you purchased this in 1989,
9 right?

10 A. Yes.

11 Q. Januray of 1989?

12 A. Yes.

13 Q. Do you have any unpaid business
14 debts, Mr. Knorr?

15 A. Under that, no.

16 Q. You filed your tariff, your
17 insurance requirements and everything that is
18 required, annual reports and assessment
19 reports, have you not?

20 A. Yes.

21 Q. And you are now in the process
22 of transferring this certificate to PA
23 Mangione Trunking Company Inc; is that
24 correct?

25 A. Yes.

1 Q. That's PA Mangione Trucking Inc.
2 And you entered into a written agreement with
3 PA Mangione Trucking Inc., did you not, in
4 connection with the transfer?

5 A. Yes.

6 JUDGE LOVENWIRTH: Do you want
7 this exhibit marked Applicant's Exhibit No.
8 3?

9 MR. SAPORITO: Yes.

10 JUDGE LOVENWIRTH: All right.
11 Give the court reporter a moment, and we'll
12 go off the record for that purpose.

13
14 (At this time, Applicant's
15 Exhibit No. 3 was marked
16 for identification.)

17
18 JUDGE LOVENWIRTH: All right.
19 We'll return to the record, Mr. Saporito.

20 BY MR. SAPORITO:

21 Q. Mr. Knorr, I show you a copy of
22 an agreement, written agreement, dated
23 January 29, 1991, between yourself and Joseph
24 W. Knorr at PA Mangione Trucking Inc. Is
25 that the agreement that you reached with

1 reference to the sale of your franchise
2 rights of the PUC certificate?

3 A. Yes, that's it.

4 Q. And I show you the second page
5 appears a signature Joseph W. Knorr. Is that
6 your signature?

7 A. Yes, it is.

8 Q. And the agreed consideration is
9 \$2,000; is that correct?

10 A. Yes.

11 Q. Have you received a deposit on
12 that?

13 A. Yes, I have.

14 Q. How much have you received?

15 A. \$200.

16 Q. And the agreement states that is
17 all subject to the approval of the
18 Pennsylvania Public Utility Commission?

19 A. Yes.

20 Q. So that it's not approved the
21 \$200 will be returned?

22 A. Yes.

23 Q. If it is approved then the
24 balance of \$18,000 will be paid to you?

25 A. Yes.

1 Q. Are you selling any of your
2 equipment in connection with this transfer,
3 Mr. Knorr?

4 A. No, I'm not.

5 Q. In other words, PA Mangione
6 Trucking is not buying equipment?

7 A. No.

8 Q. Just the PUC certificate?

9 A. Just the PUC.

10 Q. And the price they paid is
11 \$2,000?

12 A. Correct.

13 Q. And that's the agreed purchase,
14 right?

15 A. Yes.

16 Q. And you agree that's reasonable
17 price for those rights?

18 A. Yes.

19 MR. SAPORITO: Cross-examine.

20 JUDGE LOVENWIRTH: Mr. Geddes.

21 CROSS EXAMINATION

22 BY MR. GEDDES:

23 Q. Mr. Knorr, as I appreciate it,
24 you acquired these rights in January of 1989;
25 is that correct?

1 A. Yes, it is.

2 Q. And you executed an agreement to
3 sell at approximately two years later in
4 January of 1991?

5 A. Yes.

6 Q. And the only item that you are
7 purporting or proposing to sell to the
8 applicant here is the Class D certificate
9 that you have or the rights under it?

10 A. Yes.

11 Q. Do you have any equipment --

12 A. Yes, I do.

13 Q. -- that you used in connection
14 with this business?

15 A. Yes.

16 Q. And what equipment did you have
17 or do you have?

18 A. I have a 78 Mack Tractor, 78
19 Ford Tri-axil and a 75 International Tandem,
20 and '84 Chevy Highlift.

21 Q. And you are not selling any of
22 of those pieces of equipment to the
23 applicant?

24 A. No.

25 Q. How much business activity has

1 your enterprise generated during the calendar
2 year so far in 1991?

3 JUDGE LOVENWIRTH: By your
4 enterprise, you mean his enterprise?

5 MR. GEDDES: Joseph Knorr
6 Trucking.

7 JUDGE LOVENWIRTH: Under the
8 certificate.

9 MR. GEDDES: Under the
10 certificate, yes.

11 THE WITNESS: Under the
12 certificate very little because I'm hauling
13 all my own coal now. The reason I acquired
14 the PUC was I had other work that I needed it
15 for.

16 JUDGE LOVENWIRTH: So your
17 answer is very little in this year, you've
18 done very little public transportation?

19 THE WITNESS: Actually, I
20 thought that this transfer would be over a
21 lot quicker than it was.

22 BY MR. GEDDES:

23 Q. Why are you selling your rights?

24 A. Mainly I have other interests.

25 Q. What type of service did you

1 render during the two and a half year period
2 that you've owned the rights?

3 A. I haul coal and ash. Coal to
4 various points within the area I was allowed
5 to.

6 Q. Do you know how many other Class
7 D carriers there are in the Luzerne
8 Lackawanna County area?

9 A. No, I don't.

10 JUDGE LOVENWIRTH: You mean
11 they are authorized to transport the same
12 type of product, same type of commodities?

13 MR. GEDDES: Yes.

14 THE WITNESS: I don't know.

15 BY MR. GEDDES:

16 Q. Is there a great deal of
17 competition in hauling products of the nature
18 for which you had a license here?

19 A. There wasn't what I was doing
20 the last couple years. As a matter of fact,
21 we were hauling under the same, for the same
22 company J & R and myself at the same time.
23 There was no problem then.

24 Q. What about during the current
25 year, 1991?

1 A. Like I said I haven't really
2 done that much this year.

3 JUDGE LOVENWIRTH: By that you
4 mean you haven't done much with it under the
5 PUC and normal transportation under these
6 rights. Have you done some?

7 THE WITNESS: Not much.

8 BY MR. GEDDES:

9 Q. You previously identified
10 certain trucks that you owned. Are they
11 currently licensed and registered to operate
12 in Pennsylvania?

13 A. They are not all licensed, no,
14 just the ones I'm using.

15 Q. And which ones would they be?

16 A. That would be the Highlift, the
17 '84.

18 JUDGE LOVENWIRTH: The '84
19 Highlift?

20 THE WITNESS: Yeah.

21 BY MR. GEDDES:

22 Q. So the other vehicles
23 extensively are out of service at the present
24 time?

25 A. At the present time.

1 MR. GEDDES: I have no further
2 questions, Your Honor.

3 JUDGE LOVENWIRTH: Any
4 redirect, Mr. Saporito?

5 MR. SAPORITO: Yes.

6 REDIRECT EXAMINATION

7 BY MR. SAPORITO:

8 Q. If you receive any requests for
9 your services on the PUC certificate, would
10 you honor those requests?

11 A. Yes, I would have to, you know.

12 Q. And if per chance the transfer
13 is not approved, would you continue to stay
14 in business on our request?

15 A. Yes.

16 MR. SAPORITO: That's all.

17 JUDGE LOVENWIRTH: Anything
18 else? Thank you very much, Mr. Knorr. May
19 this witness be excused? Anybody need him
20 for anything else? Do you want to move your
21 exhibits in?

22 MR. SAPORITO: We offer the
23 exhibits into evidence. Exhibits Nos. 1, 2,
24 & 3.

25 JUDGE LOVENWIRTH: Applicants

1 Exhibits 1, 2 & 3 are made part of the
2 record.

3
4 (At this time, Applicant's
5 Exhibit Nos. 1-3 were
6 admitted.)

7
8 JUDGE LOVENWIRTH: What is your
9 full name, please?

10 THE WITNESS: Peter Al
11 Mangione.

12 P E T E R A L M A N G I O N E,
13 WAS CALLED TO THE STAND, HAVING BEEN DULY
14 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

15
16 JUDGE LOVENWIRTH: You may be
17 seated, sir. Mr. Saporito.

18 DIRECT EXAMINATION

19 BY MR. SAPORITO:

20 Q. Could you give your name and
21 address, please?

22 A. Peter Al Mangione, 510 South
23 Main Street, Pittston PA 18640.

24 Q. Are you presently engaging in
25 any business, Mr. Mangione?

1 A. I am.

2 Q. And what business is that?

3 A. Trucking business.

4 Q. And what name is that you
5 operate under?

6 A. I'm trading under PA Mangione
7 Trucking Inc.

8 Q. And that's a corporation, is it
9 not?

10 A. Yes, it is.

11 Q. And what office address do you
12 have?

13 A. Rear 510 South Main Street
14 Pittston, PA 18640.

15 Q. How many stock holders are there
16 in the corporation?

17 A. I'm the sole stock holder at
18 this point.

19 Q. And who are the officers?

20 A. I am all the elected officers.

21 Q. You're the only officer of the
22 corporation, president, secretary?

23 A. President, secretary.

24 JUDGE LOVENWIRTH: Do you want
25 to mark an exhibit, Applicant's Exhibit No.

1 4.

2 JUDGE LOVENWIRTH: We'll take a
3 moment to do that and go off the record.

4
5 (At this time, applicant's
6 Exhibit No. 4 was marked
7 for identification.)
8

9 BY MR. SAPORITO:

10 Q. Mr. Mangione, I show you what's
11 been marked Applicants Exhibit No. 4 and ask
12 you what that is?

13 A. That would be my certificate of
14 the corporation.

15 Q. And the date of that certificate
16 is July 3rd, 1989; is that correct?

17 A. That is correct.

18 Q. And that shows the corporation
19 of your company; is that correct?

20 A. That is correct.

21 Q. And this is issued by the
22 Department of State, Commonwealth of
23 Pennsylvania, is that right?

24 A. That's right.

25 JUDGE LOVENWIRTH: We'll go off

1 the record and please mark the next document
2 as Applicant's Exhibit No. 5.

3
4 (At this time, Applicant's
5 Exhibit No. 5 was marked
6 for identification.)

7
8 JUDGE LOVENWIRTH: All right,
9 Mr. Saporito.

10 BY MR. SAPORITO:

11 Q. Mr. Mangione, I show you what's
12 been marked as Applicant's Exhibit No. 5 and
13 ask you if you recognize that as the articles
14 of corporation for the company of yours?

15 A. I do.

16 Q. Is that a true and correct copy
17 of the articles of corporation?

18 A. It is.

19 Q. And this has been filed with the
20 state; is that correct?

21 A. That is correct.

22 Q. Mr. Mangione, does your company
23 have any other certificates of public
24 convenience or whatever with the State
25 Commerce Commission or the PUC?

1 A. We do hold common carrier rights
2 at the Interstate Commerce Commission.

3 JUDGE LOVENWIRTH: Now, Mr.
4 Mangione, there's another company which I
5 believe it's indicated by this commission
6 called Alfonso Mangione issued in that name.
7 Are you familiar with those rights?

8 THE WITNESS: Those rights are
9 no longer in his possession.

10 JUDGE LOVENWIRTH: So there's
11 no Alfonso?

12 THE WITNESS: Alfonso V.
13 Mangione is retired.

14 JUDGE LOVENWIRTH: He doesn't
15 have any rights?

16 THE WITNESS: No.

17 JUDGE LOVENWIRTH: All right,
18 because I know that he's been in here a
19 couple times over the past several years.
20 Thank you.

21 MR. SAPORITO: These rights
22 have been transferred, Your Honor.

23 JUDGE LOVENWIRTH: Very good,
24 Mr. Saporito.

25 JUDGE LOVENWIRTH: All right.

1 Do you want this marked as A-6? We'll give
2 the court reporter a moment to mark the
3 exhibit already handed to her as Applicants
4 Exhibit No. 6.

5
6 (At this time, Applicant's
7 Exhibit No. 6 was marked
8 for identification.)
9

10 JUDGE LOVENWIRTH: Mr.

11 Saporito.

12 BY MR. SAPORITO:

13 Q. Mr. Mangione, I show you what's
14 been marked Applicant's Exhibit No. 6 and ask
15 you whether or not this is a true and correct
16 copy of the certificate number MC-221472
17 issued to PA Mangione Trucking Inc. by the
18 Interstate Commerce Commission?

19 A. It is.

20 Q. And does that spell out on the
21 rear of that exhibit the rights that you have
22 on that certificate?

23 A. It does.

24 Q. Just for the record, would you
25 read what your rights are under that

1 certificate, please.

2 A. To operate as a common carrier
3 by motor vehicle in interstate or foreign
4 commerce over irregular routes transporting
5 commodities and both between those points in
6 the U.S. on an east of a line beginning at
7 the mouth of the Mississippi River and
8 extending along the Mississippi River to its
9 junction with the western boundary of Itasca
10 County, Minnesota.

11 Then north toward along the
12 western boundaries of the Itasca and
13 Kolchiching Counties, Minnesota to the
14 international boundary line between the U.S.
15 and Canada.

16 Q. Mr. Mangione, are you presently
17 operating under those rights under that
18 certificate?

19 A. I am.

20 Q. And how long have you been
21 operating those rights?

22 A. Since 1983 or 1989.

23 Q. Now, Mr. Mangione, you have
24 agreed to purchase the rights of the PUC
25 certificate number A-001088238 issued to

1 Joseph Knorr?

2 A. I have.

3 Q. I show you what's been marked
4 Applicants Exhibit No. 3 and ask you whether
5 or not that's the agreement that you have
6 with Mr. Knorr to purchase those rights?

7 A. That is the agreement.

8 Q. And I show you page No. 2 shows
9 a signature of Peter Mangione as president of
10 PA Mangione Trucking Inc. Is that your
11 signature?

12 A. That's my signature.

13 Q. And you agreed the purchase
14 price is \$2,000?

15 A. That is correct.

16 Q. And you've deposited how much
17 money?

18 A. \$200.

19 Q. And the balance to be paid when
20 approval is made by the PUC?

21 A. That is correct.

22 Q. Are you purchasing any of the
23 equipment?

24 A. No.

25 Q. You need any of his equipment?

1 A. Not at this time.

2 JUDGE LOVENWIRTH: Give the
3 court reporter an opportunity to mark the
4 next exhibit Applicant's Exhibit No. 7.

5
6 (At this time, Applicant's
7 Exhibit No. 7 was marked
8 for identification.)

9
10 JUDGE LOVENWIRTH: Mr.
11 Saporito.

12 BY MR. SAPORITO:

13 Q. Mr. Mangione, I show you what's
14 been marked Applicant's Exhibit No. 7 and ask
15 you whether or not this is a true and correct
16 copy of statement financial condition and
17 statement of income for the period ending
18 December 31, 1990, which is filed with your
19 application for transfer?

20 A. It is.

21 Q. Is that a true and correct copy?

22 A. True and correct copy.

23 Q. Now, since December 31, 1990,
24 Mr. Mangione, has there been any substantial
25 change in your income?

1 A. At this point I would say yes
2 because the accountant still hasn't gotten
3 everything together yet for this quarter but
4 we have shown an increase.

5 Q. You have shown an increase since
6 December 31, 1991?

7 JUDGE LOVENWIRTH: Is this true
8 and correct?

9 THE WITNESS: It is.

10 BY MR. SAPORITO:

11 Q. The information that appears on
12 this exhibit is true an correct, it is not?

13 A. Yes, it is. That was what was
14 submitted.

15 Q. Will you please give us your
16 experiance and background in the field of
17 trucking?

18 A. I was born and raised in the
19 trucking business. I worked for my father up
20 until 1985 when I purchased my own truck, and
21 I was then leased on with my father until he
22 sold out, and then I got into it on my own.

23 I applied for my own ICC
24 authority, and I've been operating since this
25 under the corporation since 1989.

1 Q. You've been driving dump trucks?

2 A. Tractor trailers.

3 Q. How long, how many years?

4 A. 13 years.

5 Q. 13 years. And do you have any
6 experience as to a mechanic? Can you repair
7 the trucks?

8 A. I do. I repair them now.

9 Q. And you are able to repair and
10 maintain the trucks, is that correct, to use
11 in the business?

12 A. I do that now.

13 Q. How many trucks do you have?

14 A. I own two tractors and three
15 trailers.

16 Q. Do you have a 1979 freight liner
17 tractor?

18 A. I do.

19 Q. A 1985 freight liner tractor?

20 A. I do.

21 Q. A 1977 Trailco dump trailer?

22 A. That would be Trailco.

23 JUDGE LOVENWIRTH: Trainco dump
24 trailer. Is that what you said?

25 MR. SAPORITO: Dump trailer,

1 that is correct.

2 BY MR. SAPORITO:

3 Q. And a 1973 hill dump trailer?

4 A. I do. And also I've added a
5 1985 Raven aluminum dump trailer.

6 JUDGE LOVENWIRTH: Could you
7 spell that, please?

8 THE WITNESS: Raven, R-a-v-e-n
9 dump trailer.

10 BY MR. SAPORITO:

11 Q. And if the transfer rights is
12 approved, would you use these trucks in the
13 business?

14 A. I would.

15 Q. If you were granted these rights
16 of Mr. Knorr's, would they in any way
17 interfere with your services given to the ICC?

18 A. No.

19 Q. Would your service that you've
20 given to the ICC interfere with the services
21 you would do under the rights as being
22 transferred?

23 A. No.

24 Q. If any additional trucks are
25 needed, would you acquire the same?

1 A. Yes. I would acquire the trucks
2 if I needed. I could use them instantly with
3 leased operators.

4 JUDGE LOVENWIRTH: You could do
5 what?

6 THE WITNESS: I could use
7 leased operators if I needed the truck
8 immediately.

9 JUDGE LOVENWIRTH: You mean you
10 could lease equipment?

11 THE WITNESS: Exactly. I do
12 that now when I need trucks and if a job is
13 going to have longevity we will make the
14 investment of buying the equipment.

15 BY MR. SAPORITO:

16 Q. Would your trucks be more than
17 adequate to take care of the needs that would
18 be required as on the certificate that's
19 transferred to you?

20 A. They are.

21 Q. Do you have a safety program for
22 your drivers or employees that you use in the
23 operation?

24 A. Drivers whether they are leased,
25 whether they drive, whether they are on the

1 payroll, they have to go through a driver's
2 test. I have a drug screening test which is
3 on file at Care Works.

4 JUDGE LOVENWIRTH: Care Works.

5 THE WITNESS: NPW Hospital
6 Medical Center. They go for road tests,
7 written tests, and they also have to have a
8 clean MVR report.

9 Q. What's that?

10 A. Motor vehicle report which comes
11 from Harrisburg.

12 Q. Who administers the driver's
13 tests?

14 A. I do.

15 Q. Do you instruct them in any way
16 before they operate your trucks?

17 A. I do.

18 Q. And what way is that?

19 A. I put them in a truck, and
20 before we start out I ask them what their
21 capable of doing. They tell me if this valve
22 is for the brakes, accelerator, clutch.

23 They have to take a written test
24 before the driver's test is actually given
25 for their knowledge.

1 Q. You say you have a drug testing
2 procedure?

3 A. Yes. That was mandatory
4 December 21, 1990, by the Federal Department
5 of Transportation.

6 Q. And what's the procedure on
7 that?

8 A. Urine analysis test has to be
9 done by an independent laboratory.

10 Q. And you've done that with the
11 present drivers you have?

12 A. I have.

13 Q. And you would continue to use
14 those same tests for drivers you use under
15 other PUC rights that you are seeking to
16 acquire now; is that correct?

17 A. I will.

18 Q. Has your county ever been issued
19 any a citations for violations of the Public
20 Utility Code or regulations?

21 A. No.

22 Q. If the transfer is approved by
23 the PUC, would you be capable of carrying out
24 and performing the services requested and
25 required for the service accommodation,

1 convenience, or safety of the public?

2 A. Yes.

3 Q. And would you adopt the rates as
4 filed by Mr. Knorr?

5 A. Yes.

6 Q. Do you carry --

7 JUDGE LOVENWIRTH: Well,
8 commission sets the rates. I mean, you would
9 ask them to approve a tariff. Is that what
10 you are saying?

11 BY MR. SAPORITO:

12 Q. If you were to adopt the rates,
13 would you ask the commission to approve?

14 A. Yes.

15 Q. Or for that matter after a
16 certain period of time if you figure the
17 rates should be increased you then would ask
18 the commission for approval?

19 A. Yes. I'd submit an application
20 to the commission.

21 Q. And would you carry the
22 necessary insurance as required by the PUC
23 commission?

24 A. The necessary insurance would
25 have to be carried due to the fact that I

1 have common carrier ICC rights already.

2 Q. And you will have -- what
3 insurance is required under the PUC?

4 A. Under the PUC.

5 Q. And you will meet all the
6 requests that you may receive after the
7 certificate has been transferred to you; is
8 that correct?

9 A. That is correct.

10 MR. SAPORITO: Cross-examine

11 CROSS EXAMINATION

12 BY MR. GEDDES:

13 Q. Mr. Mangione, you indicated that
14 you originally worked for your father who had
15 PUC rights?

16 A. That is correct.

17 Q. And that your father sold the
18 rights at some point after 1985. Do you know
19 when they were sold?

20 A. I believe it was 1989 if I'm not
21 mistaken February.

22 Q. And do you know whom those
23 rights were sold?

24 A. J & R Trucking Company.

25 Q. Do you work or did work for

1 J & R Trucking after that transfer?

2 A. I did.

3 Q. Is that with your own truck
4 vehicles or with vehicles owned by them?

5 A. My own tractor trailer.

6 JUDGE LOVENWIRTH: You mean
7 they leased your vehicle?

8 THE WITNESS: Yes.

9 JUDGE LOVENWIRTH: And they
10 leased your services also?

11 THE WITNESS: Correct.

12 BY MR. GEDDES:

13 Q. Out of curiosity, why in 1989 if
14 you were in the trucking business and you
15 formed this corporation, Mangione Trucking
16 Inc., did not you acquire your father's
17 rights at that time?

18 A. At that time my father was in
19 ill health. He was trying to get disability
20 but he couldn't at that point, and he felt
21 felt the only way he was going to be able to
22 survive was to sell the business. I could
23 not acquire the money at that time.

24 Q. Now, on your statement of
25 financial condition, you indicate gross

1 operating revenues of 347,000.

2 Of that on expenses 262,000 is
3 purchase transportation. Would you explain
4 what that means?

5 A. That would be leased operators.

6 Q. In other words, that's what you
7 pay to our people who own they're own trucks.

8 A. Subcontractor.

9 JUDGE LOVENWIRTH: Just one
10 please at a time. The court reporter court
11 can't take two at a time. The question was
12 in other words,. That's what you paid to --

13 BY MR. GEDDES:

14 Q. Subcontractors?

15 A. Subcontractors.

16 MR. SAPORITO: For the record,
17 Mr. Geddes, it also says lease expense on
18 that same item.

19 MR. GEDDES: Right.

20 BY MR. GEDDES:

21 Q. Was all of this work done under
22 the ICC certificate?

23 A. It was.

24 Q. Now, the type of tractors or the
25 type of trailers that you have are dump

1 trailers?

2 A. That is correct.

3 Q. Do they have any specific use in
4 the trucking industry?

5 A. For bulk materials, coal, sand,
6 stone, salt, gravel, road salt.

7 Q. Are those items you normally
8 would carry in interstate commerce?

9 A. Basically, yes. I've been doing
10 that since 1989.

11 Q. Am I to understand that you have
12 not been hauling within the State of
13 Pennsylvania for the two year period then?

14 A. No.

15 JUDGE LOVENWIRTH: You mean
16 between points?

17 BY MR. GEDDES:

18 A. Between points in Pennsylvania?

19 A. I haven't had the need to.

20 Q. Well, you now are applying for a
21 transfer of Mr. Knorr's rights. Who do you
22 anticipate would need your services at this
23 point?

24 A. Well, I operate a call in
25 service. Someone calls upon me for a rate, I

1 entertain their rate. I'm doing work now
2 for --

3 JUDGE LOVENWIRTH: What do you
4 mean you entertain work?

5 THE WITNESS: I mean, I
6 entertain their business in need time. I
7 would quote them a rate per service. I'm
8 working for Reading Anthracite at this point.
9 I do a lot of their interstate work.

10 JUDGE LOVENWIRTH: What does
11 that have to do with the question about
12 intrastate?

13 THE WITNESS: Pardon?

14 JUDGE LOVENWIRTH: What does
15 that have to do with the question that Mr.
16 Geddes just asked you about where you are
17 going to get intrastate business?

18 THE WITNESS: Reading
19 Anthracite has asked me on numerous occasions
20 if I had PUC authority to transport certain
21 items. I don't have that at this point.

22 BY MR. GEDDES:

23 Q. Where is Reading Anthracite
24 located?

25 A. Their main office is in

1 Pottsville.

2 Q. That would be in Schuylkill
3 County?

4 A. That is correct.

5 JUDGE LOVENWIRTH: How far is
6 that from Scranton? It's more than 50 miles,
7 right?

8 THE WITNESS: Yes, but they
9 have another plant in Mahanoy City which is
10 within 50 miles.

11 JUDGE LOVENWIRTH: Of Scranton.

12 THE WITNESS: Also Lehigh
13 Valley Coal Sales I do business with on an
14 interstate level, they call me.

15 BY MR. GEDDES:

16 Q. Where are they located?

17 A. West Pittston, PA with plants in
18 Hazleton and Shenandoah.

19 Q. Have you ever done work for that
20 entity before?

21 A. I'm doing work at present,
22 interstate work.

23 Q. Are those entities utilizing
24 other callers for work within the State of
25 Pennsylvania at this time?

1 A. I would imagine so.

2 MR. GEDDES: No further
3 questions, Your Honor.

4 JUDGE LOVENWIRTH: Any
5 Redirect?

6 REDIRECT EXAMINATION

7 BY MR. SAPORITO:

8 Q. Mr. Mangione, have any others
9 bequested to your services that would come
10 under the PUC?

11 A. Yes, they have.

12 Q. Who are they?

13 A. Brokers such as Lijomma Sales.

14 Q. Where are they located?

15 A. They are located in Nanticoke
16 and Kentucky.

17 JUDGE LOVENWIRTH: And what
18 have they requested you to do?

19 THE WITNESS: They are coal
20 brokers.

21 JUDGE LOVENWIRTH: What have
22 they asked you?

23 THE WITNESS: They called me
24 and asked me for rates to transport within
25 the state on specific commodities when they

1 are bidding jobs. As I said, I cannot do
2 that at this point. I've hauled for them
3 interstate wise and Popple Brothers Coal
4 Company.

5 JUDGE LOVENWIRTH: What about
6 them?

7 THE WITNESS: Duryea.

8 JUDGE LOVENWIRTH: What about
9 them?

10 THE WITNESS: They called me.
11 I've hauled for them on an interstate level.
12 They asked me to quote them rates on local
13 work.

14 BY MR. SAPORITO:

15 Q. What kind of work?

16 A. Hauling rock hole into their
17 plants.

18 JUDGE LOVENWIRTH: Hauling
19 what?

20 THE WITNESS: Rock hole. When
21 they are getting ready for entertaining
22 state bids more or less to the hospitals.
23 They've called me but I cannot quote them a
24 rate and also Ashley Anti-skid Aggregate
25 Company.

1 BY MR. SAPORITO:

2 Q. Where are they are located?

3 A. Their office is in Old Forge.

4 MR. GEDDES: Excuse me, Your
5 Honor. Can I establish when these calls were
6 received?

7 JUDGE LOVENWIRTH: You can
8 recross afterwards. Ashley Anti-skid
9 Aggregate Company, Old Forge, PA and also
10 Suscon Sales.

11 JUDGE LOVENWIRTH: S-u-s --

12 THE WITNESS: C-o-n.

13 BY MR. SAPORITO:

14 Q. Where are they located?

15 A. Mildred, Pennsylvania.

16 Q. And what kind of a request did
17 you get from them?

18 A. From time to time call for rates
19 going to certain areas in Pennsylvania. I've
20 hauled for them on an interstate level.

21 Q. And have they asked to haul
22 under the PUC rights if you were to obtain
23 them?

24 A. Yes.

25 Q. Anyone else?

1 A. At this point here I've gotten
2 quite a few customers I haul on an interstate
3 level. Those are a few.

4 Q. Anybody else?

5 A. McClure Enterprizes. They are
6 in excavating and coal.

7 Q. Where are they located?

8 A. Old Forge, PA.

9 Q. Is that David Domiano?

10 JUDGE LOVENWIRTH: I didn't
11 hear you.

12 BY MR. SAPORITO:

13 Q. Is that David Domiano?

14 A. Yes.

15 Q. These requests that you are
16 testifying to, when did you receive them,
17 within the past year or six months or when
18 did you receive them?

19 A. Over the past two years.

20 Q. When was the last time you say
21 you received these requests?

22 A. I received a request about three
23 weeks ago from Popple Brothers, James Popple.
24 He had known that I was in the process of
25 purchasing PUC and called me and asked me if

1 I had acquired it yet.

2 JUDGE LOVENWIRTH: Why did he
3 want to know that?

4 THE WITNESS: Well, he had work
5 that he had to get moved.

6 JUDGE LOVENWIRTH: And did he
7 tell you what kind of work that had to be
8 moved?

9 THE WITNESS: It was rock hole
10 he had to move in.

11 JUDGE LOVENWIRTH: From where
12 to where or don't you know?

13 THE WITNESS: A point in
14 Scranton, one rail bed, small rail bed which
15 he needed the trucks immediately and it was
16 to his plant in Duryea. I couldn't quote him
17 a rate because I don't have the PUC authority
18 as of yet to do it.

19 BY MR. SAPORITO:

20 Q. Did they indicate that they
21 would support your --

22 MR. GEDDES: Objection, Your
23 Honor.

24 JUDGE LOVENWIRTH: Sustained.

25 MR. SAPORITO: That's all I

1 have.

2 RECROSS EXAMINATION

3 BY MR. GEDDES:

4 Q. Mr. Mangione, you did not
5 acquire or get verified statements from any
6 of these entities that you said called you to
7 support your application, have you?

8 A. I have two witnesses here.

9 Q. Yeah, but you don't have one
10 from McClure Enterprise?

11 A. I do. He is here.

12 Q. Popple Brothers?

13 A. Popple did not make it.

14 Q. Reading Anthracite?

15 A. Salesman is here, representative
16 for them.

17 Q. But for the other ones that you
18 mentioned --

19 A. And Ashley Anti-skid.

20 JUDGE LOVENWIRTH: What about
21 Ashley Anti-skid?

22 THE WITNESS: Their president
23 is here to -- Ashley Anti-skid and David
24 Domiano are the same. And he also possesses
25 McClure Enterprises.

1 BY MR. GEDDES:

2 Q. Isn't it a fact that you've been
3 soliciting your father's old customers that
4 now essentially are customers of J & R
5 Trucking?

6 MR. SAPORITO: Objection.

7 JUDGE LOVENWIRTH: On what
8 ground?

9 MR. SAPORITO: I don't see the
10 necessity or the relevancy of the question.
11 I'd like to say this too, Your Honor. I
12 think we're are going beyond what's required
13 of transfer of certified rights. We are
14 going into a field of public that's not the
15 issue here.

16 JUDGE LOVENWIRTH: It's
17 overruled. I don't know either if it's
18 relevant but it might be.

19 MR. SAPORITO: Pardon me?

20 JUDGE LOVENWIRTH: I don't know
21 either if it's relevant but it might be.
22 Do you understand the question?

23 THE WITNESS: Will you repeat
24 it?

25 JUDGE LOVENWIRTH: Are you now

1 soliciting customers, old customers, that
2 your dad used to have and who are presently
3 being serve by J & R? Wasn't that your
4 question?

5 MR. GEDDES: Yes.

6 THE WITNESS: No. When I got
7 into this business I was tied in with Reading
8 Anthracite. They gave me a whole new list of
9 customers and from word of mouth I've had
10 customers call me that my dad had serviced in
11 the past.

12 JUDGE LOVENWIRTH: But you
13 haven't contacted them?

14 THE WITNESS: I have not.

15 MR. SAPORITO: No further
16 questions, Your Honor.

17 JUDGE LOVENWIRTH: Any
18 redirect?

19 MR. SAPORITO: No.

20 JUDGE LOVENWIRTH: I
21 dont'understand this statement which has been
22 marked A-7. I'm going to ask you a few
23 questions.

24 THE WITNESS: Sure.

25 EXAMINATION

1 BY JUDGE LOVENWIRTH:

2 Q. In expenses you say equipment,
3 maintenance, and garage expense. I didn't
4 hear anything about a garage or about any
5 equipment maintenance expense. He didn't
6 mention anything about that. What does that
7 mean?

8 A. Well, maintenance would be
9 tires, oil, parts.

10 JUDGE LOVENWIRTH: But you
11 don't hire an outside mechanic to do any?

12 A. I do.

13 Q. Oh, you do.

14 A. I maintain them until Winter
15 months come in and then I have outside people
16 come in and maintain these vehicles.

17 Q. Because you are too busy doing
18 something else?

19 A. Well, basically I'm driving in
20 the Winter time myself.

21 Q. What does garage expenses mean?

22 A. That would more or less be where
23 I keep the trucks and where I have them. I
24 rent one lot in West Pittston, and I keep the
25 other one at the rear of the business.

1 Q. Excuse me, please, also?

2 A. Also garage expenses would
3 entail when a truck goes to a dealer to have
4 something major done to it.

5 Q. Which vehicle do you store
6 where?

7 A. I store the 1985 freight liner
8 in West Pittston.

9 Q. At a vacant lot?

10 A. A lot with a garage.

11 Q. A lot with a garage. So you
12 store it inside a garage?

13 A. I don't store it inside the
14 garage. I utilize the garage if I need it.
15 It's a rental agreement with the owner of the
16 garage.

17 Q. So it's stored outside of the
18 garage?

19 A. Right.

20 Q. And you pay him rent?

21 A. Correct.

22 Q. And the other vehicles stored
23 where?

24 A. The other vehicle is stored at
25 the rear of it, 510 South Main Street.

1 Q. And where do you perform
2 maintenance?

3 A. Perform maintenance outside in
4 the yard area there.

5 Q. What yard area?

6 A. The rear of 510 South Main
7 Street.

8 Q. That's where you do all your
9 repair work?

10 A. My maintenance.

11 Q. That's what?

12 A. Major repair work, big repair
13 work is sent out.

14 Q. So you just do routine
15 maintenance; is that correct?

16 A. Routine maintenance, breaks.

17 Q. I understand. Now, you have
18 listed here, you have a third item on this
19 Exhibit A-7. Do you have that in front of
20 you, A-7, sir?

21 A. I don't have that.

22 Q. If you would be kind enough to
23 look at it, Mr. Mangione. The third column
24 under expenses called employee salaries. Do
25 you see that, sir?

1 A. Correct.

2 Q. And you have no number next to
3 that.

4 A. That is correct because when
5 this was filed I did not have the 1985
6 freight liner.

7 Q. But now you have an employee?

8 A. I do.

9 Q. How many employees do you have?

10 A. I have one.

11 Q. And what does he do for you?

12 A. He's a driver.

13 Q. So you and he are the only two
14 employees of the corporation?

15 A. That is correct.

16 Q. And when you're on the road, who
17 is at 510 South Main Street, if anyone?

18 A. I have my mother which takes
19 messages, and I operate with a Cellular
20 phone.

21 Q. What do you have at 510 South
22 Main Street?

23 A. I have a small office in the
24 rear of the home.

25 Q. Whose home is it?

1 A. It is my mother's home. I rent
2 the other half off her. It's a double block.
3 I rent the other half off her.

4 Q. It's a half of a double?

5 A. Yes.

6 Q. So you live in one half and your
7 mother lives in the other half?

8 A. I do. The rear of 510 South
9 Main would be -- no. 508 South Main would
10 actually be the office which I you work out
11 of.

12 Q. So that's part of your -- the
13 room you set aside in your living quarters;
14 is that correct?

15 A. No. It is separate. There is a
16 petitioned wall.

17 Q. All right. And your mother
18 answers the phone for you?

19 A. Yes. She does take calls for
20 me.

21 Q. But she's not a salaried
22 employee?

23 A. No.

24 Q. Now, the next to the last item
25 is called rent expense, equipment expense.

1 What does that mean, \$14,612? I don't
2 understand what that means?

3 A. Where?

4 Q. The next under owners expenses,
5 sir, the next to the last item right before
6 utilities.

7 A. All right. The corporation owns
8 one truck and trailer. The other truck is
9 owned by myself personally, and this truck
10 was on a lease. These were the lease
11 expenses for that truck.

12 Q. All right. So earlier when you
13 answered Mr. Saporito's question you
14 identified two trailers as being owned by the
15 corporation. You are mistaken?

16 A. No. Two trailers are owned by
17 the corporation.

18 Q. Two tractors?

19 A. Two tractors are owned by the
20 corporation at the present time. These were
21 transferred.

22 Q. But in 1990 you owned one of
23 them?

24 A. Right, correct.

25 Q. All right. So the answer to the

1 question is correct but if you had been asked
2 the questions in 1990, the answers would have
3 been different?

4 A. Correct.

5 Q. I understand.

6 A. When it came time for licensing,
7 renewing the licenses, we retitled them to
8 the corporation.

9 JUDGE LOVENWIRTH: Are there
10 any additional questions? Have my questions
11 prompted any?

12 MR. SAPORITO: No.

13 MR. GEDDES: No, Your Honor.

14 JUDGE LOVENWIRTH: All right.
15 Thank you very much.

16 MR. SAPORITO: We move for the
17 admission into evidence Applicant's Exhibit
18 Nos. 4, 5, 6, & 7.

19 JUDGE LOVENWIRTH: Any
20 objections?

21 MR. GEDDES: No, Your Honor.

22 JUDGE LOVENWIRTH: They are
23 made part of the record.

24 (At this time, Applicant's

25 Exhibit Nos. 4-7 were

1 admitted)

2 MR. SAPORITO: Your Honor, can
3 we good off the record for a minute?

4 JUDGE LOVENWIRTH: Yes.

5

6 (At this time, there was
7 a brief discussion held
8 off the record.)

9

10 JUDGE LOVENWIRTH: While we had
11 an off the record discussion Mr. Saporito
12 mentioned to me that it was his opinion after
13 having researched the law his client doesn't
14 have the burden of proving public need or
15 necessity or words to that effect. Isn't
16 that what you said, Mr. Saporito?

17 MR. SAPORITO: Yes. That's
18 with the transfer of certificate of the
19 public convenience and I'll reissue it.

20 JUDGE LOVENWIRTH: Why are you
21 bringing that to my attention?

22 MR. SAPORITO: We seem to be
23 going into that proof of --

24 JUDGE LOVENWIRTH: You'll have
25 to decide what you need to do and what you

1 don't need to do. I can't give you legal
2 advice in that regard.

3 MR. SAPORITO: I'm not asking
4 for legal advice. I'm asking for a ruling.

5 JUDGE LOVENWIRTH: I don't have
6 any motion from -- you want me to rule
7 beforehand what your burden of proof is? I
8 won't do that.

9 MR. SAPORITO: All right. We
10 rest.

11 JUDGE LOVENWIRTH: All right.
12 The applicant having rested we'll take a five
13 minute recess.

14 (At this time,
15 a short recess
16 was taken.)

17 JUDGE LOVENWIRTH: We'll return
18 to the record at this time.

19 MR. GEDDES: I'd like to first
20 call Mr. Robert Romanski.

21 JUDGE LOVENWIRTH: Good
22 morning, Mr. Romanski. It's nice to have you
23 with us here.

24 THE WITNESS: Good morning,
25 Your Honor.

1 JUDGE LOVENWIRHT: Do you spell
2 your name R-o-m-a-n-s-k-i?

3 THE WITNESS: Yes.

4
5 R O B E R T R O M A N S K I,
6 WAS CALLED, AND HAVING BEEN DULY SWORN, WAS
7 EXAMINED AND TESTIFIED AS FOLLOWS:

8
9 JUDGE LOVENWIRTH: Now, is this
10 witness appearing on behalf of all, of two
11 protestants?

12 MR. GEDDES: Yes, Your Honor.
13 On his own behalf as the owner of Romanski
14 Trucking and as a partner in J & R Trucking
15 Company.

16 JUDGE LOVENWIRTH: All right.
17 Very good. Thank you.

18 DIRECT EXAMINATION

19 BY MR. GEDDES:

20 Q. Mr. Romanski, will you state
21 your address for the record, please?

22 A. 10 Union Street Inkerman,
23 Pittston, PA.

24 Q. And in what business are you
25 engaged at the present time?

1 A. Trucking business.

2 Q. And where do you conduct your
3 trucking business?

4 A. 10 Union Street.

5 Q. Do you have PUC Class D carrier
6 rights under the name of Romanski Trucking?

7 A. I do.

8 Q. And is that the same set of
9 rights as are identified as Appendix A to the
10 protest filed on behalf of Romanski Trucking
11 which is already been stipulated into the
12 record?

13 A. Yes, they are.

14 Q. Would you read or indicate what
15 your rights are with Romanski Trucking?

16 A. To transport as a Class D
17 carrier coal, sand, gravel, stone, asphalt
18 bituminous materials, and dump trucks between
19 points in the township of Jenkins, Luzerne
20 County, and with an airline distance of 50
21 statute miles of limits of the said township.

22 Q. Approximately how far is Jenkins
23 Township from the City of Scranton?

24 A. Statute miles about 10.

25 JUDGE LOVENWIRTH: What is the

1 statute miles?

2 THE WITNESS: In air miles
3 straight.

4 BY MR. GEDDES:

5 Q. So you roughly are in the
6 similar area and overlap the authority that
7 the applicant here is seeking to purchase
8 from Mr. Knorr?

9 A. Yes.

10 Q. Are you also a partner in J & R
11 Trucking Company?

12 A. Yes.

13 Q. And I ask if you can identify
14 the operating authority as set forth in
15 Appendix A to the protest filed on behalf of
16 J & R Company?

17 JUDGE LOVENWIRTH: Keep you're
18 voice up.

19 THE WITNESS: Yes, I can.

20 BY MR. GEDDES:

21 Q. And could you indicate for the
22 record what authority J & R Trucking has?

23 A. To transport as a Class D
24 carrier sand, gravel, stone, and coal between
25 points in the counties of Luzerne and

1 Lackawanna. To transport has a Class D
2 carrier coal in the points of counties from
3 Northumberland to points in the County of
4 Luzerne.

5 To transport as a Class D
6 carrier coal between points in the County of
7 Northumberland. To transport as a class D
8 carrier coal from the points in the Counties
9 of Luzerne to Lackawanna to points in the
10 County of Northumberland. To transport as a
11 class D carrier prepared coal for --

12 JUDGE LOVENWIRTH: I didn't hear
13 you. To transport as a class D carrier.
14 Then I didn't hear you.

15 THE WITNESS: Prepared coal.

16 JUDGE LOVENWIRTH: Prepared
17 coal.

18 THE WITNESS: For Centralia
19 Coal Sales Company between points in the
20 Counties of Carbon, Lackawanna, Luzerne,
21 Monroe, Northumberland, Schuylkill, Wayne,
22 and that portion of Snyder County being east
23 of U.S. highway route 15.

24 To transport as a Class D
25 carrier coal from Carbon Sales Inc. sell to

1 South Tamaqual Coal Products, South Tamaqual
2 Anthracite Company, and John Pothole Trucking
3 Company between points in the counties of
4 Schuylkill, Northumberland, Luzerne, and
5 Lackawanna.

6 Q. And are many of these counties
7 or is this area in Northeastern Pennsylvania?

8 A. Yes, they are.

9 Q. And would much of that territory
10 come within the scope of the radius set forth
11 in the authority the applicant is seeking to
12 purchase?

13 A. Yes, it would.

14 Q. Now, how long have you as
15 Romanski Trucking held the Class D rights you
16 have with that entity?

17 A. March of 1978.

18 Q. And when did you and Mr. Mihalka
19 acquire the rights for J & R Trucking?

20 A. 1989.

21 Q. From whom did you as J & R
22 Trucking acquire your rights?

23 A. Alfonso Mangione.

24 Q. And that was in 1989?

25 A. Yes, it was.

1 Q. Will you indicate what you paid
2 for those rights at that time?

3 A. \$50,000.

4 Q. Do you know the applicant or the
5 president of the applicant company here
6 today, Mr. Mangione?

7 A. I do.

8 Q. And has he in the past done work
9 for you as J & R trucking?

10 A. He has.

11 Q. What trucks or equipment do you
12 have in your capacity as Romanski Trucking?

13 A. One piece of equipment.

14 Q. And what equipment does J & R
15 Trucking Company own?

16 A. It has fourteen power units and
17 ten trailers.

18 Q. And when you say power units, do
19 you mean trucks or tractors?

20 A. Yes. Well, it's seven
21 tri-axils, seven tractors, and ten trailers.

22 Q. Can you indicate for the judge
23 what business activity or what the level of
24 your business activity is at the present time
25 with J & R Trucking?

1 A. My level, my capacity?

2 Q. Well, how busy are you, in other
3 words?

4 A. Well, it's mediocre at the
5 moment, maybe 70 percent. We're not running
6 at a full capacity.

7 JUDGE LOVENWIRTH: What do you
8 mean at the moment? You mean during the
9 months, the early part of October 1991. Is
10 that what you mean by at the moment or you
11 mean something else?

12 THE WITNESS: What's the
13 question? Is it at the present time?

14 BY MR. GEDDES:

15 Q. At the present time, right now,
16 during this month?

17 A. At the present time, Your Honor,
18 about 70 percent capacity.

19 Q. In other words, 30 percent of
20 your equipment is idle?

21 A. Yes, it is.

22 Q. What about overall during the
23 course of this current calendar year of 1991?

24 A. Stay pretty busy. We try to run
25 100 percent if possible.

1 Q. Do you think there's a need for
2 any additional Class D service or continued
3 Class D service in the area?

4 MR. SAPORITO: Same objection.

5 JUDGE LOVENWIRTH: Overruled.

6 THE WITNESS: No, I don't.

7 BY MR. GEDDES:

8 Q. Do you have any idea how many
9 other Class D carriers there are in the
10 Scranton, Wilkes-Barre or Luzerne, Lackawanna
11 County area?

12 A. No, I don't.

13 Q. Are there a number of them?

14 A. Numerous.

15 Q. Are you familiar with Mr.
16 Knorr's business activities?

17 A. Sort of more or less.

18 Q. And do you know what he has been
19 doing within the past year?

20 A. Nothing that I know of. We
21 filled one or two of his voids they left when
22 he discontinued his business.

23 Q. You have heard testimony from
24 Mr. Mangione regarding services he would
25 purport to provide. Can you tell me whether

1 or not that's the same type of service to the
2 same types of customers that you are
3 currently providing?

4 A. Yes, it is.

5 Q. He mentioned the names of
6 various companies with which he has done
7 business. Have you done business with any of
8 those same businesses?

9 A. I have and I do.

10 Q. Which ones, for example?

11 A. Popple Brothers, Suscon Sales.

12 Q. Do you believe that if this
13 transfer is approved that some of your
14 traffic and revenue would be diverted from
15 your business to Mr. Mangione's?

16 A. I believe so. Yes, it will.

17 Q. How would that effect your
18 businesses?

19 A. Well, put us in a down hill
20 slump.

21 Q. When you purchased your PUC
22 rights from Alfonso Mangione two years ago,
23 in addition to that, did you purchase any
24 other business from him or business rights?

25 JUDGE LOVENWIRTH: By you, you

1 mean J & R?

2 BY MR. GEDDES:

3 Q. By J & R Trucking.

4 A. Yes, we did.

5 Q. And what did you purchase?

6 A. ICC Authority.

7 Q. Did you purchase any customer
8 lists or business --

9 A. There was ICC Authority with the
10 customer. They came right with it.

11 Q. And how much did you pay for
12 that?

13 A. \$50,000.

14 Q. And then for \$50,000 you
15 purchased the Pennsylvania rights?

16 A. Yes, sir.

17 JUDGE LOVENWIRTH: You paid
18 \$100,000?

19 THE WITNESS: Yes, sir.

20 BY MR. GEDDES:

21 Q. And did the customers supposedly
22 come with the Pennsylvania Utility Commission
23 rights too?

24 A. Yes, sir.

25 Q. And then in addition to that you

1 brought some equipment from him?

2 A. Yes, sir.

3 JUDGE LOVENWIRTH: I don't know
4 what you mean the customers came with it.
5 You mean you got a list of the customers? Is
6 that what you mean?

7 THE WITNESS: We bought a
8 commission, Your Honor. It was the authority
9 with the ongoing business.

10 JUDGE LOVENWIRTH: Oh, so, in
11 other words, there were contracts for ongoing
12 transportation services with customers; is
13 that correct?

14 THE WITNESS: Yes. We picked
15 right up where he left off.

16 JUDGE LOVENWIRTH: And those
17 contracts were transferred to you? Is that
18 what you mean?

19 THE WITNESS: Well, they were
20 all verbal agreements.

21 BY MR. GEDDES:

22 Q. Do you know whether or not Mr.
23 Mangione or the applicant here though Mr.
24 Mangione has been contacting any of the
25 customers that you acquired in your purchase

1 of your business?

2 JUDGE LOVENWIRTH: Though Mr.
3 Mangione, the one who just testified?

4 BY MR. GEDDES:

5 Q. Yes, Peter Mangione.

6 A. Yes, he has.

7 Q. And how do you know this?

8 A. Because they have contacted us,
9 and he has contacted them.

10 Q. These same customers?

11 A. Yes, sir.

12 MR. GEDDES: Cross-examine.

13 CROSS EXAMINATION

14 BY MR. SAPORITO:

15 Q. Mr. Romanski, are you familiar
16 with Consumer Fuel of Scranton?

17 A. Yes, sir.

18 Q. And have they been in business
19 under the PUC rights at the same time you
20 were say during the same time you worked?

21 A. I don't understand your
22 question, sir.

23 Q. You've been engaged in business
24 with PUC rights as Romanski Trucking since
25 March of 1978. That's what you testified to;

1 is that correct?

2 A. Yes, sir.

3 Q. During that time, was Consumer
4 Fuel of Scranton in business?

5 A. I really don't know.

6 Q. You said you do know of them,
7 don't you?

8 A. Yes, sir. Yes, we service them.

9 Q. You service them?

10 A. Yes, sir.

11 Q. What kind of business were they
12 in?

13 JUDGE LOVENWIRTH: When?

14 BY MR. SAPORITO:

15 Q. Since 1978?

16 A. Well, I can't answer from 1978.
17 I can't answer at the present which was in
18 the retail coal operation.

19 Q. You heard Mr. Knorr testify that
20 he purchased the rights under the PUC from
21 Consumer Fuel; is that correct?

22 A. Yes.

23 Q. And you are aware that they had
24 those same rights Consumer Fuel had prior to
25 the sale though Mr. Knorr; is that right?

1 A. Well, I know they have the
2 rights. Now, I know I didn't know it.

3 Q. You didn't know before then?

4 A. No, sir.

5 JUDGE LOVENWIRTH: You know now
6 because Mr. Knorr said that?

7 THE WITNESS: Yes. It's been
8 brought to my attention.

9 BY MR. SAPORITO:

10 Q. Did you know that Mr. Knorr was
11 engaged in that business since 1989?

12 A. Yes, I was.

13 Q. And he had the same territory as
14 he has now; is that correct?

15 A. Yes, sir.

16 Q. There's been no change?

17 JUDGE LOVENWIRTH: Well, you
18 answered yes to both of those questions; is
19 that correct?

20 THE WITNESS: Excuse me?

21 JUDGE LOVENWIRTH: You answerd
22 yes to both of those questions, did you?

23 THE WITNESS: Yes.

24 JUDGE LOVENWIRTH: Yes, there's
25 been no change, in other words.

1 BYMR. SAPORITO:

2 Q. Mr. Romanski, has J & R Trucking
3 ever been cited for violation of PUC
4 regulations?

5 A. No, sir.

6 Q. Never cited?

7 A. I don't believe so.

8 Q. Well, you would know, wouldn't
9 you?

10 A. As an officer of the company
11 what we have, we have office personnel that
12 handle that type of paperwork. I'm sure they
13 probably were cited by the PUC one time or
14 another.

15 Q. They were or were not?

16 A. Probably were, yes.

17 Q. Probably were. Do you know for
18 a fact that they were, Mr. Romanski?

19 A. No, I don't.

20 Q. You don't know that for a fact?

21 A. No, sir. What kind of cite,
22 what kind of violation?

23 Q. Illegal moves.

24 A. More or less I'd say yes, they
25 were.

1 Q. Outside of the territory that's
2 authorized by your rights?

3 A. Yes.

4 Q. How many times?

5 A. I can't answer that.

6 Q. Your company ever receive any
7 complaints about your drivers going too fast?

8 MR. GEDDES: Objection. I
9 don't know. Outside the scope of my direct
10 quite a bit.

11 JUDGE LOVENWIRTH: That isn't
12 at issue here. Am I missing something that
13 the contestant doesn't have a right to
14 operate unlawfully is in any way germane to
15 these proceedings?

16 MR. SAPORITO: Well, he is
17 testifying to the fact that they can do the
18 services that Mr. Knorr has.

19 JUDGE LOVENWIRTH: You are
20 saying they couldn't do it because they are
21 not safe. Is that your point?

22 MR. SAPORITO: What I'm saying
23 is that they are. That's one of my
24 considerations sure.

25 JUDGE LOVENWIRTH: But that's

1 your point?

2 MR. SAPORITO: That's my point.

3 JUDGE LOVENWIRTH: Overruled.

4 BY MR. SAPORITO:

5 Q. Have there been reports from
6 some of your customers that your drivers were
7 going too fast for conditions?

8 A. No.

9 Q. Never had any complaints about
10 your drivers of any kind?

11 A. No.

12 Q. Have you had any complaints
13 about your service?

14 A. Never.

15 Q. Never had any explaints about
16 that?

17 A. No, sir.

18 MR. SAPORITO: That's all.

19 JUDGE LOVENWIRTH: Any
20 redirect?

21 MR. GEDDES: No, Your Honor.

22 JUDGE LOVENWIRTH: Thank you
23 very much.

24 MR. GEDDES: I'd like to call
25 Joseph Mihalka.

1 Company has?

2 A. To transport as a Class D
3 carrier and lawfully prepare coal for mines,
4 breakers, and strippings, operations in the
5 counties of Luzerne, Lackawanna, Wayne, and
6 Susquehanna.

7 To points in the said counties
8 provided no hauling shall cease a distance of
9 25 miles from point of origin to points of
10 destination.

11 To transport as a Class D
12 carrier sand, gravel, stone, cement, brick,
13 and lumber in dump trucks between points in
14 the counties of Luzerne, Lackawanna, Wayne
15 and Susquehanna providing no hauling shall
16 exceed a distance between 25 miles from
17 points of origin to points of destination.

18 Q. Mr. Mihalka, you're familiar
19 with the authority that the applicant is
20 proposing to acquire here from Mr. Knorr, are
21 you not?

22 A. Yes.

23 Q. And would your authority under
24 Mihalka Trucking fall within that same
25 geographical area?

1 A. Yes.

2 Q. Are you also a partner in J & R
3 Trucking Company?

4 A. Yes.

5 Q. And that is with Mr. Romanski?

6 A. Yes.

7 Q. Mr. Romanski when he was on the
8 stand readout the operating authority that J
9 & R Trucking Company has. Are you familiar
10 with that authority?

11 A. Yes.

12 Q. And is that the authority that
13 J & R trucking has?

14 A. Yes.

15 Q. How long have you held authority
16 as Mihalka Trucking Company?

17 A. 1973. I don't know exact dates.

18 Q. Together with Mr. Romanski, did
19 you purchase the J & R Trucking Company
20 rights from Alfonso Mangione in 1989?

21 A. Yes.

22 Q. And you've heard Mr. Romanski's
23 testimony regarding the prices you paid for
24 the authorities you purchased?

25 A. Yes, they are true.

1 Q. That's all true.

2 JUDGE LOVENWIRTH: Well, J & R
3 never purchased anything from this applicant;
4 isn't that correct?

5 THE WITNESS: No, his dad.

6 BY MR. GEDDES:

7 Q. What equipment does Mihalka
8 Trucking Company own?

9 A. I have two trucks.

10 Q. What business activity or what
11 is the level of your business activity at the
12 present point in time with Mihalka Trucking
13 as far as business goes?

14 A. Well, we more or less operate
15 the business as J & R. Me and Bobby are the
16 last ones because were drivers and that's
17 about 70 percent. We have trucks sitting
18 today that we don't have any work for.

19 Q. If this transfer of authority is
20 granted or approved, would it conflict with
21 your authority?

22 A. I believe so because Peter would
23 have his trucks working up interstate and
24 cuts down on our work.

25 JUDGE LOVENWIRTH: He already

1 has his trucks working interstate.

2 THE WITNESS: I mean
3 intrastate, my mistake.

4 BY MR. GEDDES:

5 Q. Do you believe that traffic and
6 revenue that you presently have might be
7 diverted from your business to his?

8 A. Yes.

9 Q. Do you know whether or not he
10 has attempted to solicit any customers that
11 you acquired when you purchased your rights
12 from his father?

13 A. Yes, he did.

14 MR. SAPORITO: Objection.

15 JUDGE LOVENWIRTH: All right.
16 I overruled your objection the last time but
17 now that I've heard the full examination,
18 cross examination, of the last witness, I
19 don't see how that's in any way shape or form
20 germane to this proceeding.

21 If one of the witnesses said,
22 for example, that the transfer previously is
23 a corporation and that this witness was the
24 principal in that corporation and that it was
25 covadent not to compete or something like

1 that then I would consider that to be
2 germain, but we don't have anything like that
3 here.

4 MR. GEDDES: No, not precisely.

5 JUDGE LOVENWIRTH: So this time
6 I'm going to sustain the objection.

7 BY MR. GEDDES:

8 Q. Did you know Mr. Peter Mangione?

9 A. Yes.

10 Q. Who testified here today. Has
11 he ever worked for J & R trucking?

12 A. Yes.

13 Q. For what periods of time, if you
14 recall?

15 A. I'd say it was right after we
16 purchased Alfonso's rights. He worked maybe
17 three, six months. I'm not positive. I'd
18 have to look at the records from when he was
19 paid. We paid him every week.

20 Q. Did he work as an employee or as
21 a leased operator?

22 A. Leased operator.

23 JUDGE LOVENWIRTH: Leased his
24 equipment, is that what you mean?

25 THE WITNESS: Yes.

1 BY MR. GEDDES:

2 Q. And the charter?

3 A. Right.

4 MR. GEDDES: No further
5 questions.

6 JUDGE LOVENWIRTH: All right.
7 You'd like to cross-examine?

8 CROSS EXAMINATION

9 BY MR. SAPORITO:

10 Q. Mr. Milhalka, you say you've
11 been engaged as Mihalka Trucking since 1973?

12 A. Yes. I've been in business
13 since 1972. 1973 I purchased the PUC.

14 Q. So since 1973 then you've been
15 engaged in business at the same time that
16 Consumer Fuel was under the PUC rights that
17 they transferred to Joseph Knorr; is that
18 correct?

19 A. Yes.

20 Q. So then you're still engaged in
21 the same business even with Mihalka or J & R
22 at the same time as Joseph Knorr has operated
23 under the same certificate of public
24 convenience; is that correct?

25 A. Yes.

1 Q. So this is the same certificate
2 that Mr. Mangione through PA Mangione Trucking
3 Inc., is trying to acquire the rights; is
4 that correct?

5 A. Yes.

6 MR. SAPORITO: That's all we
7 have.

8 JUDGE LOVENWIRTH: Any
9 redirect?

10 REDIRECT EXAMINATION

11 BY MR. GEDDES:

12 Q. Mr. Mihalka, were you aware that
13 Mr. Knorr's rights were for sale at all?

14 A. No.

15 Q. Were you aware that Mr. Knorr
16 had acquired them from Consumer Fuel?

17 A. No.

18 Q. Until today's hearing during
19 this?

20 A. Right until today.

21 MR. GEDDES: That's all.

22 JUDGE LOVENWIRTH: Anything
23 else? Thank you very much. Do you have any
24 additional witnesses?

25 MR. GEDDES: We have no further

1 witnesses.

2 JUDGE LOVENWIRTH: Do you have
3 any rebuttal, Mr. Saporito?

4 MR. SAPORITO: We rest, Your
5 Honor.

6 JUDGE LOVENWIRTH: Very good.
7 Then that will close this portion of this
8 case. Now, do you gentleman want to be
9 afforded the opportunity to file briefs to
10 demonstrate to me that the application should
11 be granted if the applicants met his burden
12 of proof or that it shouldn't be granted or
13 because the applicant has it or for whatever
14 other reasons if you want to be afforded that
15 opportunity. How about you, Mr. Saporito?

16 MR. SAPORITO: I have no
17 objection. If the Court would like to have a
18 brief I'd be happy to file a brief.

19 JUDGE LOVENWIRTH: Do you want
20 to file a brief? I'm asking you is that what
21 you want to do or not?

22 MR. GEDDES: Do you want to
23 file a brief in this case? I'm sure, you
24 know, the Court is aware of the law on the
25 subject.

1 JUDGE LOVENWIRTH: I wouldn't
2 be so sure. Besides there were factual issues
3 here. There are many factual issues and one
4 of which is the transfer or in this case
5 continued to provide public transportation
6 service because I think that's a crucial
7 factual issue.

8 They are factual issues that you
9 should address.

10 MR. GEDDES: I suppose it would
11 be helpful to file briefs.

12 JUDGE LOVENWIRTH: How about
13 you, Mr. Saporito?

14 MR. SAPORITO: We'll file a
15 brief.

16 JUDGE LOVENWIRTH: Then this is
17 what we'll do then. The record will not
18 close until after the briefing schedule in
19 about three weeks or so.

20 The court reporter will send me
21 a copy of the transcript and at that time I
22 will get a briefing letter out to you
23 formulating a briefing schedule and possibly
24 say within two weeks the applicant will file
25 an initial brief. And 10 days thereafter the

1 protestant may file a reply brief.

2 So that means we're talking
3 about anywhere from six to eight weeks. You
4 gentleman wouldn't be on vacation at that
5 time, will you? Very good.

6 All right. So that wouldn't be
7 a problem. Are all the exhibits moved into
8 the record? I think they are. Can you
9 gentleman, think of it any that aren't? Is
10 there any other business we can transact
11 today?

12 MR. SAPORITO: None that I know
13 of, Your Honor.

14 JUDGE LOVENWIRTH: Mr. Geddes?

15 MR. GEDDES: None, Your Honor.

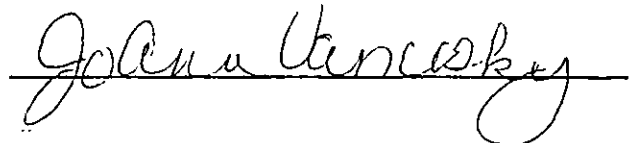
16 JUDGE LOVENWIRTH: Very good.

17 All right. Then there being no further
18 business to transact, we stand adjourned.
19 Thank you.

20
21 (At this time, the hearing
22 in the above-captioned matter
23 was concluded.)
24
25

STENOGRAPHER'S CERTIFICATE

I hereby certify that the proceedings and evidence are contained fully and accurately, to the best of my ability, in the stenographic notes taken by me on the hearing of the above cause, and that this copy is a correct transcript of the same.

A handwritten signature in cursive script, reading "Joan A. Kuncosky", is written over a horizontal line.

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