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COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

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 Application of Anthony S. Previte, :  
 t/d/b/a Dynasty Limousine Service : JAF  
 For the right to begin to transport, :  
 as a common carrier, by motor vehicle, :  
 persons, in limousine service, : Docket No.  
 between points in the counties of : A-00113304  
 Chester and Lancaster, and from :  
 points in the said counties, to :  
 points in Pennsylvania, and return. :  
 Initial Hearing :  
 ----- x

Pages 1 through 249 Hearing Room 1  
 13th Floor  
 Philadelphia State Office Building  
 Broad and Spring Garden Streets  
 Philadelphia, Pennsylvania

Thursday, January 2, 1997

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

BEFORE:

HERBERT SMOLEN, Administrative Law Judge

APPEARANCES:

RICHARD T. MULCAHEY, JR., Esquire  
 Two Penn Center - Suite 1400  
 1500 JFK Boulevard  
 Philadelphia, Pennsylvania 19102  
 (For Anthony S. Previte t/d/b/a  
 Dynasty Limousine Service)

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700 Lisburn Road  
 Camp Hill, Pennsylvania 17011

(717) 761-7150

1-800-334-1063

## 1 APPEARANCES: (Continued)

2 D. MARK THOMAS, Esquire  
3 JOHN FULLERTON, Esquire  
4 212 Locust Court - Suite 500  
5 Harrisburg, Pennsylvania 17101  
6 (For Krapf's Coaches,  
7 A La Carte Limousine,  
8 King Limousine)

9 MICHAEL S. ADELMAN  
10 940 North Providence Road F-8  
11 Media, Pennsylvania 19063  
12 (t/d/b/a Prestige Carriage)

13 KENNETH O. SPANG, III, Esquire  
14 484 Norristown Road  
15 Blue Bell, Pennsylvania 19422  
16 (For Lazer Limousine Services, Incorporated)

17 KEVIN O'DONNELL  
18 Ten North Madison Street  
19 Boyertown, Pennsylvania 19512  
20 (Always Limousine)

C O N T E N T S

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
James Fogerty				
(By Mr. Mulcahey)	24	--	--	--
(By Mr. Spang)	--	37	--	--
(By Mr. O'Donnell)	--	42	--	--
(By Mr. Adelman)	--	47	--	--
(By Mr. Fullerton)	--	49	--	--
Glenn Gallo-Cornell				
(By Mr. Mulcahey)	55	--	68	--
(By Mr. Spang)	--	61	--	--
(By Mr. O'Donnell)	--	62, 68	--	--
(By Mr. Adelman)	--	--	--	--
(By Mr. Fullerton)	--	63	--	--
John Norman				
(By Mr. Mulcahey)	70	--	87	--
(By Mr. Spang)	--	75	--	--
(By Mr. O'Donnell)	--	78	--	89
(By Mr. Adelman)	--	81	--	--
(By Mr. Fullerton)	--	82	--	89
Florence Dienna				
(By Mr. Mulcahey)	92	--	105	--
(By Mr. Spang)	--	99	--	--
(By Mr. O'Donnell)	--	103	--	--
(By Mr. Adelman)	--	--	--	--
(By Mr. Fullerton)	--	103	--	--
Henry Patrick Lieb				
(By Mr. Mulcahey)	106	--	122	--
(By Mr. Spang)	--	116	--	--
(By Mr. O'Donnell)	--	117	--	122
(By Mr. Adelman)	--	--	--	--
(By Mr. Fullerton)	--	119	--	--
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<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Theodore Thomas Aicher				
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(By Mr. Adelman)	--	--	--	--
(By Mr. Fullerton)	--	161	--	--
Jean Marie Pawlowski				
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(By Mr. Adelman)	--	--	--	--
(By Mr. Fullerton)	--	169	--	--
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FORM 2

C O N T E N T S (Continued)

E X H I B I T S

NUMBER FOR IDENTIFICATION IN EVIDENCE

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8	✓	No. A-3 ✓ (Résumé of Mr. Previte) ✓	208	246
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14	✓	No. A-8 ✓ (Credit report of ✓ Mr. Previte)	208	246
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FORM 2

P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE HERBERT SMOLEN: This is the matter of the application of Anthony S. -- Previte, is it?

MR. MULCAHEY: Previte.

JUDGE SMOLEN: -- Previte, t/d/b/a Dynasty Limousine Service. The Docket No. is A-00113304. My name is Herbert Smolen, Administrative Law Judge, assigned by the Commission to hear the evidence in this case and to render an initial decision in writing.

I note for the record that appearances have been entered as follows: Richard Mulcahey, Jr., Esquire, on behalf of the Applicant; Mark Thomas and John Fullerton, Esquire -- Esquires, on behalf of Krapf's Coaches, A La Carte Limousine and King Limousine; is that correct?

MR. FULLERTON: Yes.

JUDGE SMOLEN: Michael S. Adelman, t/d/b/a Prestige Carriage, representing himself; Kevin O. Spano (sic) III, representing Lazer Limousine Services, Incorporated; and Kevin O'Donnell, representing Allways Limousine.

Mr. O'Donnell, are you an attorney?

MR. O'DONNELL: No.

JUDGE SMOLEN: Is Allways Limo a corporation or is it an individual proprietorship?

MR. O'DONNELL: Individual proprietorship.

JUDGE SMOLEN: So you are the the principal?

FORM 2

1 MR. O'DONNELL: Yes.

2 JUDGE SMOLEN: Are there any other appearances? Sir?

3 MR. CHEST: I'm the owner of Lazer Limousine, sir. I  
4 may be called to testify.

5 JUDGE SMOLEN: But you have a Counsel?

6 MR. CHEST: Yes, sir, but I always attend the hearings  
7 with him.

8 JUDGE SMOLEN: That's no problem. You can testify  
9 when your Counsel calls you.

10 Before proceeding with the the taking of testimony,  
11 there are preliminary matters which we have to discuss.

12 MR. SPANG: Yes, Your Honor, Kenneth Spang for Lazer  
13 Limousine.

14 JUDGE SMOLEN: Yes.

15 MR. SPANG: We have an outstanding motion for  
16 sanctions pending.

17 JUDGE SMOLEN: What, you want to go into it, and then  
18 we'll hear response?

19 MR. SPANG: Very briefly, Your Honor, when Lazer  
20 Limousine Service protested, we requested a list of names and  
21 addresses of witnesses the Applicant intended to present, at  
22 least three weeks prior to the hearing. On December 19th, I  
23 was served with a list of witnesses by Counsel for Applicant,  
24 which was not within the three-week period requested by Lazer  
25 Limousine. Applicant did not request an extension of time or

1 protective order from that discovery.

2 As a result of Applicant's failure to timely serve  
3 that witness list, we have been unable to serve  
4 interrogatories on the individuals identified on that list  
5 and, therefore, we are prejudiced in that we do not have all  
6 the information that we would need to fully prepare for this  
7 particular hearing.

8 JUDGE SMOLEN: When did you receive the witness list?

9 MR. SPANG: The correspondence is dated December 19th.  
10 I would assume I received it on the 20th, Your Honor.

11 JUDGE SMOLEN: So you had at least ten days at that  
12 point, to the end of the year?

13 MR. SPANG: Yes, with the understanding that there was  
14 two holidays in that period.

15 JUDGE SMOLEN: I understand. How much time did you  
16 anticipate that you needed? You wanted it 30 days --

17 MR. SPANG: Yes, Your Honor.

18 JUDGE SMOLEN: -- prior?

19 MR. SPANG: Well, we requested three weeks prior in  
20 order to serve interrogatories on the witnesses; and as a  
21 result of the late receipt and the intervening holidays, we  
22 were unable to serve discovery on those individuals.

23 JUDGE SMOLEN: So you served no discovery?

24 MR. SPANG: That's correct. We filed the motion for  
25 sanctions.

1 MR. MULCAHEY: May I respond, Your Honor?

2 JUDGE SMOLEN: Yes.

3 MR. MULCAHEY: I received the motion by letter dated  
4 December 23rd, 1996. I'd like to point out that the  
5 Commission sent the notice of the hearing date on December  
6 16th; and three days later, we submitted the written  
7 testimony of the Applicant, together with all the exhibits  
8 and a list of the witnesses with their addresses -- names and  
9 addresses. That was three days after the notice came out  
10 from the Commission of the hearing date.

11 With respect to the --

12 JUDGE SMOLEN: Wait. Before you go on, when was your  
13 -- Mister -- is it Spano?

14 MR. SPANG: Spang, Your Honor.

15 JUDGE SMOLEN: What is it, S-p-a-n-g?

16 MR. SPANG: G.

17 JUDGE SMOLEN: G, I'm sorry.

18 MR. SPANG: That's okay.

19 JUDGE SMOLEN: When did you serve your request for  
20 discovery?

21 MR. SPANG: If I may consult with my client?

22 JUDGE SMOLEN: Yes.

23 MR. SPANG: Thank you.

24 (Pause.)

25 MR. SPANG: It was mailed September 18th -- I'm sorry,

1 September 16th and received on September, it looks like 18th,  
2 Your Honor.

3 JUDGE SMOLEN: Okay. So you served it September --  
4 sometime between September 16th and the 18th; is that  
5 correct?

6 MR. SPANG: Yes, and I have a signed return receipt  
7 card, which I can introduce as evidence.

8 JUDGE SMOLEN: Well, just give me the date.

9 MR. MULCAHEY: Your Honor, I can stipulate that it was  
10 the -- it was with the protest. As part of the protest --

11 JUDGE SMOLEN: All I'm doing is looking for a date  
12 here.

13 MR. MULCAHEY: September -- well, it was received  
14 September 20th in my office.

15 MR. SPANG: If I may, September 18th.

16 JUDGE SMOLEN: Well, all right. Just hold onto that.  
17 He stipulated --

18 MR. MULCAHEY: It's either the 17th or the 20th.

19 JUDGE SMOLEN: Not a problem. It was in September,  
20 September 18 or the 20th.

21 Now, did you take any action at that time, Mr.  
22 Mulcahey?

23 MR. MULCAHEY: Well, the request, Your Honor, was that  
24 in accordance with 66 333(c), we were to provide the names  
25 and addresses; and that's a requirement that the Applicant

1 has by statute and is required to comply. The request was  
2 that it would be sent at least three weeks prior to the  
3 hearing. We received the hearing notice and within three  
4 days, we acted by providing them with the information.

5 JUDGE SMOLEN: So on September 18 or 20th, whenever  
6 the discovery request was made, you did not know at that time  
7 when the hearing date would be?

8 MR. MULCAHEY: Absolutely not.

9 JUDGE SMOLEN: And then you received notice of the  
10 hearing date again on --

11 MR. MULCAHEY: On December 16th. Actually, that's the  
12 date of the notice. Yes, the notice was December 16th.

13 JUDGE SMOLEN: And the first notice was for December,  
14 what, 30th?

15 MR. MULCAHEY: 30th and 31st.

16 JUDGE SMOLEN: 30th and 31st. All right. Now, with  
17 your -- you filed -- prepared testimony?

18 MR. MULCAHEY: Yes.

19 JUDGE SMOLEN: And with the prepared testimony, you  
20 have the witness list?

21 MR. MULCAHEY: That's correct.

22 JUDGE SMOLEN: And when was that served?

23 MR. MULCAHEY: That was with my letter dated December  
24 19th. Your Honor should have received a copy of it.

25 JUDGE SMOLEN: I have it. I want to put it on the

1 record.

2 How many witnesses do you intend to present?

3 MR. MULCAHEY: We have a list of 51 witnesses.

4 JUDGE SMOLEN: How many do you intend to put on?

5 MR. MULCAHEY: At this point, we can anticipate at  
6 least 25 to 30.

7 JUDGE SMOLEN: Are they scheduled today and tomorrow?

8 MR. MULCAHEY: Today and tomorrow.

9 JUDGE SMOLEN: How can this problem be resolved?

10 MR. MULCAHEY: Well, Your Honor, I think that -- I  
11 don't understand, really, Mr. Spang's problem. He said that  
12 because he didn't receive the witness list so many days prior  
13 to the hearing, he could not initiate discovery against the  
14 individuals listed on the witness list. As I understand it,  
15 the discovery should be propounded against the participant,  
16 the Applicant, and that Mr. Spang could have done it in  
17 accordance with 52 5.331 any time after he filed the protest.  
18 He could have asked me for whatever he wanted from any of  
19 these witnesses.

20 By statute, I'm required to give the names and  
21 addresses of the witnesses. I've done that. I've done it  
22 within a reasonable time. If he wanted more information, he  
23 should have propounded interrogatories to the Applicant  
24 sometime after September 20th.

25 JUDGE SMOLEN: Now, what information, Mr. Spang, what

1 information did you request?

2 MR. SPANG: I'm sorry, what information --

3 JUDGE SMOLEN: What information did you request?

4 MR. SPANG: We requested --

5 JUDGE SMOLEN: Some kind of receipts, et cetera,  
6 things of that nature, number of trips?

7 MR. SPANG: Well, we made an initial request for  
8 names, Your Honor, which was for the name, address of the --  
9 all witnesses the Applicant was going to present; and then in  
10 our motion for sanctions, we've requested that Applicant not  
11 be permitted to introduce any testimony until we've received  
12 information within -- with regard to the previous 12-month  
13 period for trips, requests for trips, payments for trips.  
14 But, again, the point that we are trying to make here is that  
15 the witness list was not timely served. The initial hearing  
16 notice was dated December 6th and, as such, we were not given  
17 sufficient time to pursue further discovery in this matter.

18 MR. MULCAHEY: Let me just correct one thing.

19 JUDGE SMOLEN: Okay.

20 MR. MULCAHEY: The notice was not December 6th it was  
21 December 16th.

22 MR. SPANG: I have a document dated December 6th.

23 MR. MULCAHEY: I have a document dated December 16th.

24 MR. SPANG: But the very first notice was dated  
25 December 6th.

1 JUDGE SMOLEN: Scheduling what as a hearing date?

2 MR. SPANG: Scheduling December 30th as the hearing  
3 date, Your Honor.

4 JUDGE SMOLEN: I have a 16th, and I also have a 6th.

5 MR. MULCAHEY: Well, the 16th relates to the hearing  
6 today; the 6th relates to another hearing that wasn't  
7 applicable.

8 MR. SPANG: The thing is, Your Honor --

9 JUDGE SMOLEN: Are your witnesses available to return?

10 MR. MULCAHEY: To return?

11 JUDGE SMOLEN: At the hearing?

12 MR. MULCAHEY: I don't understand.

13 JUDGE SMOLEN: If they testify within these two days,  
14 they are subject to being recalled and returned.

15 MR. MULCAHEY: Well, it is very difficult. In fact,  
16 that's why we only have about 25 to 30 witnesses, it's  
17 because these days are inconvenient for a number of the  
18 witnesses.

19 Your Honor, I just have to point out that the  
20 discovery request came December 23rd from Mr. Spang. He  
21 could have asked this information any time after September  
22 20th in a form of interrogatories, and I would have been  
23 happy to provide it. I think that to put the burden now on  
24 Applicant to produce receipts of usage of limousine service  
25 for the last 12 months is unreasonable, particularly because

1 it's in a motion. It's not in a discovery request, and that  
2 it was made really very untimely.

3 The thing is, and I'm just going back to Section 333.  
4 Three weeks is not considered unreasonable or reasonable.  
5 They don't have a time deadline in that section, and we  
6 believe that we provided the list in a reasonable period of  
7 time.

8 JUDGE SMOLEN: Yes, but other information was  
9 requested.

10 MR. MULCAHEY: But it was requested December 23rd in a  
11 motion.

12 JUDGE SMOLEN: When was this request concerning the  
13 receipts, et cetera, requested, first requested?

14 MR. SPANG: That was made in our motion for sanctions,  
15 which was served December 23rd.

16 JUDGE SMOLEN: So that was really one week ago or a  
17 little more than that?

18 MR. SPANG: Yes, but that was filed two or three days  
19 after we received that witness list, Your Honor, for the  
20 first time.

21 MR. MULCAHEY: But any time, Judge, you can ask these  
22 things. You could have asked it in September, that any  
23 witnesses would have to bring in receipts of past use.

24 JUDGE SMOLEN: I'm trying to work something out where  
25 he gets some information that's going to be helpful to his

1 case --

2 MR. MULCAHEY: Judge, may I suggest that if the  
3 witnesses indicate usage of service by Mr. Spang's client,  
4 and if they have receipt of payment, we would be happy to  
5 provide it at a later date; and if he thinks that it's  
6 important to further cross, that we would be happy to maybe  
7 make that witness available by --

8 JUDGE SMOLEN: That's why I ask, are the witnesses  
9 available to return should it become necessary?

10 MR. MULCAHEY: Could we do it by telephone, because a  
11 number of these witnesses are business people who are living  
12 and working out in Chester and Lancaster Counties; and to  
13 come in for a five-minute cross-examination on a receipt I  
14 think is asking a little much of the witnesses, particularly  
15 when this request could have been made any time after  
16 September 20th.

17 (Discussion off the record.)

18 MR. SPANG: Your Honor, if we would be permitted to  
19 serve interrogatories on the Applicant and the witnesses with  
20 regard to the specific information we requested, we would  
21 agree to that.

22 JUDGE SMOLEN: I don't think Mr. Mulcahey would have  
23 any trouble with that.

24 MR. MULCAHEY: I'm not quite sure what he is  
25 requesting.

1 JUDGE SMOLEN: You're saying they should be permitted  
2 to testify now and should you have further information  
3 required of these witnesses, you would want to serve written  
4 interrogatories?

5 MR. SPANG: Well, we would like to serve written  
6 interrogatories in the interim, regardless of whether we need  
7 additional information.

8 MR. MULCAHEY: I have to object. You know, the rules  
9 are very clear that discovery should commence as quickly as  
10 possible after an application is filed and after a protest is  
11 filed.

12 JUDGE SMOLEN: He didn't say that they shouldn't  
13 testify. Did you understand that?

14 MR. MULCAHEY: I think, Your Honor, if Mr. Spang wants  
15 a receipt from one of the witnesses of the usage in the past  
16 12 months and the witness says that he used the limousine  
17 service in the last 12 months and has the receipt, then I  
18 think if he makes a data request or a document request, we  
19 would absolutely comply with that; and if he believes that it  
20 would be necessary to further cross, we would make that  
21 witness available by telephone.

22 JUDGE SMOLEN: Let's do it by written interrogatory.  
23 Here's the ruling. You can present your witnesses. You can  
24 ask any questions that you want on cross-examination with  
25 respect to the information that you wanted in your

1 interrogatories or in your data request; and if you want any  
2 written information from any of these witnesses, you can put  
3 it on the record now. After receiving those responses --  
4 those written responses or the receipts or whatever you want,  
5 if you want any further information from that witness, then  
6 you can -- I'm going to permit him to file -- instead of by  
7 telephone, I'm going to permit you to file your written  
8 interrogatories on the other side; and then you'll be  
9 required to respond to the written interrogatories, rather  
10 than via telephone. That's the ruling. It's on the record.  
11 Let's proceed.

12 Any other preliminary matters? Yes, sir.

13 MR. O'DONNELL: I have a motion pending, also.

14 JUDGE SMOLEN: Go ahead.

15 MR. O'DONNELL: I have the same request for witnesses,  
16 subject matter and receipts. The request was not -- the  
17 demand was not supplied. Mr. Mulcahey did, in turn, then  
18 file the witness list. I made a motion on the 19th then  
19 requesting, again, witnesses and subject matter. Mr.  
20 Mulcahey filed a letter --

21 JUDGE SMOLEN: I saw that letter.

22 MR. O'DONNELL: -- and I, in turn, filed another  
23 letter.

24 JUDGE SMOLEN: All right. Mr. Mulcahey, do you want  
25 to respond to that?

1 MR. MULCAHEY: I believe that the issue is identical  
2 to the issues brought up by Mr. Spang. Once again, the  
3 protest requested was the witness list at least three weeks  
4 prior to the hearing date. I think that we have complied in  
5 giving the list to the Protestants by giving it three days  
6 after the notice of the Commission scheduling this hearing.

7 The request for receipts and other information, again,  
8 was not in the form of an interrogatory addressed to the  
9 Applicant. It was not contained in the protest. It was  
10 requested at a late date. It was December 19th in a motion.  
11 It wasn't in a proper form either. Mr. O'Donnell could have  
12 requested this information any time after September 20th,  
13 when he filed his protest. The same reasons, Your Honor;  
14 and, of course, we will be happy to comply.

15 JUDGE SMOLEN: Anything else you want to add?

16 MR. O'DONNELL: Yes. It was filed on the 19th, as  
17 soon as possible as of the hearing date. Again, Mr. Mulcahey  
18 wants to use the excuse that we could have filed this  
19 document in a timelier manner. I believe, according to the  
20 scheduling secretary, Mr. Mulcahey requested the earlier  
21 hearing date, which put everybody in a rush here, to try to  
22 get answers out of him which we can't receive, because he  
23 requested an earlier hearing date.

24 MR. MULCAHEY: Your Honor, September is the date they  
25 could have started discovery. I'm not going to apologize

1 because they didn't do their job.

2 JUDGE SMOLEN: Let's not beat a dead horse. We argued  
3 this thing. I'm going to make the same ruling. The  
4 witnesses will be able to testify. You can cross-examine  
5 them. If you want any further information from them, you can  
6 obtain it through written interrogatories following their  
7 testimony.

8 MR. O'DONNELL: Your Honor, could I ask that the  
9 witness who is to testify on behalf of -- that whoever the  
10 witness is, that he does, in turn, then supply the receipts  
11 to him?

12 JUDGE SMOLEN: Make sure that Mr. Mulcahey understands  
13 that and that I understand that. Just repeat what you just  
14 said.

15 MR. O'DONNELL: If there is a witness who is going to  
16 testify that they have used a prior service with any  
17 limousine company --

18 JUDGE SMOLEN: Yes.

19 MR. O'DONNELL: That is my request, not just mine.

20 JUDGE SMOLEN: Yes, with any limousine. And that goes  
21 for Mr. Spang's, also.

22 MR. O'DONNELL: Okay. At that time, may the record be  
23 noted that they need to supply those receipts, not that we  
24 need to request it, but that they --

25 JUDGE SMOLEN: Well, you make the request of each

1 particular witness so that it's clear, rather than a blanket  
2 request.

3 MR. O'DONNELL: Okay.

4 JUDGE SMOLEN: Just make a note for yourself that if  
5 you ask any witness for any information or if you need any  
6 information from any particular witness, put it on the  
7 record --

8 MR. O'DONNELL: Thank you, Your Honor.

9 JUDGE SMOLEN: -- and Mr. Mulcahey will provide that.

10 MR. MULCAHEY: And, Your Honor, I would just like to  
11 point out that whatever form this discovery takes, that we  
12 would be entitled to object if there is an inappropriate  
13 question in accordance with the rules.

14 JUDGE SMOLEN: Well, you'll make the objection here on  
15 the record, because he's going to ask what he wants.

16 MR. MULCAHEY: Oh, I thought they were going to be in  
17 written form?

18 MR. O'DONNELL: I don't see any reason why we should  
19 have to file a written form for a request that we've already  
20 made. If the witness intends to testify that he's used a  
21 limousine service before, that's not a problem. Just let  
22 them supply the proof of it to us.

23 JUDGE SMOLEN: Make your request now on the record. A  
24 written interrogatory will cover any other information that  
25 you may want from this particular witness --

1 MR. O'DONNELL: Yes, Your Honor, I understand.

2 JUDGE SMOLEN: -- following their testimony; but make  
3 your request for receipts now.

4 MR. O'DONNELL: Okay.

5 JUDGE SMOLEN: Is that understood?

6 MR. O'DONNELL: Yes, Your Honor.

7 JUDGE SMOLEN: All right. With that, I think all the  
8 discovery motions are in. Are there any other preliminary  
9 matters? Go ahead.

10 MR. THOMAS: Your Honor, would I be correct to assume  
11 that your ruling applies to all Counsel?

12 JUDGE SMOLEN: To everyone.

13 MR. THOMAS: Okay.

14 JUDGE SMOLEN: To everyone. Do you want to object?

15 MR. MULCAHEY: Your Honor, I just want to -- no, not  
16 at all. Now I see the maybe five or six different  
17 interrogatories coming to the Applicant that may be  
18 duplicative; and I think that if Mr. Spang had the problem,  
19 he should really be the one who provides the written  
20 interrogatories. Of course, I'd be happy to serve them on  
21 everyone else.

22 JUDGE SMOLEN: Well, other people may need other  
23 information, so it will apply to all Counsel, all  
24 Protestants.

25 Let's proceed, Mr. Mulcahey.

1 MR. MULCAHEY: Yes. Just one other preliminary  
2 matter. There are a number of attorneys here and pro se  
3 parties, and I'd just like to ask Your Honor for some  
4 direction on the scope of their cross-examination. I don't  
5 want to limit the cross-examination but at the same time, I  
6 would --

7 JUDGE SMOLEN: The scope of cross-examination is  
8 limited to what the direct testimony is. Isn't that the way  
9 it always is?

10 MR. MULCAHEY: What I mean, Your Honor, is that there  
11 will be duplicative questions that you --

12 JUDGE SMOLEN: You have experienced attorneys here. I  
13 don't think they want to overburden this record with answers  
14 to the same questions. Make an individual objection, if you  
15 have one, at the particular time. These attorneys are  
16 experienced. I don't want to waste their time, your time, my  
17 time, the record's time.

18 MR. MULCAHEY: That was directed to the pro se  
19 parties, as well.

20 JUDGE SMOLEN: Well, now we've been educated; so let's  
21 proceed. Do you have the witness?

22 MR. MULCAHEY: My first witness will be Jim Fogerty.

23 MR. FULLERTON: Aren't you going to proceed with the  
24 Applicant? I know he has prepared testimony, but we want to  
25 know what he's after and cross-examine him before you

1 start --

2 MR. MULCAHEY: I don't think that's a requirement,  
3 Your Honor, that the Applicant --

4 MR. FULLERTON: It may not be a requirement, but it's  
5 a request on my part; and I don't understand how you can  
6 cross-examine a supporting witness intelligently, until you  
7 know what the Applicant is after and you have an opportunity  
8 to cross-examine him. Why object? Why don't you want to put  
9 the Applicant on?

10 MR. MULCAHEY: I appreciate Jack's suggestion, but I  
11 believe that the Applicant can present his case the way he  
12 wants to; and we've presented testimony in written form that  
13 the rules don't require that we produce the Applicant first,  
14 that we have a number of public witnesses scheduled and would  
15 like to proceed that way. I've been in a number of cases,  
16 Your Honor, where the public witnesses go beyond -- before  
17 the Applicant.

18 MR. FULLERTON: And you state why. Here's the other  
19 thing, he wants to do it that --

20 JUDGE SMOLEN: I'm just asking. Is there some reason,  
21 personal reason, that this witness, it is needed for him --

22 MR. MULCAHEY: There are a number of reasons. One,  
23 that there's a timing problem in that we have witnesses in  
24 the morning here that we'd like to put on. That's number  
25 one. Number two, we don't believe that we put the

1 Protestants at a disadvantage because we prepared written  
2 testimony of the Applicant, together with all the exhibits.  
3 Again, the rules don't require us to have the Applicant go  
4 first.

5 JUDGE SMOLEN: Let me ask this question. When do you  
6 intend to put the Applicant on?

7 MR. MULCAHEY: We intend to put the Applicant on  
8 either this afternoon after the lunch break or after two or  
9 three witnesses after the lunch break or tomorrow.

10 MR. FULLERTON: Here's what you run into. Depending  
11 on what the Applicant says, we may have to call him again for  
12 further cross; so that's okay.

13 MR. MULCAHEY: I don't believe that's correct at all.

14 MR. FULLERTON: Well, that certainly is. If you put  
15 on the Applicant and something develops that's inconsistent  
16 with what the supporting witness says or we want more  
17 information that's within the scope of the cross-examination,  
18 depending on direct, we have a right to call him again.

19 MR. MULCAHEY: Well, I'm not objecting to that.

20 JUDGE SMOLEN: Mr. Fullerton has a point. Is there  
21 any particular reason why you don't want to go with the  
22 Applicant first? I know that the Applicant can present his  
23 case in any fashion that he deems desirable, but is there  
24 some reason why you don't want to put the Applicant on first?

25 MR. FULLERTON: The only time that we've ever gone

1 this way is when Counsel gets together ahead of time and he  
2 explains that perhaps the supporting witness has to meet  
3 certain requirements, and it's inconvenient for him to wait  
4 for the Applicant. Then we agree.

5 But other than that, the normal procedure is you put  
6 the Applicant on because that's the basis. It's like  
7 building a house. You don't put the roof on before you put  
8 the footers in.

9 MR. MULCAHEY: I'm supposed to build this house.

10 JUDGE SMOLEN: That's true --

11 MR. MULCAHEY: I've been on many cases and, Jack,  
12 we've been in a case recently where there, you know --

13 MR. FULLERTON: Well, we agree ahead of time.

14 MR. MULCAHEY: Well, I don't think that was it. I  
15 think you presented a case, and the applicant wasn't the  
16 first party on; and that's because of the scheduling  
17 situation and --

18 MR. FULLERTON: Fine. Then you run into the risk of  
19 us asking the witness to come back for further cross. Okay.

20 MR. MULCAHEY: I think that's based on a ruling,  
21 Judge, after --

22 JUDGE SMOLEN: We're wasting a lot of time on  
23 preliminary matters. Mr. Fullerton has made his point; you  
24 have made your point. The witnesses are subject to being  
25 recalled at the request of Counsel, should something be

1 developed and you're proceeding with that condition.

2 MR. MULCAHEY: Based on that, can I just have a minute  
3 then to discuss this with --

4 JUDGE SMOLEN: Go ahead.

5 (Pause.)

6 MR. SPANG: Your Honor, would you have any objection  
7 if my client joined me at Counsel table?

8 JUDGE SMOLEN: If there's room.

9 MR. CHEST: Thank you, Your Honor.

10 MR. SPANG: Thank you, Your Honor.

11 MR. MULCAHEY: Okay. Your Honor, we will proceed with  
12 Mr. Fogerty.

13 JUDGE SMOLEN: You've been sworn, sir, have you not?  
14 Did I swear you in?

15 MR. MULCAHEY: No, we were just getting to that.  
16 Whereupon,

17 JAMES FOGERTY  
18 having been duly sworn, testified as follows:

19 JUDGE SMOLEN: Please be seated. State your full name  
20 and address for the record.

21 THE WITNESS: James F. Fogerty, 602 Fox Clove Circle,  
22 Exton, Chester County, Pennsylvania.

23 JUDGE SMOLEN: Mr. Mulcahey.

24 DIRECT EXAMINATION

25 BY MR. MULCAHEY:

1 Q Good morning, Mr. Fogerty.

2 A Good morning.

3 Q Mr. Fogerty, have you resided in Chester County  
4 for a number of years?

5 A Yes, about 18.

6 Q And are you employed in the county?

7 A Yes.

8 Q What position are you employed in?

9 A I'm the owner of Eastern Realty Advisors.

10 Q And what is that business, sir?

11 A Real estate advisory services ranging from  
12 engineering services for large national real estate lenders  
13 to brokerage of real estate loans; more typically,  
14 commercial, multi-family and retail, as opposed to single  
15 family.

16 Q And the business activity of your employment --

17 MR. O'DONNELL: Your Honor, can I ask a question here?

18 JUDGE SMOLEN: Yes.

19 MR. O'DONNELL: Is Mr. Fogerty here representing  
20 himself?

21 MR. MULCAHEY: He's a witness.

22 MR. O'DONNELL: Is he here to represent himself as Jim  
23 Fogerty, or is he here to represent Eastern Mortgage --  
24 Eastern Realty Advisors?

25 JUDGE SMOLEN: Again, you'll have a chance to cross-

1 examine these witnesses.

2 MR. O'DONNELL: Your Honor, my question is that  
3 request was made that if anybody was here in a representative  
4 fashion, okay, in my protest, that that be disclosed.

5 JUDGE SMOLEN: Why don't you take care of this. I  
6 don't want to waste time.

7 BY MR. MULCAHEY:

8 Q Are you appearing here on -- for yourself or for  
9 yourself and in connection with your business?

10 A Yes.

11 Q Both?

12 A Yes.

13 Q Now, with respect to your personal needs for  
14 limousine service, how many times have you used a service in  
15 the past, let's say, 12 months?

16 A Personal?

17 Q Yes.

18 A Once.

19 Q And on what occasion was that?

20 A A group of us went to Philadelphia from our area  
21 to see Miss Saigon.

22 Q And from your area, where was the point of  
23 origination?

24 A The point of origination was Whetford Country  
25 Club.

1 Q Was that --

2 A Chester County, yes.

3 Q And with respect to your business, how many times  
4 have you used limousine service in, let's say, the past 12  
5 months?

6 A In the past 12 months, not at all this past 12  
7 months.

8 Q Prior to the past 12 months, had you used the  
9 limousine service in connection with your business?

10 A Yes.

11 Q How frequently, approximately how many times,  
12 let's say, in the previous 12 months?

13 A In the previous 12 months again, probably  
14 infrequently; but in the past, probably 30 to 40 times.

15 Q And what -- on what occasions would you use a  
16 limousine service in connection with business or pleasure?

17 MR. FULLERTON: Give the origin and destination point  
18 for the latter part. I know you gave it originally, but we  
19 want to know if it's within the scope of the application.

20 MR. MULCAHEY: Well, Judge, you know, unless there's  
21 an objection, you know --

22 JUDGE SMOLEN: I'll take that as an objection; so, go  
23 ahead.

24 BY MR. MULCAHEY:

25 Q With respect to the trips that you have just

1 identified, can you give an example of the representative  
2 points of origination and destination?

3 A Well, in the past, my office was in Delaware  
4 County; so, consequently, most of those originations were  
5 Delaware County, or the destination was Delaware County. If  
6 we had people coming in from out of town, we often had them  
7 picked up at the airport and, again, my business activities  
8 over the years have mainly centered on commercial real  
9 estate, so consequently we used them a fair amount in this  
10 region, as well as out of the area, for bringing people into  
11 real estate locations that we desired to have financed.

12 MR. O'DONNELL: Excuse me, could you testify to --

13 JUDGE SMOLEN: Unless there's an objection --

14 MR. MULCAHEY: The reason why I brought this up --

15 JUDGE SMOLEN: What's the objection?

16 MR. O'DONNELL: Can he testify to trips that --

17 JUDGE SMOLEN: That's not an objection. You can ask  
18 that on cross-examination. I don't want to conduct a class  
19 here and you may have some legal background, but you're  
20 supplying holes or what you believe to be holes in that case.  
21 I don't know whether you want to do that or not. Sometimes  
22 counsel don't want to fill in voids in other counsel's case,  
23 for some reason or another; but you'll have an opportunity to  
24 cross-examine, after this Witness completes his testimony.  
25 You can ask any question you want, based on his direct

1 testimony.

2 MR. O'DONNELL: My objection was that the Witness  
3 testified on behalf of the Applicant for areas he's applying  
4 for.

5 JUDGE SMOLEN: Say that again. Repeat it.

6 MR. O'DONNELL: The Witness is discussing trips within  
7 Delaware County?

8 JUDGE SMOLEN: Yes.

9 MR. O'DONNELL: He's not -- the Applicant is not  
10 applying to Delaware County.

11 JUDGE SMOLEN: We understand that. That will be part  
12 of your case or part of your brief, your argument. It goes  
13 to the weight of this person's testimony.

14 MR. FULLERTON: Well, it could be an objection in this  
15 respect, though. It's not relevant to the --

16 JUDGE SMOLEN: Well, no, then he'll make an objection  
17 on relevance.

18 MR. FULLERTON: -- application area, and I'm going to  
19 object to any points that are beyond the scope of the  
20 application area.

21 JUDGE SMOLEN: And I'll sustain it.

22 MR. FULLERTON: He said -- he talked about traffic  
23 originating at points that are not within that, then, to that  
24 extent I object because of relevancy.

25 JUDGE SMOLEN: All right. Go ahead. Sustained.

1 BY MR. MULCAHEY:

2 Q Mr. Fogerty, have you moved your office from  
3 Delaware County?

4 A That's correct.

5 Q And where is your office now, sir?

6 A In Exton, Chester County.

7 Q And with respect to need for limousine service, do  
8 you anticipate a need for service in connection with the  
9 business in the next 12 months?

10 A Yes.

11 Q Would you identify that need?

12 A Well, the need presents itself because for a two-  
13 year period, I was out of commercial real estate and more  
14 into residential real estate. Now, the business that I have,  
15 which I own, is back into the business -- the type of  
16 business that I was previously involved in; therefore, in my  
17 mind and in my plans, are calling for the same typical need  
18 of prior use going forward. And why maybe that starting a  
19 new business, what have you, there has been a limited use  
20 within the last couple of years, because it wasn't within the  
21 realm of cash flow and/or the typical need of that business  
22 segment.

23 Q Could you identify, more specifically, the need  
24 that you'd have in the next 12 months? For example, what  
25 would be the point of origination? Would it be the Exton

1 office?

2 A Yes.

3 Q And from the Exton office, to what points would  
4 you travel or anticipate traveling?

5 A Well, the scope of the real estate activity that I  
6 would conduct in this region would probably be in the Tri-  
7 State area; typically, five county plus South Jersey and  
8 Northern Delaware.

9 MR. FULLERTON: Object. That goes beyond the State.  
10 That is not relevant.

11 JUDGE SMOLEN: Well, I agree with you. It may not be  
12 relevant here, but I think it really goes to the weight of  
13 his testimony as a supporting witness who may be testifying  
14 as to need in other points.

15 MR. FULLERTON: I don't think that the transportation  
16 beyond the State has any basis for weight. He needs service  
17 -- he talks about the Tri-State area. Anything beyond  
18 Pennsylvania has nothing to do with weight.

19 JUDGE SMOLEN: I'll sustain that.

20 BY MR. MULCAHEY:

21 Q With respect to your anticipated need for service  
22 within the five county area, could you identify points of  
23 destination, specifically?

24 A Well, Philadelphia, Bucks, Montgomery, Chester,  
25 Lancaster, Dauphin Counties; Carbon. I'm just trying to

1 think of places where we're doing business right this minute  
2 and have anticipated business to be done within the scope of  
3 the next 12 months and/or the geographic area.

4 Q Now, with respect to the business that you conduct  
5 in those several counties, can you identify a little more  
6 specifically some of the sites that you can anticipate  
7 traveling to in the next 12 months?

8 A When you say sites, you mean individual --

9 Q If you can, generally.

10 A I don't know that I understand the question. I  
11 mean, you're talking about individual locations that I might  
12 have somebody transported to?

13 Q That's correct. If you can, answer that.

14 A Typically speaking, just so everybody can  
15 understand, when we look to finance a project of commercial  
16 magnitude, when I say magnitude, dollar-wise and what have  
17 you, we're talking about projects that probably average four  
18 to five million dollars in size and, consequently, we would  
19 not only take a prospective lender to that site, we may go to  
20 four or five other sites that would be typically at the  
21 lender's choosing that would be comparable to subject  
22 property. So, consequently, while we may be working on some  
23 situations that we know of, it's hard to say where we might  
24 go, other than a broad geographic discussion.

25 Q Would the points of origination depend on whatever

1 project develops in the next 12 months?

2 A Oh, absolutely. It's all project specific.

3 Q And the projects that you've participated in, were  
4 they in the counties that you identified in your previous  
5 answer?

6 MR. FULLERTON: Are you talking about points of origin  
7 or points of destination now? If it's points of origin, I'm  
8 not clear.

9 JUDGE SMOLEN: I think he's asking for an explanation.  
10 Why don't you repeat the question.

11 BY MR. MULCAHEY:

12 Q Mr. Fogerty, the points of destination would be  
13 the specific locations that would come up from time to time,  
14 in the counties that you identified previously?

15 A That's correct.

16 Q Now, can you identify what limousine companies  
17 you've used in the past, let's say in the past 12 months,  
18 that one use?

19 A If I'm not mistaken, it was King; and this was  
20 something that was arranged by a friend. It was a group of  
21 four couples that went. I'm pretty sure we used King.

22 Q And in the past, beyond the 12-month period, when  
23 you were in the commercial real estate business, what company  
24 would you frequently use?

25 MR. FULLERTON: I'm going to object to anything that

1 he didn't personally arrange for. His testimony, his  
2 knowledge, whatever trip you were talking about that a friend  
3 of his arranged for him. If you want to stick to what he  
4 arranged for and he personally knows, fine. Otherwise, I  
5 object.

6 JUDGE SMOLEN: Overruled. Go ahead.

7 MR. MULCAHEY: Thank you.

8 BY MR. MULCAHEY:

9 Q Would you answer the question, Mr. Fogerty?

10 A I'm trying to recall the name of the limousine  
11 service; but, again, we're talking out of the county. There  
12 was a similar service that operated out of the St. Davids Inn  
13 that we used quite extensively. When I ran construction  
14 lending for Meridian Mortgage, it was Devon. It seems to  
15 strike a bell. I don't know if it still exists or if it has  
16 changed names, or what have you, we used that quite often,  
17 especially for airport transportation.

18 Q With respect to the next 12 months, can you give  
19 me an idea of roughly how many times you anticipate using a  
20 limousine service in connection with your business?

21 A I would assume it would be well -- strictly  
22 business?

23 Q Yes.

24 A Probably, thinking conservatively, six to eight,  
25 hopefully more.

1 Q And with respect to your personal use, do you have  
2 any -- do you anticipate any personal use for limousine  
3 service within the next 12 months?

4 A Yes.

5 Q And how many times would you use a limousine  
6 service personally?

7 A I would assume, given what I know to be the  
8 schedule going forward for this particular year, at least  
9 three to four.

10 Q And would you identify the points of origination  
11 and destination for those anticipated trips?

12 A We have tickets to see Les Miz, so that will be  
13 coming from Chester County to Philly. We have a wedding,  
14 which is Chester County to Chester County. We have these  
15 tickets that I will have, once they're issued; but that's  
16 Chester County to New York City.

17 MR. FULLERTON: That's not responsive. You're asking  
18 for the points, the point of origin. He just said Chester  
19 County.

20 JUDGE SMOLEN: He said Chester County to New York  
21 City.

22 MR. FULLERTON: I know that. I want to know what  
23 points in Chester County.

24 MR. MULCAHEY: Well, there is cross-examination.

25 MR. FULLERTON: I know. I'm just saying I'm objecting

1 to the fact that it wasn't responsive to your question. Your  
2 question asked him what point, not what county.

3 MR. MULCAHEY: Maybe I can ask him again.

4 JUDGE SMOLEN: Go ahead.

5 BY MR. MULCAHEY:

6 Q The three times that you identified you're  
7 anticipating a need for limousine service, one was a show?

8 A Yes.

9 Q And where would the trip commence in Chester  
10 County?

11 A When I say Chester County, when I've been saying  
12 Chester County, in all cases it's in Exton, Chester County.

13 Q And you would travel, then, to Philadelphia; and  
14 do you know where the location in Philadelphia is?

15 A Forrest Theater.

16 Q The second anticipated need you identified as a  
17 wedding. Can you describe the point, specific point of  
18 origination and destination?

19 A Well, Exton, again; and the wedding ceremony and  
20 the reception will be in Honeybrook.

21 Q Is that Chester County, as well?

22 A Yes.

23 Q Mr. Fogerty, how do you know Mr. Previte?

24 A I've known Mr. Previte for better than a year  
25 socially through a step-daughter that Tony is familiar with.

1 And I also know of Tony through the business. As I  
2 previously explained, I have been involved with residential  
3 real estate, as well as commercial, over the past little  
4 while; and I know several people that have worked with Mr.  
5 Previte -- and have worked with him.

6 Q And based on your relationship and experience with  
7 Mr. Previte, do you support his application?

8 A I do.

9 Q And in the event the Commission grants a  
10 certificate to Mr. Previte, would you utilize his service?

11 A I would.

12 Q And is it your opinion that there is a need for an  
13 additional carrier, such as Mr. Previte, to be licensed by  
14 this Commission as a limousine service?

15 A Yes.

16 MR. MULCAHEY: Your Honor, I have no other questions.

17 JUDGE SMOLEN: Mr. Spang?

18 CROSS-EXAMINATION

19 BY MR. SPANG:

20 Q Sir, with regard to the personal trip, did you  
21 arrange that trip?

22 A Well, the way it worked was we decided we were  
23 going to take a limousine; and because I had prior usage and  
24 another friend did, we both said, well, look, you check and  
25 I'll check and see who comes up with the best situation. So

1 I inquired and actually did have a couple of quotes, but my  
2 one friend's quote was better; so we went with them.

3 Q So you did not personally arrange that trip?

4 A That particular trip, no.

5 Q Did you pay for that trip?

6 A Sure.

7 Q Do you have any receipt to show evidence of that  
8 payment?

9 A I'd have to get it through my friend. He made  
10 payment, and we paid him in turn.

11 Q Would you agree to produce that receipt?

12 A Oh, yes. I'm assuming my friend would have it.  
13 He has no knowledge of this proceeding, but I don't know why  
14 he wouldn't, because I'm pretty sure he put it on some credit  
15 card.

16 JUDGE SMOLEN: Would you use your best efforts to do  
17 so, to produce that receipt?

18 THE WITNESS: Sure.

19 BY MR. SPANG:

20 Q Do you recall the date of that trip?

21 A Could I get my briefcase?

22 (Pause.)

23 THE WITNESS: Saturday, April 13th, 1996.

24 BY MR. SPANG:

25 Q Thank you. You testified that you believe you

1 used King Limousine?

2 A I believe that's who we finally ended up using.

3 Q You testified that you had obtained three separate  
4 quotes?

5 A I think that I got a couple of quotes, and he got  
6 one, as well.

7 Q Do you recall who those quotes that you obtained  
8 were from?

9 A No, but I probably have it written someplace back  
10 in my office.

11 Q Do you recall how you located those services that  
12 you obtained the quotes from?

13 A Yellow Pages.

14 Q What -- do you know what Yellow Page book you  
15 looked at?

16 A Chester County.

17 Q Chester County. Do you know how many quotes your  
18 friend obtained?

19 A I didn't ask.

20 Q What's the name of your friend?

21 A Thomas A. Cugini, C-u-g-i-n-i.

22 Q Where does he reside?

23 A Chester County.

24 Q What's his address?

25 A I know it's Rabbit Run in Glenmoor. The exact

1 address, I don't know that I have it.

2 Q I'm sorry, you said that was in Glenmoor?

3 A Glenmoor, yes. It's Upper Uwchlan Township.

4 Glenmoor is the mailing address.

5 Q And what was the basis for utilizing the service  
6 that you did; you believe it was King. What was the basis  
7 for choosing that particular service over the other ones that  
8 you had obtained quotes from?

9 A They were less expensive.

10 Q So you chose that service on the basis of price?

11 A Yes.

12 Q The other companies that you had obtained quotes  
13 from were able to provide you with service on the particular  
14 date and time you needed it?

15 A Yes.

16 Q Do you have any reason to believe that any of  
17 those services you obtained quotes from would have provided  
18 inadequate service for you?

19 A Yes.

20 MR. MULCAHEY: Objection.

21 JUDGE SMOLEN: Asked and answered.

22 THE WITNESS: I do.

23 BY MR. SPANG:

24 Q What is the basis for that opinion?

25 A Well, that particular evening, we were in need of

1 a larger car because, as I said, it was either eight or ten  
2 people; so not everybody had the availability, I guess, of  
3 the larger car that would have made it a little bit more  
4 comfortable for that intended use.

5 Q Can you describe -- when you obtained the price  
6 quotes from the services, did they describe the car they  
7 intended to use to you?

8 A I told them what we needed.

9 Q What did you tell them?

10 A I said we needed X number of people. I'm not  
11 familiar with the descriptive language of what level of car  
12 might be needed. It obviously had to be a longer one which  
13 accommodated people more comfortably, since everybody was  
14 dressed up and going into the theater.

15 Q Do you know if one of the companies you obtained a  
16 quote from was Lazer Limousine?

17 A No, I don't recall. I'm not aware of the  
18 existence of that company.

19 Q So you're not familiar with them at all?

20 A No.

21 Q When you were going through the Yellow Pages  
22 looking for limo services, did you see their advertisement?

23 A I don't remember it.

24 Q And you didn't place a call to Lazer Limousine?

25 A Not to my knowledge, no. I'm not even sure where

1 they're from.

2 MR. SPANG: Okay. I have no further questions.

3 JUDGE SMOLEN: Mr. O'Donnell?

4 CROSS-EXAMINATION

5 BY MR. O'DONNELL:

6 Q In reference to the same trip on April 13th, you  
7 testified that you got at least three price quotes; you do  
8 not know how many your --

9 A That's incorrect.

10 Q Okay. I'm sorry. How many price quotes did you  
11 get?

12 A I said I got two, to the best of my knowledge.

13 Q You got two?

14 A Yes.

15 Q And you do not know how many your friend got?

16 A That's correct.

17 Q You had no problem finding any other limousine  
18 services to supply services?

19 A As I said, if memory serves me correct, there  
20 might have been some issue over the size of the cars that  
21 were available on that particular evening.

22 Q Were there people in the phone book who you, also,  
23 did not even call to get price quotes?

24 A Sure.

25 Q There was more than enough limousine services out

1 there than you needed at that time?

2 A At that particular time, I don't remember there  
3 being a problem; at that time.

4 Q The wedding that you testified to, that you said  
5 you would be attending within the next 12 months --

6 A Yes.

7 Q -- is that wedding for you, or are you just going  
8 to a wedding?

9 A It's for a step-daughter.

10 Q The Miss Saigon trip that you planned on going  
11 to --

12 A I went there already -- decent show.

13 Q You just -- you testified that you would be doing  
14 that within the next 12 months, going to Miss Saigon?

15 A Oh, I really did testify that I did that on April  
16 13th.

17 Q So out of the three trips that you testified were  
18 one going to Miss Saigon, your daughter's (sic) wedding, and  
19 then the other trip to New York; is the only trip that will  
20 be performed out of those three trips be the wedding, in the  
21 next 12 months?

22 MR. MULCAHEY: As a point of clarification, I think  
23 the show was not Miss Saigon, it was --

24 THE WITNESS: It was Les Misérables.

25 BY MR. O'DONNELL:

1 Q Les Miz. Okay. That's one you intend to still go  
2 see?

3 A I've got tickets.

4 Q You've got tickets?

5 A Yes, I do.

6 Q What is the last trip that you've gone to see at  
7 the Forrest Theater?

8 A Miss Saigon.

9 Q And that was the one on the 13th?

10 A That's correct.

11 Q So any time you go to a show, you take a  
12 limousine?

13 A No, but I do like to, when I can afford it.

14 Q Okay. How many people will be going to that show  
15 with you?

16 A Four.

17 Q Four. The same couples that went the last time?

18 A No.

19 Q No?

20 A I did testify before that we had eight to ten  
21 people, not four.

22 Q I see. It would be four couples?

23 A Right.

24 Q Are all four of those couples going to be shopping  
25 for prices on a limousine the next time?

1 THE WITNESS: Your Honor, can I ask a question?

2 JUDGE SMOLEN: No, just answer. You have Counsel to  
3 make objections. If you don't understand the question, you  
4 can say I don't understand it.

5 THE WITNESS: I understand that he's not listening is  
6 the problem, because we --

7 JUDGE SMOLEN: You just answer the questions to the  
8 best of your ability.

9 THE WITNESS: Okay. Once again, we'll take it nice  
10 and slow. Four people, total. If you want their names --

11 BY MR. O'DONNELL:

12 Q No. Two couples?

13 A No.

14 Q Four people?

15 A Four people.

16 Q All right. Out of those four people, will each  
17 and every one of them be shopping for prices for limousine  
18 service again as the last time?

19 A Absolutely, positively not. Just me on this one.

20 Q Now, you testified to the fact that you'll be  
21 using limousine service personal three to four times a month?

22 A A month? Who said that?

23 Q Mr. Mulcahey asked you a question, how many times  
24 per month you'd be using a limousine service; and you said  
25 three to four times.

1 JUDGE SMOLEN: I think he testified it would be three  
2 to four times a year.

3 THE WITNESS: He said the next 12 months.

4 MR. O'DONNELL: I thought those questions were per  
5 month, business and personal. Sorry.

6 BY MR. O'DONNELL:

7 Q Okay. So it's safe to say that you use limousine  
8 service once a year?

9 A Not at all. It's safe to say in the last 12  
10 months, I've used limousine service locally once; and I  
11 understand the nature of this proceeding is locally. I'm not  
12 going to talk about using it in New York City. I'm not going  
13 to talk about using it in Atlantic City. I'm not going to  
14 talk about using it in Las Vegas, because I understand the  
15 scope.

16 JUDGE SMOLEN: Well, let's get the question again.

17 BY MR. O'DONNELL:

18 Q The question is, you use limousine service,  
19 basically, once a year; correct?

20 A That is incorrect. If you want to average it over  
21 time, it's quite a bit more than that. Did I use it one time  
22 in the last 12 months? Yes.

23 Q Okay.

24 A Which I would say as being unusually low.

25 Q Okay. Thank you.

1 MR. O'DONNELL: No further questions.

2 JUDGE SMOLEN: Mr. Adelman?

3 CROSS-EXAMINATION

4 BY MR. ADELMAN:

5 Q Good morning, Mr. Fogerty.

6 A Good morning.

7 Q You moved your business from Delaware County to  
8 Chester County. When did that occur?

9 A It occurred, effectively, the beginning of this  
10 past year; end of 1995, beginning of 1996.

11 Q And you are in the process of switching from  
12 residential to commercial?

13 A That process -- that transition has happened.  
14 It's now fully back into the more commercial/construction  
15 orientation as far as the real estate dealings are concerned,  
16 far different than individual residential mortgage  
17 applications.

18 Q When did that process begin? When did you start  
19 switching from residential to commercial?

20 A It would be approximately the same time frame,  
21 maybe previous to that.

22 Q Just so I understand, it would be fair to say that  
23 you have been doing commercial work since the end of 1995,  
24 beginning of 1996?

25 A Actually, I've been doing commercial work for 25

1 years. The emphasis, again, for a couple of years, was more  
2 towards residential, because I was president and part owner  
3 of a residential mortgage company.

4 Q The business trips that you testified you would be  
5 using six to eight times in the next year --

6 A Yes.

7 Q -- the points of origin for those?

8 A Exton, Chester County.

9 Q Previously, in the Delaware County operation, I  
10 believe you indicated there were pick ups at the airport?  
11 Did that occur, also?

12 A Oh, sure, if we had lenders in from out of the  
13 area that are coming in; and, again, the nature of mortgage  
14 placement that we're talking about now would involve lenders  
15 with national capability, as opposed to just strictly local.

16 So, consequently, if somebody is coming in from the  
17 airport, we may have him picked up in a car, especially if we  
18 have to go around to take a look at comparable real estate  
19 sites.

20 Q I know it's difficult to make such a projection;  
21 but of those six or eight trips, how many of those do you  
22 estimate will begin at the airport?

23 A Do I estimate? Maybe half of them.

24 Q Thank you very much.

25 MR. O'DONNELL: No further questions.

1 JUDGE SMOLEN: Mr. Fullerton?

2 MR. FULLERTON: Yes.

3 CROSS-EXAMINATION

4 BY MR. FULLERTON:

5 Q Were you just talking about trips that would  
6 originate in Philadelphia County, destined for some other  
7 place?

8 A No.

9 Q What were you talking about?

10 A I'm talking about having a car pick me up in  
11 Exton, Chester County, having us go to the Philadelphia  
12 Airport, pick up a client, bring them -- it's typically a  
13 time constraint. If they don't have a lot of time --

14 Q You've answered the question.

15 How do you happen to be here today? Did the  
16 Applicant ask you to appear?

17 A That's correct.

18 Q And you've known him previously, have you, being  
19 your social affairs or being in business?

20 A Yes.

21 Q Have you read his prepared testimony?

22 A No.

23 Q Well, you know he's not in the limousine business  
24 today?

25 A That's correct.

1 Q And he's had no experience in that field.

2 A Right. Yes.

3 MR. MULCAHEY: Objection, Your Honor, to the  
4 characterization of no experience in the field.

5 MR. FULLERTON: I can't hear you, Rich.

6 MR. MULCAHEY: I'm objecting to the characterization  
7 of the question of having no experience in the field. If  
8 it's the limousine service, then that's fine.

9 MR. FULLERTON: Well, that's what I'm talking about.

10 JUDGE SMOLEN: He's limited the question now.

11 MR. FULLERTON: Thank you, Your Honor.

12 BY MR. FULLERTON:

13 Q So, therefore, you wouldn't know what he can do,  
14 so far as limousine service is concerned, do you? You've  
15 never used him; he's had no experience?

16 A That's correct.

17 Q Now, you were talking about price, you're  
18 interested in price, aren't you?

19 A Well, I would say this, that quality would take  
20 precedence to price; but given, given an opportunity -- given  
21 an operation has a reputation for quality and integrity, we  
22 would obviously want to, then, take the one that had the  
23 lower price.

24 Q Okay. Now, you're aware of the fact that there is  
25 other certificated service in the application area that you

1 would use, correct?

2 A Yes.

3 Q And the old phrase, "all other things being  
4 equal," if that service, the existing service will give you,  
5 let's assume, a \$10 price, and you don't know what the  
6 Applicant's price is going to be, because he has no authority  
7 yet, you would use whichever price is the lowest, wouldn't  
8 you?

9 A Sure.

10 Q And if the existing service was the lower price,  
11 you'd have no reason or need to use the Applicant, would you?

12 A Well, again, the point wouldn't be strictly price.  
13 I would -- for \$5 an hour, to fill a number out, would I go  
14 with someone that I didn't know versus someone that I knew  
15 and had confidence in? No, that wouldn't be the break point.

16 Q Therefore, then, if that's true, you really don't  
17 need the service. What you're doing is you're using somebody  
18 because of personal relationship, correct, as distinguished  
19 from an existing service with which you're not personally  
20 familiar?

21 A Well, when you say I wouldn't need the service, I  
22 don't understand the phraseology.

23 Q Well, other service is available at a lower rate.  
24 The only reason you're using the Applicant is because you  
25 know him.

1 MR. MULCAHEY: Your Honor, I have to object to the  
2 question for two reasons. It's a hypothetical question; it's  
3 going a little far afield, number one. Number two --

4 MR. FULLERTON: No --

5 JUDGE SMOLEN: Let him finish.

6 MR. MULCAHEY: Apparently, inadequacy of existing  
7 service, or what have you, is not a standard; so it's really  
8 irrelevant.

9 MR. FULLERTON: I'm not talking about inadequacy.  
10 I'll rephrase.

11 JUDGE SMOLEN: I'm going to overrule the objection.  
12 You better rephrase and see how we do this time.

13 BY MR. FULLERTON:

14 Q If, for example, you admitted there's existing  
15 service available, correct?

16 A Yes.

17 Q All right. And you have no reason to know that  
18 the service is going to be inadequate; I'm not talking about  
19 that. If the service that's available will give you the  
20 service, let's say, at \$5, and the Applicant, here, gets  
21 authority and he's going to charge you \$10, do I understand  
22 that because you know him, you're willing to pay the extra  
23 \$5?

24 A Would I pay double because I know and trust Tony?  
25 Absolutely not.

1 Q All right, then. That answers the question.  
2 Would you read me that again?

3 (Pause.)

4 BY MR. FULLERTON:

5 Q Did I understand you to say something about a  
6 step-father or step-daughter knowing the Applicant, the  
7 Applicant's relative?

8 A My step-daughter does know Mr. Previte, yes.  
9 That's how I know him personally.

10 Q No, no, but in what regard? Just a personal  
11 relationship?

12 A That's correct.

13 Q Well, I thought maybe -- he's not married; is that  
14 right?

15 A No.

16 Q All right.

17 JUDGE SMOLEN: Mr. Thomas, do you have any questions?

18 MR. THOMAS: No, I don't have any at this time.

19 JUDGE SMOLEN: Redirect?

20 MR. MULCAHEY: None, Your Honor. Thank you.

21 JUDGE SMOLEN: The Witness is excused. Thank you for  
22 appearing. Do you have any requests of this Witness?

23 MR. O'DONNELL: In terms of any receipts for any  
24 trips?

25 JUDGE SMOLEN: You've made that request.

1 MR. MULCAHEY: Just so I understand this, it's to  
2 produce the receipt of the limousine usage on 4/13/96?

3 MR. O'DONNELL: No, to produce any receipts for any  
4 limousine service within the last 12 months that he ordered  
5 himself. That's my request.

6 JUDGE SMOLEN: Did you get the request?

7 MR. MULCAHEY: Well --

8 JUDGE SMOLEN: And if he uses --

9 MR. MULCAHEY: When you say service, do you want that?

10 MR. O'DONNELL: No. Limousine service from the  
11 Applicant's territory.

12 MR. MULCAHEY: And that's the 4/13/96?

13 JUDGE SMOLEN: No, he made his response --

14 MR. MULCAHEY: I want to make sure that I'm complying  
15 with the document request.

16 JUDGE SMOLEN: Within the past 12 months, all receipts  
17 that this Witness has for limousine service which he has used  
18 within the --

19 MR. O'DONNELL: Which he has arranged.

20 JUDGE SMOLEN: Which he has arranged?

21 MR. O'DONNELL: Which he has arranged and paid for,  
22 yes.

23 JUDGE SMOLEN: Paid for within the Applicant's  
24 requested service territory?

25 MR. O'DONNELL: The one on the 13th that he had

1 arranged, that's not a request of mine. If they would like  
2 to make a request, they can.

3 MR. MULCAHEY: Your Honor, we will comply.

4 JUDGE SMOLEN: All right. Thanks very much. You're  
5 excused.

6 (Witness excused.)

7 (Brief recess.)

8 JUDGE SMOLEN: Mr. Mulcahey?

9 MR. MULCAHEY: Yes, I'd like to call Glenn Gallo-  
10 Cornell.

11 Whereupon,

12 GLENN GALLO-CORNELL

13 having been duly sworn, testified as follows:

14 JUDGE SMOLEN: Please keep your voice up, have a seat  
15 and state your full name and address for the record.

16 THE WITNESS: My name is Glenn Gallo-Cornell. My  
17 address is 802 West Bridge Street in Parkesburg, which is on  
18 -- located on the edge -- it's located in Chester County,  
19 very near the Lancaster County border.

20 JUDGE SMOLEN: Thank you.

21 DIRECT EXAMINATION

22 BY MR. MULCAHEY:

23 Q Good morning, Mr. Cornell.

24 A Good morning.

25 Q How long have you resided in Parkesburg?

1 A Just over five years.

2 Q And you have -- by whom are you employed, sir?

3 A I have my own company. It's a company called West  
4 Chester Property Services.

5 Q What is the business of West Chester Property  
6 Services?

7 A We're a general contracting company. We do  
8 general contracting pertaining to real estate.

9 Q And where is your business located, sir?

10 A In the Borough of West Chester.

11 Q You said that you are the owner of that company?

12 A Yes.

13 Q Now, with regard to limousine service, have you  
14 utilized limousine service personally in the past 12 months?

15 A I attempted to, yes.

16 Q On what occasion did you attempt to use service?

17 A There was an occasion where I was taking a  
18 contractor with me and our children down to whatever the  
19 building is that they just closed down by the CoreStates  
20 Center, I guess it's the Spectrum, I'm not sure, for a  
21 Smashing Pumpkins concert.

22 Q Do you remember what day that was?

23 A I can't remember the day. It was -- I believe it  
24 was late summer.

25 Q What happened on that occasion?

1           A    I had booked a limousine service.  They were  
2 supposed to show up.  They didn't show up and, finally, we  
3 were at the point where we were going to miss everything; so  
4 we just got in our vehicle and drove down.

5           MR. FULLERTON:  Your Honor, I wonder if he could talk  
6 directly towards you.

7           JUDGE SMOLEN:  Yes, let's get towards the Court  
8 Reporter.

9           MR. FULLERTON:  I can't hear.

10          JUDGE SMOLEN:  You've got to keep your voice up.

11          THE WITNESS:  Do you need that answer again?

12          MR. MULCAHEY:  Your Honor, you've got --

13          JUDGE SMOLEN:  Go to the next question.

14          BY MR. MULCAHEY:

15          Q    So the service never showed up, is that correct?

16          A    My neighbors tell me that they showed up at 8:30.

17          Q    And when was the scheduled time for the trip?

18          A    I believe it was 5:00.

19          Q    And the trip, where did that originate?

20          A    At my house in Parkesburg.

21          Q    And it was to travel to South Philadelphia to the  
22 CoreStates Spectrum?

23          A    Yes.  The new one had not opened yet.

24          Q    And then there was a trip to return from that  
25 point near Philadelphia to your home?

1 A They was supposed to have been, yes.

2 Q Is there any other occasion, personally, where you  
3 needed limousine service?

4 A I need it often; and what I've resorted to doing,  
5 actually, is we just pay somebody to drive one of our cars.

6 Q When you say one of your cars --

7 JUDGE SMOLEN: Why don't you turn this way? Counsel  
8 knows the answers.

9 THE WITNESS: Okay.

10 BY MR. MULCAHEY:

11 Q -- you would hire an individual to drive your  
12 personal car for you?

13 A Yes.

14 Q And have you done that on a number of occasions?

15 A Yes, we have. I'd say in the last year, probably  
16 eight or nine times.

17 Q And, typically, what type of trips would you hire  
18 an individual as a chauffeur?

19 A We go to Hersheypark frequently. They have  
20 concerts out there.

21 Q From your home to Hershey?

22 A That's from my house, yes. That's a safe place to  
23 go with clients when we take -- I always take clients and  
24 their kids. It's a safe place to go for the concerts,  
25 because you're relatively sure there's not going to be drugs

1 there. We go there. We go from my place to West Chester for  
2 dinner. Generally, we go to a place called Clemente's  
3 (Phonetic.); and then we go down to the Spectrum, the sports  
4 complexes, also, to maybe two or three baseball games a year.

5 Q Now, with respect to your business, do you have a  
6 need for -- have you utilized limousine service in the past  
7 12 months with your business?

8 A No. The only time that I had the opportunity for  
9 the limo service was when they did not show up; and all of my  
10 usage, the people I do business with, are friends of mine.  
11 So it's commingled.

12 Q It's fair to state it's mixed, the personal use  
13 and business use?

14 A Yes.

15 Q Now, in the next 12 months, can you anticipate  
16 your need for limousine service?

17 A Keeping at the same rate where right now I'm  
18 currently getting somebody to drive, it's at least one --

19 MR. O'DONNELL: Objection. Could he maybe ask this  
20 question of the limousine service?

21 JUDGE SMOLEN: Yes, during the next 12 months.

22 MR. O'DONNELL: Could he answer to the limousine  
23 service and not when he drives himself, has someone to drive  
24 his vehicle?

25 JUDGE SMOLEN: All right. Confine yourself to the

1 questions.

2 BY MR. MULCAHEY:

3 Q If you could just testify with respect to any  
4 anticipated need for limousine service in the next 12 months?

5 A Assuming I could find somebody reliable, that  
6 would be at least monthly; and around the end of the year, it  
7 would probably be twice between Christmas and New Year, and  
8 probably twice -- three times per week prior to that.

9 Q Can you identify, typically, what you would  
10 anticipate as a need on a monthly basis, from what point of  
11 origination to what point in Pennsylvania?

12 A Everything would leave from my house in  
13 Parkesburg. If I'm going to take a limo, I'm not going to  
14 drive to it. So it would leave from my house and, like I  
15 said, we would go, basically, Hersheypark, which is  
16 approximately 45 or 50 minutes; out into Lancaster. I don't  
17 know if it's in Lancaster County, but it's out that way; down  
18 into the City, and then out --

19 Q By the City, do you mean Philadelphia?

20 A Philadelphia, yes -- and out for meals.

21 Q Typically, the restaurants would be in Chester  
22 County; is that correct?

23 A Pretty much Clemente's (Phonetic.) in West  
24 Chester.

25 Q How did this application come to your attention,

1 sir?

2 A Mr. Previte called me, and he had heard -- I want  
3 him to testify how he heard -- but my understanding is he had  
4 heard about my problem with another limousine company going  
5 to this concert; and he just -- I don't know who he heard  
6 from. It was somebody that, obviously, knew me; and he just  
7 out of the blue called me and said he was interested in doing  
8 this, and he knows that I don't know him or anything, but  
9 would I consider coming down here and testifying; and I said  
10 sure.

11 Q If Mr. Previte does receive a Certificate of  
12 Public Convenience from this, would you utilize his service?

13 A Yes, I would.

14 Q Is it your opinion that there is a need for an  
15 additional certified licensed limousine company in your area?

16 A I believe so, yes.

17 MR. MULCAHEY: Your Honor, I have no further questions  
18 of this Witness.

19 JUDGE SMOLEN: Mr. Spang?

20 CROSS-EXAMINATION

21 BY MR. SPANG:

22 Q Good morning; did you ever utilize a limousine  
23 service named T's Limousine Service or T's Automotive  
24 Service?

25 A No, I have not.

1 MR. SPANG: Thank you. I have no further questions.

2 JUDGE SMOLEN: Mr. O'Donnell?

3 CROSS-EXAMINATION

4 BY MR. O'DONNELL:

5 Q The limousine service that you had problems with  
6 on the one occasion, how did you pay for that?

7 A The trip did not get paid for.

8 Q You did not pay for the trip?

9 A No, there was no trip.

10 Q How did you pay for the deposit of the trip?

11 A There was no deposit paid. They were coming to  
12 the house to pick me up, at which time I was to pay the  
13 driver in cash.

14 Q Are you aware that all limousine services need to  
15 be paid for in advance, according to the PUC?

16 A I'm not the limo company that made that offer.

17 MR. MULCAHEY: Objection.

18 JUDGE SMOLEN: Either he's aware of it or he's not.

19 THE WITNESS: No, I'm not.

20 JUDGE SMOLEN: Next question.

21 BY MR. O'DONNELL:

22 Q Am I correct to say that you have not used a  
23 limousine service, then, in the last year?

24 A Correct.

25 Q You testified that you pay somebody to drive your

1 vehicle?

2 A Yes.

3 Q Do you have additional insurance coverage to pay  
4 for that?

5 A No.

6 Q Is he on your payroll?

7 A No.

8 Q How do you pay him?

9 A Cash.

10 MR. O'DONNELL: No further questions.

11 JUDGE SMOLEN: Mr. Adelman?

12 MR. ADELMAN: No questions.

13 JUDGE SMOLEN: Mr. Fullerton?

14 CROSS-EXAMINATION

15 BY MR. FULLERTON:

16 Q As I understand, any need that you might have for  
17 limousine service would originate at your home in Parkesburg,  
18 correct?

19 A Yes.

20 Q Now, are you aware that there are other carriers  
21 certificated to perform limousine service right now that you  
22 at least could call upon to use?

23 A Yes.

24 Q Incidentally, what carrier or service did you call  
25 that didn't show up?

1 A Lazer Limousine.

2 Q Did you try anybody else?

3 A It was 5:30, 6:00 the night of the show. They  
4 didn't show up. It wasn't really a possibility --

5 Q And then after that, you didn't need any limousine  
6 service so, therefore, you felt no need to call anybody; is  
7 that correct?

8 A I resorted back to just having somebody that I  
9 know drive us, because I was looking for reliability.

10 Q Now, if there's existing service right now,  
11 limousine service, and it meets your need, do you have any  
12 objection to using it?

13 A I think right now, with my previous experiences  
14 with limousine companies, I don't think I'd use one.

15 Q Now, as you know, the Applicant here has no  
16 certificate?

17 A I don't know anything about him.

18 Q He's not in the limousine system?

19 A I don't know anything about him yet.

20 Q Well, you know he's not in the limousine business,  
21 or you wouldn't be here today supporting him; isn't that  
22 correct?

23 A (No response.)

24 Q Do you know why you're here?

25 A My understanding of why I am here is because he is

1 applying for a certificate so he may start a limousine  
2 service.

3 Q And, therefore, he doesn't have any service right  
4 now, does he?

5 A No, he does not.

6 Q And you have no experience with him, so you don't  
7 know what kind of service he could furnish, do you?

8 A It couldn't be worse than the last experience.

9 Q Just answer my question.

10 MR. MULCAHEY: Your Honor, I think it was answered.  
11 It was asked and answered.

12 BY MR. FULLERTON:

13 Q You don't know what kind of service he could  
14 render, do you?

15 A No, I don't.

16 Q And since you've never tried any other existing  
17 service, in fairness to them, you don't know what kind of  
18 service they could furnish you either, do you?

19 A I have tried other services, prior to Lazer, with  
20 similar results, actually.

21 Q When was that? When did you try any other  
22 services?

23 A The one prior to that was approximately two years  
24 prior, and it was --

25 Q Who was it?

1 A I don't know the name of it. -- it was for a  
2 Christmas party; they didn't show up. I called them up, and  
3 it's like, no, we're scheduled for the following weekend.

4 Q All right. So Lazer and somebody else you don't  
5 know. Who else?

6 A That was it.

7 Q That's it? Well, then, your statement that you  
8 used a lot of them, that's not true. You used -- or you  
9 called two people, right, two services, Lazer and somebody  
10 else whose name you don't even remember; and it was over two  
11 years ago, right?

12 A Yes.

13 Q Incidentally, when was the -- you might have said  
14 it and I forgot it. I'm getting old, so you're going to have  
15 to bear with me. This last service that you wanted, when did  
16 that take place?

17 A I'm not sure of the exact day. It was towards the  
18 end of the Summer. It was definitely in the Summertime.

19 Q Of 1995?

20 A 1996.

21 Q 1996. See, I don't even know what year I'm in.

22 Is price important to you? And the reason I ask  
23 you is this, so I'll make myself clear. Since the Applicant,  
24 here, has no certificate, he couldn't have rates on file; so  
25 you couldn't know at this date what rate he might charge.

1 Now, since you haven't used much of the existing service and  
2 you don't know what kind of service they could furnish,  
3 assuming all other things being equal, if the existing  
4 service would charge \$5 and the Applicant, here, would charge  
5 more, would you be satisfied with the satisfactory existing  
6 service that costs less than the Applicant?

7 A I don't know that I can answer that yes or no. If  
8 I could answer it relating it to my limited business  
9 experience, things cost a certain amount; and the business  
10 I'm in, the materials all cost the same. It's who has their  
11 act together enough to pull the whole package together and  
12 perform.

13 Q And since the Applicant has no service available  
14 yet and you haven't used it, you wouldn't know what kind of  
15 service the Applicant could perform, do you, in all  
16 frankness?

17 A As of today, no. If he were to put a package  
18 together, I could evaluate it then.

19 Q Now, any service that you might be talking about,  
20 so far as the Applicant is concerned -- and this is strictly  
21 speculative -- you don't know whether you'd use him once or  
22 ten times, it would depend on if he got the service, what  
23 service he gave you; isn't that correct?

24 A Could you say that in a different way?

25 Q I'll try. Depending on what your need is, your

1 use of the Applicant would depend on what he could give you,  
2 correct?

3 A Yes.

4 Q If it developed that he didn't give you what you  
5 wanted, you wouldn't use him, would you?

6 A Correct.

7 Q Thank you.

8 JUDGE SMOLEN: Mr. Thomas?

9 MR. THOMAS: I have nothing.

10 MR. O'DONNELL: Your Honor, could I ask one question?

11 JUDGE SMOLEN: Go ahead.

12 CROSS-EXAMINATION (Continued)

13 BY MR. O'DONNELL:

14 Q You're in the construction business?

15 A Yes.

16 Q Do you receive deposits before you do any work?

17 MR. MULCAHEY: Objection, Your Honor. I don't know  
18 how this is relevant.

19 THE WITNESS: No, I don't, actually.

20 JUDGE SMOLEN: Well, he's answered already. Do you  
21 have another question?

22 MR. O'DONNELL: No.

23 JUDGE SMOLEN: Thank you.

24 MR. MULCAHEY: I have just one question.

25 REDIRECT EXAMINATION

1 BY MR. MULCAHEY:

2 Q Mr. Cornell, if Mr. Previte receives a Certificate  
3 of Public Convenience from this Commission and he provides  
4 prompt, reliable service, would you utilize him in the next  
5 12 months or the next year?

6 A Yes, I would.

7 Q And is that really your concern, prompt, reliable  
8 service?

9 A I'm looking for reliability. I don't want to  
10 drive.

11 MR. MULCAHEY: Thank you. I have no further  
12 questions.

13 JUDGE SMOLEN: Anything else? Cross? Any further  
14 cross? No? The Witness is excused. Thank you very much for  
15 appearing on behalf of the Applicant.

16 (Witness excused.)

17 JUDGE SMOLEN: Next witness. John Norman.  
18 Whereupon,

19 JOHN NORMAN  
20 having been duly sworn, testified as follows:

21 JUDGE SMOLEN: Please state your full name and  
22 address. Keep your voice up.

23 THE WITNESS: John Norman. I live at 1223 Osborne  
24 Road, Downingtown.

25 JUDGE SMOLEN: In what county is that?

1 THE WITNESS: Chester County.

2 JUDGE SMOLEN: Mr. Mulcahey?

3 DIRECT EXAMINATION

4 BY MR. MULCAHEY:

5 Q Mr. Norman, how long have you resided in  
6 Downingtown?

7 A Just over three years.

8 Q And are you employed, sir?

9 A Yes.

10 Q By whom are you employed?

11 A A company called Media Form.

12 MR. FULLERTON: How about talking straight out here,  
13 so I can hear you.

14 THE WITNESS: A company called Media Form.

15 BY MR. MULCAHEY:

16 Q How long have you been employed by Media Form,  
17 sir?

18 A Approximately seven years.

19 Q And in what capacity are you employed?

20 A I'm the Vice-President of International Sales.

21 Q What is the business of Media Form?

22 A We manufacture equipment for duplicating CDs and  
23 copy diskettes.

24 Q And, I'm sorry, where is that company located?

25 A It's an Exton address, but it's right in Eagle,

1 Eagle, Pennsylvania.

2 Q Is Eagle in --

3 A Chester County.

4 Q Chester County?

5 A Yes.

6 Q You were -- have you used limousine service in the  
7 past?

8 A Yes.

9 Q And have you used it in connection with your  
10 business or personal?

11 A With my business.

12 Q Would you just describe that past use?

13 A We used it just three weeks ago for a Christmas  
14 party. We provide transportation for the employees, because  
15 we have alcohol served at our parties; so we have free  
16 transportation from the Christmas party. We also have a trip  
17 in the summer to Atlantic City. We usually take a couple of  
18 guys to Atlantic City.

19 MR. FULLERTON: Objection to any testimony with  
20 respect to interstate.

21 JUDGE SMOLEN: Sustained.

22 BY MR. MULCAHEY:

23 Q With respect to the transportation within  
24 Pennsylvania, are you the party responsible at your business  
25 to direct whomever to secure service?

1 A Yes. I'm not the one who secures the service, but  
2 I direct the person to do that.

3 Q You supervise the individual who does that?

4 A Correct.

5 Q And who is that?

6 A Jeannie Cassidy.

7 Q Who is that?

8 A She is a secretary.

9 Q Is she your secretary?

10 A She's in Marketing for all the sales people.  
11 We're a small company, so there are approximately 18 or 19  
12 people in our office.

13 Q And the use has been once within the last 12  
14 months?

15 A In Chester County, correct; and then we've had the  
16 trips to Atlantic City, also.

17 Q Would you identify --

18 MR. FULLERTON: I can't hear you.

19 BY MR. MULCAHEY:

20 Q Would you identify the point of origination of the  
21 trip this past 12 months?

22 A The -- well, as far as our Christmas party. What  
23 we do is we have -- it's at the Kimberton Inn, is where our  
24 Christmas party was at, Kimberton Inn.

25 JUDGE SMOLEN: Where was it?

1 THE WITNESS: Kimberton Inn.

2 JUDGE SMOLEN: Kimberton.

3 MR. FULLERTON: Well, that's destination; he asked for  
4 origin.

5 THE WITNESS: When we do this, we provide  
6 transportation home for employees; so we have the limousine  
7 show up around 11:00; and between 11:00 and 2:00, we have the  
8 limousine running people home. So we didn't bring people to  
9 the party, we just had the limousine to bring people home.

10 BY MR. MULCAHEY:

11 Q Do you know where the inn is located?

12 A Kimberton.

13 Q Is that Chester County?

14 A I believe so, yes.

15 Q And the points of destination, can you give me a  
16 reference as to where your employees live?

17 A Most of my employees are from the  
18 Exton/Downingtown/West Chester area.

19 Q Approximately how many trips occurred on that  
20 occasion?

21 A I'm not sure. My fiancée drove home. She didn't  
22 drink, so I didn't use the limousine service, myself; but the  
23 employees did.

24 Q Do you know what company you used?

25 A I don't -- I couldn't -- I could find it out easy

1 enough. I know she received several different quotes before  
2 she picked a service.

3 Q Now, in the next 12 months, does your company  
4 anticipate utilizing a service?

5 A Yes.

6 Q Can you identify those service occasions?

7 A Right. Well, we've done it for the last three  
8 years; so our Christmas party, again, we'll be using a  
9 limousine service. We -- myself -- our company is growing  
10 pretty quick. I'm doing all the international sales, so I  
11 have frequent trips to Asia; and the trips have been over two  
12 weeks long at a time. Like in November, I was in Singapore,  
13 Hong Kong and Korea. I was gone for about 16 days.

14 JUDGE SMOLEN: The question is, the next 12 months.  
15 You said Christmastime.

16 THE WITNESS: Right. Okay. We need transportation to  
17 the airport.

18 BY MR. MULCAHEY:

19 Q It is leading to --

20 A Yeah. What I've been doing in the past is I've  
21 been paying parking at the airport, and my bills have been  
22 \$80 to \$100 for parking. So what I'm going to start doing on  
23 these trips is getting transportation to and from the airport  
24 instead of paying the parking.

25 Q What -- would the trip originate at your home?

1 A Yeah, in Downingtown, yes.

2 Q And how many times do you anticipate --

3 A Two to three times for the airport.

4 Q Now, with respect to personal use, your individual  
5 personal use, do you anticipate any need for a limousine  
6 service in the next 12 months?

7 A Yes. I've got a wedding in May that I'm going to  
8 reserve a limousine for.

9 Q You, personally?

10 A Yes.

11 Q Now, in the event Mr. Previte receives a  
12 Certificate of Public Convenience, would you utilize his  
13 service?

14 A Most likely, yes.

15 Q Do you believe that there is a need for an  
16 additional licensed limousine company in the area?

17 A Yes.

18 MR. MULCAHEY: Your Honor, I don't have any further  
19 questions for this Witness.

20 JUDGE SMOLEN: Mr. Spang?

21 MR. SPANG: Thank you.

22 CROSS-EXAMINATION

23 BY MR. SPANG:

24 Q Good morning. Can you tell me how many people  
25 were at your company's Christmas party?

1           A    Yeah. We had 56. We invited a lot of our bank  
2 personnel and some of our field customers.

3           Q    Do you know how many of those were transported by  
4 this limousine service?

5           A    I don't know, because I didn't use the service,  
6 myself.

7           Q    Can you give me an approximate number?

8           A    I can't. The limousine was -- our party went  
9 until about 1:00 in the morning, and it started at 11:00,  
10 running trips, bringing people home.

11          Q    You did not hire that particular service?

12          A    I directed someone to hire that service.

13          Q    Other than directing the obtaining of that  
14 service, you had no other interaction with that limousine  
15 service?

16          A    No, it was all arranged through Jeannie Cassidy.

17          Q    With regard to this transportation to the airport  
18 that you're anticipating, what do you anticipate to pay for  
19 that type of service?

20          A    I haven't got a rate yet. The owner of the  
21 company, Jonathan Bradley (Phonetic.), is the one that told  
22 me to look into it because what the price is that I'm paying  
23 in parking.

24          Q    What are you paying in parking?

25          A    For a two-week trip, it's between \$80 and \$90.

1 That's just the long-term parking at the airport. Usually my  
2 trips to Asia are two weeks plus, around 15 or 16 days.

3 Q Have you budgeted any amount for this service yet?

4 A Well, it's going to -- I don't understand. What  
5 do you mean budgeted?

6 Q Have you -- has your company budgeted any dollars  
7 for that transpiration service?

8 A If I take the transportation, my parking that I  
9 normally pay would offset that; so -- and then I don't use my  
10 own vehicle. It doesn't sit at the airport for two weeks.

11 Q So you're looking for a service that would charge  
12 under \$80 to \$90?

13 A Right.

14 Q Have you considered, with regard to that  
15 anticipated service, utilizing airport transportation  
16 services?

17 A The only airport transportation service around us,  
18 there is Rainbow Limousine, I believe. It does an airport  
19 loop. I haven't personally used it. Some of my customers  
20 have used it, but that doesn't pick up at my home. I'd have  
21 to drive into Exton and West Chester to pick that up.

22 Q So at this point in time, you have not made any  
23 inquiries into this service?

24 A No. I just came up -- my last trip to Asia was in  
25 November, mid-November, and that's when I had this big bill.

1 They told me to start looking into that on my next trip.

2 Q And you've not done that yet?

3 A No, my next trip probably won't be until the end  
4 of February or in March.

5 MR. SPANG: Thank you. No further questions, Your  
6 Honor.

7 JUDGE SMOLEN: Mr. O'Donnell?

8 CROSS-EXAMINATION

9 BY MR. O'DONNELL:

10 Q How many limousines were used at the Christmas  
11 party?

12 A Just one.

13 Q To handle 56 people?

14 A It was mostly -- it was for -- the limousine was  
15 intended for our employees. We served alcohol, so it's a --  
16 a lot of it is a liability reason that we provided  
17 transportation, in case some of our employees drank too much,  
18 they would have a way to get home.

19 Q Was the limousine booked for specific people or  
20 just to be there, in general?

21 A It was to be arranged -- anyone that wanted to  
22 take it could arrange it the night of the party or ahead of  
23 time. The people were just to come and sign up so we'd know  
24 when and where it was going to be going.

25 We booked a large limousine. It was a ten-

1 passenger limousine.

2 Q And the name of the company?

3 A I can produce that. I don't know what that is.

4 Q You testified here that you directed the booking  
5 of the limousine?

6 A Yes, I did.

7 Q But you don't know what the company was?

8 A She came back to me with the rates, what time they  
9 would be there and what they could do. She had a couple of  
10 different companies that she had quotes.

11 Q She is?

12 A Jeannie Cassidy.

13 Q You referred to Jeannie earlier, and you said that  
14 she picked the limousine service?

15 A Well, she got the quotes, and she showed me the  
16 ones. She said this was the one we should go with, and I  
17 just agreed.

18 Q She picked the limousine service or you picked the  
19 limousine service?

20 MR. MULCAHEY: Objection, Your Honor. That was asked  
21 and answered.

22 JUDGE SMOLEN: Well, it's not clear yet. I'll  
23 overrule it.

24 THE WITNESS: I mean --

25 JUDGE SMOLEN: Why don't you explain --

1 THE WITNESS: She works for me. She got all these  
2 different quotes. She showed me all the quotes, and she said  
3 this is the one. We agreed, we both agreed on which one we  
4 were going to use. It wasn't just me or her deciding. It  
5 was agreed on the quotes and the times they could be there  
6 and the plans that they offered, because we were -- it was  
7 kind of a strange service. It wasn't a pick up and drop off.  
8 It was running a shuttle service, basically.

9 BY MR. O'DONNELL:

10 Q I see. So Jeannie did all the shopping for you?

11 A Yeah, she did. Right. Exactly. That's -- I do  
12 sales, and I need to sell things.

13 Q Were you happy with the limousine service?

14 A I didn't, personally, use it. It was there. I  
15 saw it at 11:00. That's all.

16 Q Were you disappointed with the limousine service?

17 A I have no -- I can't be -- it was there on time.  
18 That's all I know.

19 Q Can you tell me anything about the limousine  
20 service that night?

21 A It was white. That's it. Like I said, I didn't  
22 use the service. It was there for our employees.

23 Q You didn't use the service?

24 A No.

25 Q Did she have any problems finding the limousine

1 service?

2 A Not to my knowledge. Like I said, it was just  
3 directed to her; and about a week later, she came back with  
4 all these quotes.

5 Q All these quotes? Do you know how many?

6 A Two or three.

7 Q Two or three?

8 A I believe it was three.

9 Q So there was at least three limousine services  
10 available that night that could handle it?

11 A I believe so, yes.

12 Q You believe so?

13 A Yes.

14 Q You looked at the quotes?

15 A Yes, yes.

16 Q You were part of this, correct?

17 A Correct. There was three.

18 Q There was at least three?

19 A Yes.

20 Q In reference to your trips to the airport, have  
21 you checked with any prices at this point?

22 A Like I said, my next trip won't be until February  
23 or March. Two or three times a year, I have to go to Asia.

24 MR. O'DONNELL: No further questions.

25

CROSS-EXAMINATION

1 BY MR. ADELMAN:

2 Q Good morning, Mr. Norman. Am I correct in  
3 assuming that the price of the limousine service for the  
4 round trip to the airport is more than the \$80 or \$90 that  
5 you're paying for parking your own car or driving your own  
6 car?

7 A No, there's also the cost of -- if I drive my own  
8 vehicle, I also get reimbursed for mileage on my vehicle at  
9 thirty-one cents a mile; so there's another twenty or -- I  
10 don't know, whatever it is from my house to the airport. But  
11 even if it was a little bit more, 15 or 20 percent more than  
12 what I'm paying now, I'd still use the service, because it  
13 would be a lot more convenient. I don't know if you have  
14 much experience in going to long-term parking, especially  
15 when international flights come in at all weird hours; and  
16 usually I'm carrying large pieces of equipment with me, also.

17 Q In regard to the Christmas party, you previously  
18 used a ten-passenger limousine. Is that the type of vehicle  
19 you anticipate using in the future?

20 A Well, for the Christmas party, yeah; and, also,  
21 when we go to Atlantic City. We have a lot of people.

22 MR. ADELMAN: Nothing further, Judge.

23 JUDGE SMOLEN: Mr. Fullerton?

24 CROSS-EXAMINATION

25 BY MR. FULLERTON:

1 Q My questions only relate to points in  
2 Pennsylvania.

3 A Okay.

4 Q I don't care about Atlantic City.

5 A Okay.

6 Q You're picked up at a point in Pennsylvania.  
7 First of all, what is the name of the company that you work  
8 for?

9 A Media Form.

10 Q And it's located where?

11 A It's in Eagle View Corporate Park. We have an  
12 Exton address, but it's called Eagle.

13 Q Oh, Exton, is the --

14 A Right.

15 Q -- point?

16 A Right.

17 Q Now, today -- are you here -- first of all, how do  
18 you happen to be here? Do you know the Applicant?

19 A Yeah, my fiancée works with him.

20 Q And he asked you to come and support his  
21 application?

22 A Yes.

23 Q And as you know, he's never been in the limousine  
24 service; so you don't know what type of service he could  
25 furnish you?

1 A Correct.

2 Q And if it wasn't satisfactory to you, you wouldn't  
3 use it, would you?

4 A No.

5 Q And you've never discussed rates with him, because  
6 he has no authority and he wouldn't have any rates on file?

7 A Right.

8 Q So, really, at this point, you're simply here  
9 because your -- did you say your fiancée or -- because of  
10 your relationship with --

11 A Right.

12 Q He asked you to be here, and you said, well, as a  
13 favor, I'll come here; but I don't know --

14 A I've known Tony for about a year and a half now in  
15 a personal relationship. If I had the choice of using a limo  
16 service of someone I know versus a company that I don't know,  
17 I would definitely consider a company that I know. Of  
18 course, you can get better service if someone knows you  
19 personally; but if the service wasn't there, you know, I  
20 would have to use someone else, I mean, if he didn't show up  
21 or the limo is dirty.

22 Q Fine.

23 A But I would definitely go through someone I know  
24 first.

25 Q And that's because of friendship?

1 A Well, when you go through -- we're a small  
2 company, too, so a lot of people I do business with are  
3 people that I know personally. You get a lot better service  
4 through someone you know. It's going to be there; it's not  
5 going to be late, because you have a personal relationship,  
6 also, with business now.

7 Q Now, you know there's existing service in this  
8 area, right?

9 A Um-hum.

10 Q Correct?

11 A Yes.

12 Q And forget about anything else. If that service  
13 will meet your needs, you'd have no objection to using it,  
14 would you?

15 A If Tony had a service, I would use him first.

16 Q Simply because of your knowledge, your friendship;  
17 is that right?

18 A Um-hum.

19 Q And regardless of the rate?

20 A No, the rate would have to be in line with what  
21 normal rates are. Most of my use of the limousine would be  
22 through my corporate -- with my company, and the rates would  
23 have to be in line with the going rates. If he was 50  
24 percent more, I couldn't use him.

25 Q Tony is the Applicant, is that right?

1 A Yes, Mr. Previte, yes.

2 Q The service that you were talking about, this  
3 Christmas party, you have no complaint about that service, do  
4 you?

5 A Right. I have very little experience with it, but  
6 it was there.

7 Q Just answer the question, you had no complaints?

8 A No complaints.

9 Q And so far as that service is concerned, where did  
10 you say the club or the restaurant was?

11 A It was Kimberton Inn. Kimberton Inn.

12 Q And where --

13 A In Kimberton.

14 Q No, but is that in Chester County?

15 A Yes.

16 Q So the trip originated there?

17 A Um-hum.

18 Q And these people were helped?

19 A Um-hum.

20 Q So far as you personally are concerned, would your  
21 use originate at your home? Where did you say, Parkesburg?

22 A No, I'm in Downingtown.

23 Q Downingtown?

24 A Correct.

25 Q Is that in Chester County?

1 A Yes.

2 Q So that any use that you would have would start  
3 out in Downingtown?

4 A Yes.

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

6 THE WITNESS: I'd like to note one other thing.

7 MR. FULLERTON: I don't have any questions for you.

8 JUDGE SMOLEN: There's no question before you.

9 THE WITNESS: Okay.

10 REDIRECT EXAMINATION

11 BY MR. MULCAHEY:

12 Q Mr. Norman, with respect to your need for a  
13 service from your home to the airport, isn't it true that you  
14 would need a prompt and reliable service for your connecting  
15 flight?

16 MR. FULLERTON: I object to the leading nature of the  
17 question.

18 JUDGE SMOLEN: Overruled. You may answer the  
19 question.

20 THE WITNESS: Obviously, with international flights,  
21 if you miss your flight, there's not another one an hour  
22 later, but the next day; and on a trip that's 15 days long,  
23 that would totally disrupt my trip. I can't miss a flight.

24 BY MR. MULCAHEY:

25 Q So you do have reason to believe that Mr. Previte

1 would provide that prompt, reliable service?

2 MR. SPANG: Your Honor, I'm going to object to the  
3 continued use of the word prompt --

4 MR. FULLERTON: Well, I'll --

5 MR. SPANG: -- on the basis that the PUC requires a  
6 minimum two-hour notice; and I think the word prompt is  
7 misleading.

8 MR. MULCAHEY: Well, that's for securing the trip or  
9 reserving the trip.

10 JUDGE SMOLEN: Well, make it clear. I'll sustain the  
11 objection. Rephrase, and let's go ahead.

12 BY MR. MULCAHEY:

13 Q Mr. Norman, when you know that you're going to  
14 take a trip and fly out of the Philadelphia Airport, would  
15 you make arrangements within a reasonable period of time --

16 A At least two weeks in advance.

17 Q Thank you. And then when you secure the service,  
18 would it be important that the service arrived at your home  
19 on time or earlier for the scheduled pick up?

20 A Absolutely.

21 Q And what would that reason be?

22 A If the limousine is late and I miss my flight,  
23 that would throw me off a whole day on my trip.  
24 International flights, there's one per day, you know, to Hong  
25 Kong. There's not another flight an hour later.

1 Q Would it be important that the vehicle was  
2 reliable to get you there on time?

3 A Absolutely.

4 Q For the same reason?

5 A Yes.

6 Q And do you have reason to believe that Mr. Previte  
7 could provide that service?

8 A Yes.

9 Q Is that why you would use his service?

10 A Yes.

11 MR. MULCAHEY: That's all I have.

12 RE-CROSS-EXAMINATION

13 BY MR. FULLERTON:

14 Q We've agreed that you've never used Mr. Previte?

15 A Correct.

16 Q And what's the basis of you saying or assuming  
17 that he could provide --

18 A Just my personal --

19 Q Let me finish my question, then you can answer.

20 What's the basis of you assuming he can provide  
21 what service you need when he's never been in this business  
22 and you've never used the service?

23 A I have no experience with Tony and his limousine  
24 service, but I have known Tony for a year and a half on a  
25 personal basis. He's a reliable person. He does what he

1 says. I have a good relationship with him. So based on that  
2 experience in the last year and a half, I know he would --

3 Q Not based on any actual usage?

4 A Right.

5 Q Thank you.

6 RE-CROSS-EXAMINATION

7 BY MR. O'DONNELL:

8 Q The one limousine trip that you did have, were  
9 there any complaints about it?

10 A Are you talking about our Christmas party?

11 Q Right.

12 A I have not been back to work since the Christmas  
13 party. So to be honest, I have no experience in talking --

14 MR. FULLERTON: He related to me that he had no  
15 complaint about the service.

16 JUDGE SMOLEN: That's on the record. There's another  
17 question.

18 BY MR. O'DONNELL:

19 Q You also said that price would be a matter here on  
20 your airport trips?

21 A He would have to be in line with normal rates.

22 Q You would have --

23 MR. MULCAHEY: Your Honor, I have to object. This  
24 is -- my redirect was very, very limited in nature.

25 MR. O'DONNELL: I'm just going off of his testimony

1 here.

2 BY MR. O'DONNELL:

3 Q You would need to have that price approved?

4 MR. MULCAHEY: This was asked and answered, and it's  
5 beyond the scope of my redirect. I object to the question.

6 JUDGE SMOLEN: Cross-examination is based on direct  
7 testimony. Recross is based on the redirect testimony. So  
8 what Mr. Mulcahey is saying is that your questions should be  
9 limited to the redirect testimony of this Witness, rather  
10 than relaying back to the original testimony, the original  
11 direct testimony. That's what his objection is.

12 Now that you understand it, I'm going to allow you to  
13 ask this question so that we can move ahead. Just ask the  
14 same question again, then.

15 BY MR. O'DONNELL:

16 Q His prices would need to be -- for the service  
17 that Mr. Mulcahey was talking about here on his redirect,  
18 going to the airport, when we talked about prompt service and  
19 adequate service --

20 A Um-hum.

21 Q -- do you need to have those prices approved?

22 A They would have to be approved by myself. I mean,  
23 I don't have to have someone approve them. I'm a Vice-  
24 President of the company. I could spend a lot more if I  
25 wanted to, but they're going to have to be -- you know, if

1 they're way too high, I'm not going to use his service.

2 MR. O'DONNELL: Thank you.

3 JUDGE SMOLEN: Anything further of this Witness? No  
4 response. The Witness is excused. Thank you very much for  
5 appearing.

(Witness excused.)

6 MR. MULCAHEY: The next Witness is Florence Dienna.

7 JUDGE SMOLEN: Anyone here James? Oh, Jane, is it?

8 MS. DIENNA: Florence.

9 MR. MULCAHEY: Florence.

10 JUDGE SMOLEN: Oh, Florence? And your last name?

11 MS. DIENNA: Dienna.

12 JUDGE SMOLEN: Spell it.

13 MS. DIENNA: D-i-e-n-n-a.

14 Whereupon,

15 FLORENCE DIENNA

16 having been duly sworn, testified as follows:

17 JUDGE SMOLEN: Please have a seat. Again, state your  
18 name and address.

19 THE WITNESS: My name is Florence Dienna. I live at  
20 135 Bell Tavern Road, Downingtown, Pennsylvania. It's in  
21 Chester County.

22 JUDGE SMOLEN: Mr. Mulcahey?

23 DIRECT EXAMINATION

24 BY MR. MULCAHEY:

25

FORM 2

1 Q Good morning, Ms. Dienna.

2 A Good morning.

3 Q How long have you resided in Downingtown?

4 A I've been there for two-and-a-half years.

5 MR. FULLERTON: Could you keep your voice up?

6 JUDGE SMOLEN: Yes, it's a little -- do the best you  
7 can. Keep your voice up. The Court Reporter needs it, also.

8 BY MR. MULCAHEY:

9 Q And have you had experience in the past with  
10 respect to limousine service?

11 A Yes, I have.

12 Q When was the last occasion when you had that  
13 experience?

14 A It was about two years ago.

15 Q What occasion was that?

16 A It was for my wedding.

17 Q And can you describe what occurred?

18 A Okay. I had been in the market for a limo  
19 company. Most of -- I had gone through the phone book  
20 comparing prices, doing some comparison shopping; and the  
21 only company I could find at a reasonable price that was  
22 available for our wedding date, which was in April, so it  
23 wasn't peak season for weddings, came out of Douglasville;  
24 and they charged you from the time they pulled the limo out  
25 of the garage, until they took it back to the garage.

1 Douglasville is about an hour from my home, so if they drove  
2 an hour; and we got to use the limo for maybe an hour, and  
3 they had to drive it back again. So for the price I paid, I  
4 really felt a little robbed, because I had two hours of their  
5 drive time to pay for, which may be how, you know, standard  
6 procedure; but if there would have been a limo service closer  
7 to my home, we could have utilized it more for our own  
8 personal use, instead of driver's drive time.

9 Q When was that -- when was your wedding?

10 A April 9th of 1994.

11 Q Do you recall the name of the company?

12 A I do not remember their name. At that point, I  
13 was just so glad to get a limo company that could do it that  
14 day, that it really didn't matter.

15 Q I see. Now, you said that you contacted several  
16 other companies?

17 A Um-hum.

18 Q Where did you get the names and phone numbers of  
19 those companies?

20 A Right out of the phone book, out of the Yellow  
21 Pages.

22 Q Can you identify any of those companies? Is it  
23 possible to do that?

24 A I had gone to Krapf's. I had gone to -- I  
25 remember Krapf's, because they were so high-priced.

1 Q Do you know if you contacted a company called  
2 Allways Limo?

3 MR. FULLERTON: Object to the leading nature of that.  
4 That's not proper direct.

5 MR. MULCAHEY: I think it is, Your Honor.

6 THE WITNESS: To be --

7 JUDGE SMOLEN: Wait a minute. I'm going to sustain  
8 the objection.

9 THE WITNESS: I believe I had contacted them. I had  
10 called, as I said, every limo that was listed in the Yellow  
11 Pages, I had called for quotes. I can't sit here and tell  
12 you exactly every company I called, because I had called  
13 several different companies.

14 BY MR. MULCAHEY:

15 Q How do you know the Applicant, Mr. Previte?

16 A I have worked with Mr. Previte since, I believe it  
17 was, 1993.

18 Q And do you work with him by the same employer?

19 A Yes.

20 Q Where was that?

21 A ComNet Mortgage Services.

22 Q And do you work in the same department?

23 A No. He works in -- when Mr. Previte first  
24 started, he was training in the department where I worked;  
25 and later he transferred out to a different area of the

1 company.

2 Q And in your employment with Mr. Previte, have you  
3 had an opportunity to observe him and the way he works?

4 A Yes, I have.

5 Q And could you describe what you observed?

6 A He's very reliable. He is, in my experience in  
7 working with him, he was always on time or early; courteous,  
8 polite, considerate, a hard worker, dedicated. He's just --  
9 he was -- if there is such a thing as a model employee, he  
10 was the model employee.

11 Q Now, Ms. Dienna, if the Commission decides to  
12 grant Mr. Previte a Certificate of Public Convenience to  
13 operate a limousine service, would you contact him and use  
14 his service?

15 A Yes, I definitely would.

16 Q And would that be based on your experience with  
17 him in the past and your employment relationship?

18 A Yes, that is one factor.

19 Q Are there other factors?

20 A One of the factors would be because of his  
21 location. He is much closer. The availability, I feel,  
22 would be a little easier. It would give the person using the  
23 service a little more time to do whatever they needed to do.

24 Q Now, do you anticipate utilizing a limousine  
25 service in the next 12 months?

1 A Yes, I do.

2 Q Could you identify your need in the next 12  
3 months?

4 A My husband and I, when we travel, we don't  
5 necessarily like to leave our cars parked someplace for  
6 extended periods of time; so we'd use him for travel to and  
7 from airports, bachelorette parties, Christmas parties. Just  
8 on New Year's Eve, we had to cancel our plans, because we  
9 couldn't get a limo; so we were at home this New Year's, but  
10 no big deal.

11 I have nieces and nephews who are looking for  
12 limos for proms --

13 MR. FULLERTON: Objection.

14 JUDGE SMOLEN: You can only speak for yourself.  
15 Sustained.

16 BY MR. MULCAHEY:

17 Q With respect to your personal need for service in  
18 the next 12 months, would you identify the point of  
19 origination for, let's say, the trips to the airport?

20 A It would be leaving from my home in Downingtown  
21 and going to the airport in Philadelphia.

22 Q And can you give me an idea of the number of times  
23 you would utilize this service for that, in the next 12  
24 months?

25 A In the next 12 months, I would say, possibly, two

1 times.

2 Q And, I think you identified Christmas parties and  
3 New Year's Eve parties. Can you identify the point of  
4 origination for those trips?

5 A Those would be beginning, again, from my home.

6 Q And where would they go to?

7 A The Christmas parties would depend on where it was  
8 being held. Usually, it's within Chester County. It depends  
9 because, usually, it would be a company-type function where  
10 if I'm going to be drinking, I don't drive; and I have  
11 someone else do that.

12 Q And with respect to the New Year's Eve parties,  
13 would the origination be your home?

14 A That would be my home, yes.

15 Q And where would the destination be?

16 A Usually, we tend to go to the Exton area, the  
17 Kimberton area to an inn or -- well, last New Year's Eve, we  
18 were at Bailey's in Exton; so it would be just, basically,  
19 from our home to the night club or whatever.

20 Q And were there other occasions that you identified  
21 that you would use a limousine service?

22 A We have -- many of my husband's relatives live out  
23 of State; and when they fly into the airport, we're not  
24 always available to meet their flight, and I would like to  
25 hire out a limo to pick them up and bring them to our home.

1 MR. FULLERTON: Object. That would be beyond the  
2 scope of the application, if the airport is beyond either  
3 Chester or Lancaster County.

4 JUDGE SMOLEN: Sustained.

5 BY MR. MULCAHEY:

6 Q In the event that Mr. Previte is licensed, would  
7 you call him on those several occasions to use his service?

8 A Yes, I would.

9 Q Do you believe that there is a need for the  
10 Commission to issue an additional certificate for a limousine  
11 service?

12 A In Chester County, yes, I do.

13 MR. MULCAHEY: Thank you. No further questions, Your  
14 Honor.

15 JUDGE SMOLEN: Mr. Spang?

16 CROSS-EXAMINATION

17 BY MR. SPANG:

18 Q Good morning, Ms. Dienna. With regard to your  
19 attempts to obtain limousine service for your wedding, how  
20 far in advance of your wedding did you begin calling  
21 limousine services?

22 A I began in December, so it would have been 1993 at  
23 the time.

24 Q And what was the primary basis for you selecting  
25 the service you eventually went with?

1           A    It was the only company that I could find that had  
2 the size limo that I needed that was available at that  
3 particular time on that day.

4           Q    What size limo were you looking for?

5           A    I was looking for an eight passenger.

6           Q    Was that what was provided to you?

7           A    Yes, it was.

8           Q    You testified that one of the reasons you would  
9 utilize the Applicant's services is because of his location.  
10 Are you familiar with other limo service locations in Chester  
11 County?

12          A    I do know a few.

13          Q    Who do you know of? .

14          A    I know of Krapf's, which is out of Glennmoor,  
15 Pennsylvania. I know there's also Rainbow Limo, but I'm not  
16 really too familiar with that. Those are probably about the  
17 only two that I know right off the top of my head.

18          Q    Are you familiar with Lazer Limousine at all?

19          A    No.

20          Q    And you're not aware that they have two locations  
21 in Chester County?

22          A    No, I did not know that.

23          Q    With regard to the trips you've indicated that you  
24 have planned for this upcoming year, with regard to limousine  
25 service for travel, do you currently have specific travel

1 plans?

2 A Yes, I do.

3 Q What would those plans be?

4 A Every April we go to Williamsburg, Virginia; and  
5 then later on in the year, we're planning to go to Florida to  
6 visit the in-laws. We also -- there is also a possibility  
7 that we could be going as far West as Las Vegas and Oklahoma.  
8 We also have relatives out there. These trips are usually  
9 about a week duration.

10 Q How do you intend to travel from your home to  
11 Williamsburg, Virginia?

12 A We have in the past driven, which is -- it's a bit  
13 much. It's a long drive.

14 Q How are you planning on getting there this year?

15 A We're planning on flying into an airport.

16 Q Do you know what airport?

17 A I -- we haven't actually looked into that booking  
18 yet. We're starting to do that right now.

19 Q So you actually haven't acquired any tickets yet?

20 A No, not as yet.

21 Q Is that the same with your anticipated trip to  
22 Florida?

23 A Right.

24 Q Is that also true with your anticipated trip to  
25 Las Vegas?

1 A Yes.

2 Q So you're not -- you don't have any detailed plans  
3 yet?

4 A No, we're just starting to form those now.

5 Q With regard to your difficulties obtaining  
6 limousine service for your New Year's Eve party, was that for  
7 1996 New Year's Eve?

8 A Yes.

9 Q When did you start looking for a limousine  
10 service?

11 A I started looking around Thanksgiving time.

12 Q Do you recall who you contacted?

13 A I had called Krapf's, because I knew they were in  
14 the area. They were booked, which somehow I kind of  
15 suspected that it would be difficult to find a limo on New  
16 Year's Eve; but I gave it a try anyway.

17 Q Did you contact anyone other than Krapf's?

18 A Um, no, because I figured that Krapf's, they were  
19 very close. If I had a chance, it would probably be with  
20 them.

21 Q You contacted -- you didn't contact Lazer  
22 Limousine, though?

23 A No.

24 MR. SPANG: Thank you. I have no further questions,  
25 Your Honor.

1 JUDGE SMOLEN: Mr. O'Donnell?

2 CROSS-EXAMINATION

3 BY MR. O'DONNELL:

4 Q You testified that you used a limousine service  
5 once in the last two years, and that was for your wedding?

6 A Yes.

7 Q You testified you use limousines every New Year's?

8 A We would like to use them.

9 Q Who did you use last year?

10 A Last New Year's, we did not have a limo.

11 Q You testified you go to the airport every April?

12 A Yes.

13 Q What did you use to go to the airport the last two  
14 years in April?

15 A The last two years, we actually had personal  
16 friends that were kind enough to take us down and pick us up.

17 Q So you have not used a limousine service within  
18 the last two years?

19 A Correct.

20 MR. O'DONNELL: No further questions.

21 JUDGE SMOLEN: No questions. Mr. Fullerton?

22 CROSS-EXAMINATION

23 BY MR. FULLERTON:

24 Q As I understand, any transportation in the way of  
25 this limousine service that you would need would all be

FORM 2

1 originated in Downingtown, Pennsylvania, did you not,  
2 correct?

3 A Correct.

4 Q Now, you do know there's existing service in this  
5 area, correct?

6 A Um-hum.

7 Q And if that service would meet your transportation  
8 needs, you have no objection to trying them, do you?

9 A No, I do not, as long as there is -- it's a fair  
10 price.

11 Q And so far as the Applicant here is concerned, you  
12 say you've known him from working with him, and you've  
13 attributed certain characteristics to his -- characteristics  
14 of -- since he has never furnished, he doesn't even have this  
15 type of service, you don't know what type of service he would  
16 furnish with respect to that, do you, despite the fact that  
17 he might be good in some other field?

18 A No, I do not; but I feel that with his  
19 characteristics and the type of person that he is, that it  
20 would be --

21 Q That doesn't necessarily mean or prove to you that  
22 he's going to furnish you with transportation service?

23 A No, it does not.

24 MR. FULLERTON: Thank you.

25 MR. THOMAS: I have no questions.

1 JUDGE SMOLEN: Redirect?

2 REDIRECT EXAMINATION

3 BY MR. MULCAHEY:

4 Q Ms. Dienna, if the Commission does grant a  
5 certificate to Mr. Previte and he is able to provide prompt  
6 and reliable service, would you utilize this service?

7 MR. FULLERTON: Object. Repetitious. He asked that  
8 before.

9 JUDGE SMOLEN: Well, I'll let him ask it again.  
10 Overruled.

11 THE WITNESS: Yes, I would.

12 MR. MULCAHEY: Thank you.

13 JUDGE SMOLEN: Is that it?

14 MR. MULCAHEY: Yes.

15 JUDGE SMOLEN: The Witness is excused. Thank you very  
16 much for appearing and testifying.

17 (Witness excused.)

18 JUDGE SMOLEN: Your next witness?

19 MR. MULCAHEY: Could I take a ten-minute break, Your  
20 Honor?

21 JUDGE SMOLEN: All right. It's now -- how many --  
22 well, let's go off the record.

23 (Discussion off the record.)

24 MR. MULCAHEY: The next witness is Henry Patrick Lieb.  
25 Whereupon,

FORM 2

1 HENRY PATRICK LIEB

2 having been duly sworn, testified as follows:

3 JUDGE SMOLEN: Please keep your voice up. State  
4 your full name and address for the record.

5 THE WITNESS: My name is Henry Patrick Lieb. I live  
6 at 75 East Strassman (Phonetic.) Court --

7 JUDGE SMOLEN: What is the last name again?

8 THE WITNESS: Lieb, L-i-e, as in Edward, b, as in boy.

9 JUDGE SMOLEN: Mr. Mulcahey?

10 MR. MULCAHEY: Yes.

11 DIRECT EXAMINATION

12 BY MR. MULCAHEY:

13 Q Good afternoon, Mr. Lieb.

14 A Good afternoon.

15 Q How long have you resided in Kennett Square?

16 A A year and a half.

17 Q And are you employed, sir?

18 A Yes, I am.

19 Q By whom are you employed?

20 A ComNet Mortgage Services.

21 Q And where are they located?

22 A Valley Forge, Pennsylvania.

23 Q Do you know what county that is?

24 A I believe that is Chester County.

25 Q And what position do you serve at -- in ComNet?

1 A I'm the Investor Account Manager. I'm also an  
2 officer of the company.

3 Q Now, how did you come to know Mr. Previte?

4 A Tony used to work for me.

5 MR. O'DONNELL: Excuse me. Can I correct that that's  
6 -- Valley Forge is in Montgomery County?

7 JUDGE SMOLEN: You can do that later on, if you want.  
8 You've stated it on the record. Go ahead.

9 BY MR. MULCAHEY:

10 Q I think the question was, how did you come to know  
11 Mr. Previte?

12 A Tony used to work with me -- now works with me at  
13 ComNet. He worked underneath me for about three-and-a-half  
14 years, directly reported to me.

15 MR. FULLERTON: You're talking so fast, I can't --

16 THE WITNESS: I'm sorry. Tony worked for me for  
17 approximately three-and-a-half years and directly reported to  
18 me.

19 BY MR. MULCAHEY:

20 Q You supervised him?

21 A Yes, I did.

22 Q What qualities and traits did -- came to your  
23 attention with respect to Mr. Previte?

24 A Tony was always dependable. He's a team player.  
25 He's always customer-service-oriented. He deals with five

1 other departments in our division, as well as the departments  
2 in the bank and secondary marketing, all of which Tony got  
3 involved with. Like I said, he's a customer service person;  
4 because in a mortgage company, we are customer-service-  
5 oriented.

6 Q Now --

7 MR. O'DONNELL: Excuse me again, Your Honor, and I may  
8 be wrong. Correct me if I am. Can I ask, at this time --

9 JUDGE SMOLEN: Is this an objection?

10 MR. O'DONNELL: Objection, then, sorry. Can I ask, at  
11 this time, whether this gentleman is representing -- I did  
12 ask previous --

13 JUDGE SMOLEN: An offer of proof?

14 MR. O'DONNELL: Okay. -- whether he is representing  
15 his company, whether he is --

16 THE WITNESS: I represent myself.

17 MR. O'DONNELL: Personal. Okay.

18 MR. MULCAHEY: I was going to get to that.

19 JUDGE SMOLEN: All right.

20 BY MR. MULCAHEY:

21 Q All right. Mr. Lieb, have you had an occasion to  
22 utilize limousine service in the past?

23 A Yes, I have.

24 Q Would you please identify that?

25 A About four years ago, and that was a while ago, I

1 understand, we used a limo with my brother and my ex-wife and  
2 my sister-in-law to take us to the airport. We were going  
3 out to Wisconsin to visit her family. However, upon our  
4 return, the limousine never showed up. I did not set up that  
5 appointment. I do not know --

6 MR. FULLERTON: Hold on just a minute.

7 THE WITNESS: Okay.

8 JUDGE SMOLEN: Slow down.

9 MR. FULLERTON: On the return, that's not pertinent.

10 This application won't permit --

11 THE WITNESS: We booked them for a round trip.

12 MR. FULLERTON: Objection.

13 THE WITNESS: I'm sorry.

14 JUDGE SMOLEN: Wait just a second.

15 THE WITNESS: Sure.

16 JUDGE SMOLEN: Mr. Mulcahey understands the -- you  
17 have a lawyer -- Mr. Mulcahey understands the objection.

18 I'm going to ask Mr. Mulcahey, do you understand the  
19 objection? It's on the return trip.

20 MR. MULCAHEY: Do I understand Mr. Fullerton's  
21 objection? I do.

22 JUDGE SMOLEN: All right. I'm going to sustain it.

23 MR. MULCAHEY: Judge, if I could just have a moment?

24 JUDGE SMOLEN: All right. Go ahead.

25 As it stands now, I'll sustain it as to the return

1 trip, unless you can show me how it's relevant.

2 MR. MULCAHEY: I don't want to get into a legal  
3 argument with Jack at this point, but I believe that the  
4 application did say "and return."

5 MR. FULLERTON: And return simply means on the same  
6 trip. You go down and you bring them back. It's not -- you  
7 can't originate something.

8 MR. MULCAHEY: Again, I don't want to get into a legal  
9 argument with Jack.

10 JUDGE SMOLEN: Well, you can argue about that on  
11 brief.

12 MR. MULCAHEY: That can be on the brief, and I think  
13 the question would be appropriate.

14 JUDGE SMOLEN: Well, I'm looking at the caption; and  
15 it says, "For the right to begin to transport, as a common  
16 carrier, by motor vehicle, persons in limousine service,  
17 between points in the counties of Chester and Lancaster, and  
18 from points in said counties, to points in Pennsylvania, and  
19 return."

20 MR. FULLERTON: Now, if you want it the other way, it  
21 has to be vice-versa.

22 MR. MULCAHEY: Jack, I think if you secure a trip in a  
23 day and it's a trip to the airport and return, it's engaged  
24 at the same time. I think that's appropriate.

25 If it's not and if they just fly into the airport and

1 want to call a limousine service, then Mr. Previte wouldn't  
2 be able to handle that trip.

3 But as I understand this Witness, he secured the  
4 service for a trip to the airport and return.

5 MR. FULLERTON: Well, this Witness was coming back.

6 THE WITNESS: We flew out to Wisconsin --

7 MR. FULLERTON: That's right.

8 THE WITNESS: -- we had a limousine take us down  
9 there --

10 MR. FULLERTON: That's right.

11 THE WITNESS: -- and we had the same service,  
12 supposedly --

13 MR. FULLERTON: When you came back, then you ordered  
14 it again?

15 THE WITNESS: No. It was the same trip.

16 JUDGE SMOLEN: Mr. Fullerton --

17 MR. FULLERTON: Well, it's not the same trip. You  
18 can't count the intervening air transportation.

19 MR. MULCAHEY: Well, that's something that we'll argue  
20 about.

21 JUDGE SMOLEN: You can argue about that on your brief  
22 as to whether or not that would fall within the scope of the  
23 requested territory. So let us continue.

24 MR. O'DONNELL: Okay. I object, Your Honor.

25 JUDGE SMOLEN: The same -- go ahead.

1 MR. O'DONNELL: He testified he did not book the trip.  
2 It's hearsay. He didn't make arrangements for the trip; he  
3 shouldn't be testifying.

4 JUDGE SMOLEN: Well, when you say it's hearsay, what  
5 do you mean by hearsay?

6 MR. O'DONNELL: He did not book the trip. He did not  
7 make arrangements for this trip. It's not a trip he  
8 performed. He's testifying for a trip --

9 JUDGE SMOLEN: The question was did he use a  
10 limousine.

11 MR. O'DONNELL: He stated he did not book the trip.

12 JUDGE SMOLEN: But he used the limousine. Overruled.  
13 Go ahead.

14 BY MR. MULCAHEY:

15 Q I'm not exactly sure where we are, but I'll try  
16 to --

17 A Aside from that, the last time that I used a  
18 limousine service was two years ago for a Christmas party  
19 given by the Mortgage Bankers of Pennsylvania. I was  
20 involved in it with three other people, and I did not book  
21 that trip; however, the pick up seemed to be timely.

22 MR. FULLERTON: Well, where were -- what points are we  
23 talking about?

24 THE WITNESS: Unfortunately, at that time, I lived in  
25 Lansdale, Pennsylvania; and I now live in Kennett Square.

1 MR. FULLERTON: Let your attorney ask the questions.

2 MR. MULCAHEY: If I could ask one favor of the  
3 Commission --

4 MR. FULLERTON: I want to know what the point of  
5 origin and destination was.

6 MR. MULCAHEY: -- unless there's an objection, I'd  
7 appreciate no more interruptions.

8 MR. O'DONNELL: I object again, Your Honor.

9 JUDGE SMOLEN: Let's go ahead.

10 MR. MULCAHEY: Okay.

11 JUDGE SMOLEN: Your objection right now, hold it.  
12 Let's go. Ask a question. Give an answer; but if you hear  
13 the word objection, don't give the answer until we hear what  
14 the objection is.

15 BY MR. MULCAHEY:

16 Q Mr. Lieb, we were discussing the trip to the  
17 airport; and you stated that the trip originated in what  
18 location?

19 A Lansdale, Pennsylvania, where I resided at the  
20 time.

21 Q And where did you go?

22 MR. FULLERTON: What county is Lansdale?

23 THE WITNESS: Montgomery.

24 MR. FULLERTON: Well, object then.

25 MR. MULCAHEY: I'm asking what his past usage of the

1 limousine service is, and I think that's an appropriate  
2 question.

3 MR. FULLERTON: Well, it's irrelevant to this. The  
4 fact he used it in Lansdale doesn't mean he's going to need  
5 it from a point in Chester County.

6 JUDGE SMOLEN: Let's hear your argument.

7 MR. MULCAHEY: Well, I think it goes, though, to the  
8 existing services, whether -- what his experience was with  
9 the existing service.

10 JUDGE SMOLEN: In Montgomery County?

11 MR. MULCAHEY: Well, he was residing in Montgomery  
12 County at that point.

13 JUDGE SMOLEN: Well, that's what he's testifying here,  
14 isn't it?

15 MR. FULLERTON: It's not relevant?

16 MR. MULCAHEY: That's what he's testifying.

17 JUDGE SMOLEN: Well, then I'll sustain it.

18 BY MR. MULCAHEY:

19 Q Mr. Lieb, you have used limousine service on how  
20 many occasions in the past four years?

21 A About -- it would be, in the past four years,  
22 those two times.

23 Q Now, do you have occasion or is there a reason for  
24 additional use of limousine service in the next 12 months?

25 A Yes, sir, there is.

1 Q And would you identify that?

2 A Absolutely. I was just informed by my company  
3 that I would be doing more traveling --

4 MR. O'DONNELL: Objection, Your Honor. He's here to  
5 testify on his own and not his company's.

6 MR. MULCAHEY: Judge, I think --

7 JUDGE SMOLEN: Overruled. Continue.

8 THE WITNESS: That I'll be traveling for work purposes  
9 to attend conferences, et cetera. I'll need transportation  
10 from Kennett Square, Pennsylvania, to Philly International.  
11 The conferences usually last three or four days.

12 My personal experience is that I've had some bad  
13 experiences at Philly International myself. I've had people  
14 try to break into my car, hubcaps missing and that kind of  
15 thing, and the aggravation of fighting the traffic down there  
16 and back.

17 BY MR. MULCAHEY:

18 Q Would it be your choice to either drive to  
19 Philadelphia International Airport or to secure a limousine  
20 service?

21 A Secure a limousine service.

22 Q That would be your personal decision?

23 A Correct.

24 Q And you would have decided that you would take  
25 what route, a limousine service or personal car?

1 A Limousine service.

2 Q And for what reason again?

3 A Just to avoid the aggravation and my car getting  
4 stolen. There's always a possibility in Philly.

5 Q And how many occasions would you need that service  
6 to the airport from Kennett Square in the next 12 months?

7 A Three to four times.

8 Q Three to four times a year?

9 A Three to four times a year, correct.

10 Q And if Mr. Previte receives a Certificate of  
11 Public Convenience from the Commission, would you utilize his  
12 service?

13 A Yes, I would.

14 Q And would you utilize his service based on your  
15 experience, the type of person he is, the character he has?

16 A Correct.

17 MR. MULCAHEY: No further questions.

18 JUDGE SMOLEN: Mr. Spang?

19 CROSS-EXAMINATION

20 BY MR. SPANG:

21 Q Mr. Lieb, who would be responsible for securing  
22 limousine service on your travels on behalf of ComNet?

23 A I would.

24 Q Would you be reimbursed by ComNet?

25 A I would be reimbursed for the -- what the parking

1 would have been and my mileage, and the rest I would be  
2 responsible for myself. But for me, that's personal, a  
3 personal convenience; and the mileage -- the miles on my car  
4 and knowing that my car would not be stolen or broken into.

5 Q So ComNet is not requiring you to travel by  
6 limousine?

7 A No, they're not.

8 Q Do you have any written guidelines as to the  
9 selection of limousine service?

10 A No, they do not.

11 Q You testified you're an officer of ComNet?

12 A Yes, I am.

13 Q What position do you hold?

14 A I'm a mortgage officer, which is, basically, one  
15 step below an Assistant Vice-President and one step above  
16 paid manager.

17 Q You don't hold a position as President, Secretary,  
18 Treasurer?

19 A No, sir.

20 MR. SPANG: Thank you. No further questions.

21 JUDGE SMOLEN: Mr. O'Donnell?

22 CROSS-EXAMINATION

23 BY MR. O'DONNELL:

24 Q The trip you mentioned four years ago, did you  
25 make arrangements for that trip?

1 A No, sir, I did not.

2 Q How many times have you been to the airport for  
3 your work within the last year?

4 A Um, approximately three times.

5 Q Three times. Again, the same as you project in  
6 the future next year?

7 A Three to four times, correct.

8 Q And which limousine service did you use for this?

9 A I did not use it at that point in time.

10 Q What would make you use a limousine service at  
11 this point?

12 A Knowing the reliability of the person and that  
13 they'd be able to do that for me, because I know that  
14 relationships are everything.

15 Q So it's strictly a relationship basis that you  
16 would pick a limousine service?

17 A Absolutely.

18 Q Not a need basis?

19 A Well, a blend of both.

20 Q Have you checked with any other limousine services  
21 for that need?

22 A No, sir, I have not. My first trip is not until  
23 March or April of this year.

24 Q Did you check with any other limousine services in  
25 those last trips?

1 A No, sir.

2 Q Did you get prices?

3 A No, sir.

4 MR. O'DONNELL: No other questions.

5 JUDGE SMOLEN: Mr. Adelman?

6 MR. ADELMAN: No questions.

7 JUDGE SMOLEN: Mr. Fullerton?

8 CROSS-EXAMINATION

9 BY MR. FULLERTON:

10 Q I'm not clear, do you work for the same company  
11 that the Applicant works for?

12 A Yes, sir, I do.

13 Q Right now?

14 A Yes, sir.

15 Q And is the reason you're here, he requested you  
16 give him kind of a support?

17 A He had asked me to come and support him.

18 Q Assuming there is existing service certificated by  
19 the Commission to give you what you want, do you have any  
20 objection to using that or trying to use that?

21 A I have never used them before, but in the business  
22 I am in, like I said, relationships are everything.

23 Q Just answer my question. Do you understand it?

24 A Yes, sir. Would I --

25 Q Do you have any objection using somebody that can

1 give you what you need?

2 A I don't know if they can give me what I need, sir.

3 Q Well, how do you know if you don't try it?

4 A Then I guess I would look into it.

5 Q So far as your appearance here is concerned, you  
6 know the Applicant. Simply on that factor alone, you're  
7 trying to help him, aren't you?

8 A Not necessarily --

9 Q Pardon?

10 A Am I trying to help him?

11 Q You want to try to help him get the authority,  
12 don't you?

13 A Yes, sir.

14 Q He's never been in the transportation business so,  
15 therefore, you don't know what type of service he could give,  
16 do you?

17 A In the transportation business, I do not.

18 Q And if it develops that he got the authority and  
19 he couldn't give what you wanted, you wouldn't use or need  
20 the service, would you?

21 A I may need the service in this year for traveling  
22 to the airport.

23 Q Do you understand my question?

24 A Yes, sir.

25 Q If he didn't give you what you needed or he

1 couldn't give you the service you wanted, you wouldn't use  
2 him, would you?

3 A I would not use him, correct.

4 Q And you don't even know what price he's going to  
5 charge for the service, because he doesn't have the service  
6 yet, do you?

7 A No, sir, I do not know the price.

8 Q And if the price didn't suit you, you wouldn't use  
9 it, would you?

10 A Well, it depends on the price.

11 Q Well, that's what I'm saying. Don't you  
12 understand my question?

13 A Yes, sir, I do. It does depend on the price; but  
14 like I said, relationships are -- that's what this world is  
15 about. When people come to us for a mortgage and they could  
16 maybe get it somewhere else, it's because of customer service  
17 and relationships.

18 Q That has nothing to do with this. Either you need  
19 the service or you don't need the service. As I understand  
20 your position here today, personal relationship means  
21 everything, and you don't care about anything else; is that  
22 right?

23 A To a point, sir.

24 MR. FULLERTON: Thank you.

25 MR. MULCAHEY: I just have one question.

REDIRECT EXAMINATION

BY MR. MULCAHEY:

Q Do you have any reason not to believe that Mr. Previte wouldn't be able to provide service for you if he received the certificate?

A No.

MR. FULLERTON: Object. He asked that before.

JUDGE SMOLEN: It's asked and answered. Any other questions of the Witness? Do you have anything else?

MR. O'DONNELL: Yes.

RECROSS-EXAMINATION

BY MR. O'DONNELL:

Q If Mr. Previte did not receive the service, would you use another limousine company?

A Yes, I would.

JUDGE SMOLEN: Is that it?

MR. O'DONNELL: Yes, that's it, Your Honor.

JUDGE SMOLEN: The Witness is excused. Thanks very much for appearing and testifying.

(Witness excused.)

MR. MULCAHEY: My next witness is Anthony Ianni.

MR. IANNI: That's right.

Whereupon,

ANTHONY JOHN IANNI

having been duly sworn, testified as follows:

FORM 2

1 JUDGE SMOLEN: Please keep your voice up. State your  
2 full name and address.

3 THE WITNESS: Anthony John, the last name is I-a-n-n-  
4 i, 75 East Jonathan Court, Kennett Square, Pennsylvania, in  
5 Chester County.

6 JUDGE SMOLEN: Proceed.

7 DIRECT EXAMINATION

8 BY MR. MULCAHEY:

9 Q Mr. Ianni, how long have you resided in Kennett  
10 Square?

11 A In Kennett Square, five years now.

12 Q And are you employed, sir?

13 A Yes, I am.

14 Q By whom are you employed?

15 A Advanta Mortgage Services in Fort Washington,  
16 Pennsylvania.

17 Q What position do you serve with that company?

18 A I am a wholesale account executive.

19 Q Now, do you have -- have you utilized limousine  
20 service in the past?

21 A I have.

22 Q Can you describe your use?

23 A Approximately 11 months ago, I used a service from  
24 Delaware to take me from Kennett Square to the airport.  
25 Obviously, we had a bad winter last year.

1 MR. FULLERTON: Object. Beyond the scope.

2 MR. O'DONNELL: Objection.

3 MR. MULCAHEY: From Kennett Square to the airport, I  
4 think that's Chester County to --

5 MR. FULLERTON: Well, if he's using it from Delaware.

6 THE WITNESS: The company is from Delaware.

7 MR. MULCAHEY: The company is from Delaware.

8 MR. O'DONNELL: It's an illegal use.

9 MR. MULCAHEY: How do you know it's illegal? Out-of-  
10 State companies have a Certificate of Public Convenience.

11 MR. O'DONNELL: Maybe if I had receipts and the  
12 information that I asked for in the beginning, I would know  
13 that; and I'd be able to answer that for you.

14 MR. MULCAHEY: Well, you had time to do it.

15 JUDGE SMOLEN: You can question the receipt. Let's go  
16 ahead. Go ahead. Keep going. The objection is overruled.

17 MR. MULCAHEY: Overruled.

18 BY MR. MULCAHEY:

19 Q Please identify your use.

20 A They picked me up from Kennett Square, took me to  
21 the airport; however, the pick up time, they were a half-hour  
22 late. I was running onto the tarmac. I almost missed the  
23 plane. Upon my return trip, they weren't there to pick me  
24 up.

25 Q Do you know the name of that company?

1 MR. FULLERTON: I object to that part, with the  
2 return.

3 JUDGE SMOLEN: It's on the record. Overruled. What's  
4 the name of that company, do you remember?

5 THE WITNESS: I believe it was Delaware Express.

6 BY MR. MULCAHEY:

7 Q Have you used any other service?

8 A I used a service from Exton, about a year prior to  
9 that, for a Christmas party that myself and three other  
10 friends were on. Exton is in Chester County. They picked us  
11 each up to take us to the Christmas party. When we finished,  
12 the driver took us for an additional --

13 MR. O'DONNELL: Objection; Your Honor, there is no  
14 limousine company in Exton.

15 JUDGE SMOLEN: Well, you can bring that out on your  
16 cross-examination. You're arguing your case during the  
17 taking of testimony. This is what the Witness testified to.

18 MR. FULLERTON: I'm going to object on this basis,  
19 however. If it's he and he's talking about himself, things  
20 that he arranged, but he's talking about two or three other  
21 people, too. I think that should be clarified.

22 JUDGE SMOLEN: I agree with Mr. Fullerton.

23 THE WITNESS: I arranged the trip myself for myself  
24 and my three friends.

25 JUDGE SMOLEN: All right. Go ahead.

1 BY MR. MULCAHEY:

2 Q Continue describing the trip.

3 A In a any event -- I think that's where they were  
4 from -- in any event, they dropped us off. We were not told  
5 the tip was included in --

6 JUDGE SMOLEN: Where were you picked up?

7 THE WITNESS: We were picked up at each of our houses.  
8 That would be one in Kennett Square, one in Montgomery County  
9 and two additional in Chester County.

10 JUDGE SMOLEN: Do you know the name of the company?

11 THE WITNESS: I can't recall. It was two years ago.

12 JUDGE SMOLEN: Go ahead.

13 BY MR. MULCAHEY:

14 Q Will you describe the usage, Mr. Ianni?

15 A It was from each of our individual homes into the  
16 City, picked us up, took us back home so we didn't have to be  
17 driving.

18 Q Where in the City of Philadelphia?

19 A The Sheet Metal Workers Union Hall down on  
20 Columbus Avenue, Delaware Avenue.

21 Q Now, would you have need of limousine service in  
22 the future?

23 A I will. I am leaving Advanta at the end of this  
24 week. I'm going to a different company. I travel  
25 approximately 150 or so days a year. My new territory is in

1 New England, so I'm going to need, on average, at least four  
2 to six times a month.

3 Q What type of transportation --

4 JUDGE SMOLEN: From where to where?

5 MR. FULLERTON: From where to where?

6 JUDGE SMOLEN: Just answer the question.

7 THE WITNESS: It would be from Kennett Square to the  
8 airport and then back home again.

9 MR. FULLERTON: I'll object to any back home again.  
10 That's not within the scope.

11 JUDGE SMOLEN: Mr. Fullerton, you can argue in your  
12 brief as to whether or not the return trip is included within  
13 this requested territory. So go ahead. Let's get it on the  
14 record and proceed.

15 BY MR. MULCAHEY:

16 Q And you would say that that type of transportation  
17 would be needed four times a month?

18 A At least four times a month, correct.

19 Q And what are your plans to use a service, or are  
20 you planning on travelling to the airport personally? What  
21 plans have you made?

22 A As I said, I end my employment with Advanta  
23 tomorrow. My new position doesn't take effect until next  
24 Wednesday. So as of yet, I have no travel plans for 1997.

25 Q Are you planning, though, on using a limousine

1 service to at least get to the airport?

2 A That's correct.

3 Q In the event the Commission grants Mr. Previte a  
4 certificate, would you utilize his service?

5 A I would utilize his service.

6 Q Why would you utilize his service?

7 A In the past, I have worked with Mr. Previte. I  
8 found him to be a very reliable person, and I can testify  
9 that he is reliable and he is very dependable. He's been a  
10 good person.

11 Q And based on that, you believe that he could  
12 provide a prompt, reliable limousine service?

13 A Certainly.

14 MR. MULCAHEY: I have no further questions.

15 JUDGE SMOLEN: Mr. Spang?

16 MR. SPANG: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. SPANG:

19 Q Sir, who is your new employer going to be?

20 A ComNet Mortgage Services.

21 Q Are they requiring you to utilize a limousine  
22 service in 1997 for your travels?

23 A I can set up my own travel arrangements, which I  
24 did in the past. I worked for them for eight-and-a-half  
25 years prior to going with Advanta. So however I get to the

1 airport and however I do my trips, it's my business. I am  
2 reimbursed.

3 Q How do they reimburse you for your trips?

4 A I'm reimbursed fully.

5 Q Do they have any written guidelines with regard to  
6 travel services?

7 A There are none. I did look into that.

8 Q And for your trips from your home to the airport,  
9 are you anticipating using a limousine service or airport  
10 shuttle service?

11 A Shuttle service doesn't come out to Kennett Square  
12 to my knowledge. It's much more convenient to use a  
13 limousine service.

14 Q Have you done any research to see if any shuttle  
15 services come to Kennett Square?

16 A I have.

17 Q And what was the result of that research?

18 A I found none.

19 Q How did you research shuttle services?

20 A I asked a couple of friends. A neighbor of mine  
21 travels, and I asked her if she knew of anybody that came  
22 out. I recall calling a couple of places out of the Yellow  
23 Pages, but I don't -- there was one, a small cab service, I  
24 believe, Rainbow something; but I don't recall them coming  
25 out.

1 Q Do you know what telephone book serves your  
2 particular region?

3 A I don't know if it's Southeastern Chester County.

4 Q South Chester County?

5 A Southeastern Chester County. The Yellow Pages.

6 Q Do you have receipts for the two trips -- two  
7 previous limousine trips you've testified to?

8 A No.

9 Q Do you recall how you paid for those trips?

10 A American Express.

11 Q Would you --

12 JUDGE SMOLEN: Do you mean your credit card?

13 THE WITNESS: Correct.

14 BY MR. SPANG:

15 Q Would you research your credit statements to see  
16 if you still have the summary showing payment for that, and  
17 will you produce that?

18 A I have to find them.

19 Q Do you have them?

20 A They're somewhere. I couldn't answer honestly if  
21 they're around.

22 Q Do you make it a practice to retain your credit  
23 card summaries from American Express?

24 A Not really. I don't keep that stuff.

25 MR. SPANG: Thank you. I have no further questions.

1 MR. MULCAHEY: Your Honor, I'll be glad to ask the  
2 Witness --

3 JUDGE SMOLEN: Use your best efforts to make -- see if  
4 you can ascertain copies of those credit card statements.

5 MR. SPANG: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. O'DONNELL:

8 Q Mr. Henry Lieb testified before you here. Will  
9 you be working under him in any way?

10 A No.

11 Q You testified here earlier that you have no travel  
12 plans for 1997?

13 A That's because I haven't started my new job.  
14 That's correct.

15 MR. O'DONNELL: Thank you. No further questions, Your  
16 Honor.

17 JUDGE SMOLEN: All right. Mr. Adelman?

18 MR. FULLERTON: Presently, do you work --

19 JUDGE SMOLEN: Wait a minute. Hold on. Wait. Mr.  
20 Adelman --

21 MR. FULLERTON: Oh, I'm sorry. Excuse me. I didn't  
22 know.

23 CROSS-EXAMINATION

24 BY MR. ADELMAN:

25 Q I'm a little confused. You have no travel plans

FORM 2

1 but you're going to travel 150 days --

2 A Absolutely. My job --

3 Q No specific plans?

4 A Yes. I haven't started it yet, so it's kind of  
5 tough to start seeing clients, obviously, until you get in  
6 there.

7 Q You're starting this job next Wednesday?

8 A That's right.

9 Q Assuming that it's going to take some time for the  
10 Applicant to get granted a certificate, will you be using  
11 another limousine company for your travel plans?

12 A It's my intent to look into it, that's right.

13 MR. ADELMAN: Nothing further. Thank you.

14 CROSS-EXAMINATION

15 BY MR. FULLERTON:

16 Q Presently, do you work at the same company that  
17 the Applicant does?

18 A No, I do not.

19 Q How do you know him?

20 A As I indicated earlier, this gentleman I worked  
21 with for eight-and-a-half years. That covered from 1988  
22 until last June. Mr. Previte started there sometime early --  
23 in the early 1990s. I don't recall when.

24 Q At one time you worked with him, at the same time?

25 A That's how I know him. That's correct.

1 Q And did he ask you to come here today --

2 A He did.

3 Q -- and support him?

4 A He did.

5 Q The transportation that you're talking about in  
6 connection with this new job, it would be from your home in  
7 Kennett Square to the airport; is that right?

8 A Um-hum.

9 Q You said you checked with different places as to  
10 existing transportation. Did you ever check with the Public  
11 Utility Commission?

12 A No, I didn't.

13 Q If there's a present service that can meet your  
14 transportation needs, and this is in line with the question  
15 this gentleman asked you, would you have any objection to  
16 using it or trying it, if it gives you what you want?

17 A I would certainly look into it.

18 Q And if it does, as compared to service that you  
19 don't even know anything about, a non-existing service, you  
20 wouldn't prefer the non-existing service to the service you  
21 know about, would you?

22 A Isn't it safe to assume that if you know somebody  
23 to be reliable, that they would continue to be reliable, if  
24 they owned their own business?

25 Q If that's your basis, then that's your basis. Is

1 that the only reason you're here to support this application,  
2 you know the Applicant; and if he gets it, you'll use it, and  
3 is that regardless of price or anything?

4 A No, I'm in the relationship business, so --

5 Q Pardon?

6 A In the business that I'm in presently, rate is no  
7 issue. It's always relationships. That's how I get my  
8 business.

9 Q All right. And regardless of anything else,  
10 you're just assuming that because of your past relationship,  
11 he's going to be able to serve you?

12 A That's a fair statement.

13 MR. FULLERTON: That's all I have.

14 JUDGE SMOLEN: Mr. Mulcahey?

15 MR. MULCAHEY: Nothing further.

16 JUDGE SMOLEN: Anything further from any Counsel?

17 Hearing no response, the Witness is excused. Thank you very  
18 much. Now, remember you're going to check to see if you can  
19 find those receipts.

20 THE WITNESS: Within ten days or so?

21 JUDGE SMOLEN: All right. Next witness.

22 (Witness excused.)

23 MR. MULCAHEY: Ted Aicher.

24 Whereupon,

25 THEODORE THOMAS AICHER

FORM 2

1 having been duly sworn, testified as follows:

2 JUDGE SMOLEN: Please keep your voice up. State your  
3 full name and address for the record.

4 THE WITNESS: My name is Theodore Thomas Aicher. My  
5 address is 1116 Cambria Court, Phoenixville, Pennsylvania.

6 JUDGE SMOLEN: Spell your last name.

7 THE WITNESS: A-i-c-h-e-r. You can call me Ted,  
8 though.

9 JUDGE SMOLEN: Okay. What county is Phoenixville in?

10 THE WITNESS: Phoenixville is Chester.

11 DIRECT EXAMINATION

12 BY MR. MULCAHEY:

13 Q How long have you lived in Phoenixville, sir?

14 A Two-and-a-half years.

15 Q And in those two-and-a-half years, have you  
16 utilized a limousine service?

17 A Yes, I have.

18 Q Would you describe your usage?

19 A I used it probably about, let's see, April of  
20 1995. I used a limousine service for my marriage.

21 Q And what -- just describe the transportation.  
22 From what point did the transportation originate and where  
23 did it finally terminate?

24 A I hired a limousine service from Phoenixville. It  
25 was after the wedding. It was designed to take my best man

1 and his wife home to Philadelphia and then take myself and my  
2 wife to the airport.

3 Q Do you know what company you used?

4 A I believe it was King Limo, I think.

5 Q Prior to that, did you have an opportunity to use  
6 any additional services?

7 A I was involved in the same Christmas party two  
8 years ago that Anthony was involved in.

9 Q Are you two employed by the same company?

10 A I'm employed at ComNet Mortgage Services where  
11 Anthony was employed and is coming back.

12 Q And what position do you serve in that company?

13 A I'm the Vice-President of Secondary Marketing at  
14 ComNet Mortgage Services.

15 Q Are you an officer of that company?

16 A That's correct.

17 Q And do you anticipate any need for limousine  
18 service in the future, in the next 12 months?

19 A I anticipate in the next 12 months using a  
20 limousine service both on personal and business in the year.

21 Q Would you please describe your anticipated  
22 personal use of a limousine service?

23 A On a personal level, I like to -- my wife and I  
24 like to go into the City of Philadelphia to dinner, probably  
25 twice a year; and, typically, we would rent a limousine

1 service.

2 Q Where would you start that trip?

3 A That would originate in Phoenixville and return to  
4 Phoenixville.

5 Q And the point in Philadelphia would be?

6 A Center City, Le Bec Fin, if I can afford that.  
7 Somewhere around there.

8 Q And with respect to your business, what type of  
9 needs do you have for a limousine service?

10 A Probably three to four times a year I would go to  
11 various seminars and would consider using a limousine  
12 service.

13 Q And where would the service originate?

14 A Either out of my home in Phoenixville or where our  
15 company is located, which is in Malvern.

16 Q And then the transportation would be to what  
17 location from those two points?

18 A It would be to the Philadelphia Airport and, of  
19 course, a return trip back to either the place of business or  
20 back to Phoenixville.

21 Q Now, would you -- if Mr. Previte receives his  
22 Certificate of Public Convenience -- utilize his service?

23 A Yes, I would.

24 Q Why would you utilize his service?

25 A Well, my previous experience with limousine

1 companies I was not all that happy with. Quite frankly,  
2 they're not that personable; and often, they don't deliver  
3 what is promised. I believe that through my relationship  
4 with Tony, after having worked with him for two-and-a-half  
5 years, that he's reliable; and he can provide me with a  
6 personalized service that I'd want.

7 Q And is it your opinion that there is a need for an  
8 additional licensed carrier in your area?

9 A In my opinion, yes, based on my experience.

10 MR. MULCAHEY: No further questions, Your Honor.

11 JUDGE SMOLEN: Mr. Spang?

12 CROSS-EXAMINATION

13 BY MR. SPANG:

14 Q Good afternoon, Mr. Aicher.

15 A Good afternoon.

16 Q Did I understand you to testify that previously  
17 you only used a limousine twice --

18 A In the past two years.

19 Q -- in the past two years?

20 A I've used -- if we would go back four years, I've  
21 used a limousine a little more frequently than that.

22 Q But yet you anticipate using a limousine twice  
23 this year for personal use and three or four times this year  
24 for business use?

25 A That's correct.

1 Q Why have you not previously utilized limousine  
2 services twice a year for personal use to go to dinner in  
3 Philadelphia?

4 A My wife was pregnant, so we really haven't  
5 travelled all that much. We will be getting out of the house  
6 more often going forward.

7 Q With regard to these business seminars that you've  
8 testified you require a limousine service for, is that from -  
9 - where is the point of origination and destination with  
10 regard to this anticipated service?

11 A The point of origination could be either at my  
12 house -- depending on flight times -- either at my house in  
13 Phoenixville or at our corporate headquarters, which is in  
14 Malvern. Both, I believe, are in Chester County.

15 Q And that would be so you could fly to certain  
16 seminars?

17 A That's correct, North Carolina, or wherever,  
18 Chicago.

19 Q Did you attend any business seminars in 1996?

20 A Yes, I did.

21 Q And did you have to fly to those seminars?

22 A Yes.

23 Q And did you utilize limousine services to get to  
24 the airport?

25 A No, not for those.

1 Q And in 1995, did you go to business seminars?

2 A Yes.

3 Q And did you fly to those seminars?

4 A Yes.

5 Q Did you utilize limousine services to get to the  
6 airport for those flights?

7 A No.

8 Q Has ComNet in any way changed its reimbursement  
9 policy in the past two or three years with regard to  
10 limousine service?

11 A There's really no formal policy to the limousine  
12 service, as Mr. Ianni had stated; but I believe with the  
13 company now issuing laptops, computers, I'll be more  
14 efficient if I could work to and from these trips. So I plan  
15 on using it going forward, as a result of laptops and just  
16 being more efficient. If I can save an hour or two in time,  
17 it's two hours less that I have to work on the weekend.

18 Q Has ComNet issued any internal memorandum  
19 encouraging the use of limousine service?

20 A Encouraging? There hasn't been any memorandum,  
21 neither encouraging or otherwise.

22 Q Or discouraging, sir?

23 A Yes.

24 Q What type of documentation policy does ComNet have  
25 regarding reimbursement of services such as limousine

1 service?

2 A You would need receipts, and it would have to be a  
3 reasonable charge.

4 Q Who approves the reimbursement of those expenses?

5 A My particular expenses would be approved by the  
6 President of ComNet, because I report directly to him.

7 Q Who is that?

8 A The President's name is Peter Kehoe.

9 Q Could you spell his last name, please?

10 A That would be K-e-h-o-e.

11 Q And since you've testified you're a Vice-  
12 President, can you tell me what the -- with regard to ComNet  
13 generally -- who is it that would approve travel expenses for  
14 other employees, apart from yourself?

15 A For anyone that would report to me, I would  
16 approve them. Vice-Presidents and Senior Vice-Presidents  
17 would be approved by the President; and then someone such as  
18 Henry, who is a manager, would be approved by someone like  
19 myself.

20 Q So if I understand you correctly, it's the direct  
21 supervisor of the employee?

22 A That's correct, yes.

23 Q With regard to the expenses you approve, is that  
24 on a case-by-case basis?

25 A That's right. In other words, if the limousine

1 was what we would determine to be excessively costly, I'm  
2 sure that that would be something that would not be approved;  
3 so it would be a cost/benefit type of issue in my company.

4 Q In your opinion, what's excessively costly?

5 A Not having analyzed it, it would depend on what  
6 the hourly rate was versus what the parking would be for the  
7 term that you're going to be staying. It would probably  
8 depend on the length of time that you're going to be  
9 attending the conference.

10 Q How many employees report to you, sir?

11 A I have about eight employees report to me in my  
12 division.

13 MR. SPANG: Thank you. I have no further questions.

14 JUDGE SMOLEN: Mr. O'Donnell?

15 CROSS-EXAMINATION

16 BY MR. O'DONNELL:

17 Q How are you doing, sir?

18 A Fine.

19 Q You testified that typically you rent limousines  
20 to go down to Philadelphia to go out to dinner at Le Bec  
21 Fin's?

22 A If I'm lucky.

23 Q You have not used a limousine service to do that  
24 in the last year?

25 A In the last year, no.

1 Q How do you refer to the word typically?

2 A In the last year, again, as I said, my wife was  
3 pregnant and wasn't -- typically, we go down to do a  
4 celebration. With her having been pregnant, it just didn't  
5 make sense to do it for this particular year -- this past  
6 year.

7 Q Correct me if I'm wrong, you said typically you  
8 rent limousines to go down to Philadelphia?

9 A When we go out to dinner, right, which we haven't  
10 done so since 1995, I guess.

11 Q So, typically, you've not rented since --

12 A In the past year, yes. That's correct.

13 Q Four years?

14 A No, no, we have gone out and rented limousines in  
15 previous years, yes.

16 Q 1995?

17 A In 1995, we would have. In 1994, we would have,  
18 yes.

19 Q So, typically, you have not rented a limousine to  
20 go out to dinner in the last four years?

21 A How do you define typically? I've used it.

22 JUDGE SMOLEN: I'm a little confused.

23 MR. MULCAHEY: Yes.

24 THE WITNESS: Typically, do you mean like eight times  
25 a year, nine times, ten?

1 JUDGE SMOLEN: Your question was, he hasn't used  
2 limousines in the past four years. His testimony was that he  
3 did, yes.

4 MR. O'DONNELL: Now he said he did not. 1995 was the  
5 last time he used it.

6 JUDGE SMOLEN: Yes, he used it in the last four years.

7 THE WITNESS: That's right.

8 MR. O'DONNELL: He said 1995.

9 JUDGE SMOLEN: This is 1997, so we have 1994 and 1993.

10 BY MR. O'DONNELL:

11 Q So 1995 was the last time you used a limousine to  
12 go out to dinner?

13 A That's correct.

14 Q And what limousine company did you use for that?

15 A I believe it King Limo.

16 Q Did you have any problems with King, as far as  
17 service?

18 A King's service, in my experience, I've used them a  
19 couple of times, they often -- the drivers weren't very  
20 personable, to be honest with you; and, also, on one  
21 occasion, they promised a limousine, and they delivered  
22 something smaller.

23 Q On one occasion, we are talking about one  
24 occasion, are we not?

25 A Probably two, I would say.

1 Q So you've used King's twice now, in 1995?

2 A We have in 1995 in April, when we had my wedding.  
3 In that case, they were a half hour late. The driver was  
4 very arrogant, and the limousine promised was not what was  
5 delivered.

6 Q Do you plan on getting married again where you  
7 would need to book a limousine?

8 A Hopefully not. I like my current wife.

9 Q So you can rule out the need for a limousine  
10 service?

11 A For a wedding, sure.

12 Q So we're talking about one time for dinner, then?

13 A Well, on a personal use, yes. Excluding business,  
14 yes, only two times a year probably.

15 Q In 1995?

16 A That's correct.

17 Q In reference to the question over here, was there  
18 any memorandums put out from your company, ComNet, to start  
19 using a limousine service; and you replied no?

20 A To start using, to require that we use? No, there  
21 have been no memorandums.

22 Q Can you tell me, as Vice-President of the company,  
23 why you have three employees here at this time testifying now  
24 that you're going to use a limousine service, and they've  
25 never used it in the past?

1 A Well, I can't speak for the other fellows --

2 Q I don't need you to speak for the other two  
3 fellows, I need you to speak here as a Vice-President of the  
4 company.

5 A As a Vice-President of the company as, again, I've  
6 said our company is issuing laptops, I believe that I could  
7 be more efficient and use a limousine service to work,  
8 instead of dealing with the hassles of having to drive to and  
9 from the airport.

10 Q There's no company policy --

11 A No, there is not.

12 Q -- that everybody should start using a limousine  
13 service?

14 A No, absolutely not.

15 Q You are all just here on your own behalf, not the  
16 company's behalf to testify?

17 A Not on the company's behalf, no.

18 MR. O'DONNELL: Thank you. No further questions.

19 JUDGE SMOLEN: Mr. Adelman?

20 CROSS-EXAMINATION

21 BY MR. ADELMAN:

22 Q Good afternoon.

23 A How are you doing?

24 Q As a Vice-President and officer of the company, do  
25 you have any rules regarding conflict of interest?

1 A Conflict of interest meaning not using someone  
2 that works at the company?

3 Q Yeah.

4 A None that I'm aware of; but, again, that would be  
5 something I'd have to research.

6 Q Do you think that the company would anticipate  
7 having people work for themselves while they're on company  
8 time?

9 A People work for themselves, meaning?

10 Q The Applicant works for the same company you work  
11 at. I imagine with all these people from ComNet here, making  
12 trips with his company, he's going to be dealing with a  
13 private business on company time; is that good policy?

14 A I couldn't comment on that. That would be a  
15 decision that he would have to work out with his direct  
16 employer. He doesn't report to me, so I can't really  
17 comment.

18 Q You're unaware of any policy that the company has  
19 of performing work for themselves on company time?

20 A I'm sure every company has a policy that you can't  
21 have another -- you can't be doing something that's not of  
22 the company's interest on company time.

23 MR. O'DONNELL: Thank you. No further questions.

24 CROSS-EXAMINATION

25 BY MR. FULLERTON:

1 Q As I understand, are you with the same company  
2 that the Applicant works for --

3 A That's correct.

4 Q -- and with these other gentlemen?

5 A Right.

6 Q You have a holiday today. How do you happen to be  
7 here?

8 A Now, well, we've taken some time out from the  
9 workplace. It's kind of slow in the mortgage business at  
10 this time.

11 Q And the Applicant asked you to come here today and  
12 support him?

13 A Yes.

14 Q What other service, to your knowledge, is  
15 available in this application area?

16 A Um --

17 Q You said you checked?

18 A No, I didn't -- I never said I checked. I just  
19 only used one service. I never really researched any other  
20 company.

21 Q All right. Assuming existing service is  
22 available, other available service --

23 A Right.

24 Q -- and it meets your needs, do you have any  
25 objection to trying them or using them?

1 A To try them, no, I would not object to trying  
2 them.

3 Q And if it meets your needs, would you use them?

4 A If it met my needs, sure.

5 Q Now, you talked about your company policy and  
6 price of the service and would that be reasonable?

7 A That's correct.

8 Q The Applicant has no certificate yet; and since he  
9 can't furnish the service, he has no rates that you would  
10 know about?

11 A That's right.

12 Q If the rate that he charges or would charge would  
13 be unreasonable, according to your standards, you couldn't  
14 use him, could you?

15 A That's correct.

16 Q And you wouldn't use him, would you?

17 A No, I would not.

18 Q Thank you.

19 A ~~I think I can negotiate a good rate, though.~~

20 MR. FULLERTON: I object to the last answer as being  
21 unresponsive.

22 JUDGE SMOLEN: We'll strike the last answer.

23 MR. MULCAHEY: I have nothing further, Your Honor.

24 JUDGE SMOLEN: Is there anything further of the  
25 Witness?

1 MR. MULCAHEY: No.

2 MR. O'DONNELL: Your Honor, can I ask another question  
3 directly?

4 JUDGE SMOLEN: Of the Witness?

5 MR. O'DONNELL: Yes.

6 JUDGE SMOLEN: Go ahead.

7 CROSS-EXAMINATION (Continued)

8 BY MR. O'DONNELL:

9 Q How long a ride is it from Phoenixville to where  
10 the Applicant resides?

11 A From Phoenixville to where the Applicant resides?  
12 I'm not sure where he lives.

13 MR. MULCAHEY: It's not relevant, Judge.

14 JUDGE SMOLEN: Either you know or you don't know.

15 THE WITNESS: I don't know.

16 BY MR. O'DONNELL:

17 Q Would you say 45 minutes?

18 MR. MULCAHEY: Judge, if he doesn't know --

19 JUDGE SMOLEN: Just answer it. You've got to remember  
20 we need only one voice for this Court Reporter.

21 THE WITNESS: I don't know where he lives.

22 BY MR. O'DONNELL:

23 Q You don't know how far by car it is from here?

24 A If that's where he lives, I couldn't tell you  
25 where -- how far it is.

1 Q What would make you want to use a limousine  
2 service out of someplace where you don't even know where it's  
3 at?

4 A Again, I'm looking for more of a personable type  
5 of a relationship, based on my experiences with other -- with  
6 this other company in the past. So based on my experience  
7 with Tony, I know him to be very personable and reliable; so  
8 I'd be basing it on that.

9 Q Is it safe to say that we had a witness before you  
10 that was from Douglasville who testified that they had a  
11 complaint about paying too much money to use a company that  
12 was from Douglasville, coming down to get her?

13 MR. MULCAHEY: I have to object. This is really  
14 beyond the --

15 JUDGE SMOLEN: Beyond the scope of this Witness'  
16 testimony.

17 MR. O'DONNELL: I'd like to rephrase it, Your Honor.

18 BY MR. O'DONNELL:

19 Q Let's see if I can do this. I'll address it in a  
20 second here.

21 We had a witness testify that 45 minutes was too  
22 much travel time for her to pay to use another limousine  
23 service to pick her up in Downingtown. Are you willing to  
24 pay that travel time for Tony to come and get you?

25 A That would depend on what Tony's policy is if he

1 had a company. I'm not sure what it would be, so I would  
2 evaluate the cost effectiveness --

3 Q So you're not prepared to say you would just  
4 definitely use him at this time?

5 A I would be prepared to say that on a personable  
6 level, assuming that the cost is reasonable.

7 Q Okay. So you're prepared to say that 45 minutes  
8 is not an unreasonable travel time for a company to charge  
9 that?

10 A In my opinion, if it is 45 minutes, which we don't  
11 know, I'm not sure, that would be fine with me.

12 MR. O'DONNELL: Thank you.

13 JUDGE SMOLEN: Anything further, Mr. Mulcahey?

14 MR. MULCAHEY: No.

15 JUDGE SMOLEN: The Witness is excused. Thanks very  
16 much for appearing and testifying.

17 (Witness excused.)

18 MR. MULCAHEY: Your Honor, we have a little delay  
19 before the next witnesses. We'd like to take a lunch  
20 break --

21 JUDGE SMOLEN: Well, this is appropriate now. I have  
22 about ten after 1:00. We'll return at 2:15?

23 MR. MULCAHEY: That would be great.

24 JUDGE SMOLEN: 2:15. We'll recess for lunch.

25 (Whereupon, the hearing was adjourned at 1:10 p.m., to

1 be reconvened at 2:15 this same day.)

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JUDGE SMOLEN: Back on the record. Next witness.

MR. MULCAHEY: Your Honor, I'd like to call Joseph  
Catanese.

Whereupon,

JOSEPH S. CATANESE

having been duly sworn, testified as follows:

JUDGE SMOLEN: Please keep your voice up. State your  
full name and address.

THE WITNESS: Joseph S. Catanese.

JUDGE SMOLEN: Spell that.

THE WITNESS: Pardon?

JUDGE SMOLEN: Spell that, your last name.

THE WITNESS: C-a-t-a-n-e-s-e, residing at 309 Grand  
View Circle, Honeybrook, Pennsylvania 19344.

JUDGE SMOLEN: Honeybrook is in what county?

THE WITNESS: Chester.

JUDGE SMOLEN: All right, Mr. Mulcahey.

DIRECT EXAMINATION

BY MR. MULCAHEY:

Q Good afternoon, sir. How long have you lived in  
Honeybrook?

A I've lived in Honeybrook four years, four-and-a-  
half years.

Q And by whom are you employed, sir?

A Environmental Compliance Services.

FORM 2

1 Q And where is that company located?

2 A In Exton, Pennsylvania.

3 Q And what position do you serve with that company?

4 A Senior Underwriter.

5 Q And what is the business of that company, in  
6 general?

7 A Insurance underwriting, primarily.

8 Q Sir, have you had an occasion to utilize limousine  
9 service in the past?

10 A Yes, I have.

11 Q Can you describe your usage?

12 A I used a limousine service for my wedding, which  
13 was four-and-a-half years ago; and I used it to shuttle a  
14 friend to the airport in Philadelphia.

15 Q And when did you use the limousine to shuttle  
16 friends to the airport?

17 A It was roughly a week or two ago.

18 Q And could you describe your need for limousine  
19 service in the future? Do you have a need for limousine  
20 service in the future?

21 A Yes. It would be either on a personal use or,  
22 possibly, on a business use basis.

23 Q Now, why has your need for limousine service  
24 increased now over the past usage?

25 A Well, over the past few years, I've -- it hasn't

1 been economically feasible for me; and my economic situation  
2 has been improved dramatically over the past few years.  
3 Therefore, I have considered using it more often.

4 Q Well, let me explore your usage, your intended use  
5 within the next 12 months. Personally, how many times do you  
6 intend to use the service?

7 A Well, I travel in my business, I would say,  
8 roughly four to six times a year; and normally, that will  
9 involve flying from the Philly Airport. I -- my wife and I  
10 also travel where we would have to get to the airport, as  
11 well.

12 Q Would you describe, then, with respect to the  
13 trips to the airport, what is the point of origination, would  
14 it occur for the transportation?

15 A It would either be from Honeybrook, Pennsylvania,  
16 or from Exton.

17 Q And, then, your destination would be what  
18 location?

19 A It would be the Philadelphia International  
20 Airport.

21 Q Would there be the anticipated need for service  
22 above and beyond the airport runs?

23 A There would be times where we would consider maybe  
24 going to the theater in Philadelphia, or it could be to a  
25 restaurant, just on a social basis.

1 Q Could you give me an idea of approximately how  
2 many times in a year you would use service on occasions like  
3 that?

4 A Probably not as many times as my travel, but there  
5 may be one or two times throughout the year where I would  
6 consider using it.

7 Q And if you did use a service for those occasions,  
8 would the trip originate from your home in Honeybrook?

9 A Yes.

10 Q And the destination would be a theater in  
11 Philadelphia and you said a restaurant. What, typically,  
12 would be the location for a restaurant?

13 A Normally, it would be somewhere in Chester County.

14 Q I see.

15 A Nowhere specifically, no specific restaurant.

16 Q Now, how long have you known the Applicant, Mr.  
17 Previte?

18 A I have known Tony probably for 20 or 25 years.

19 Q And how did you know him?

20 A I grew up in the same neighborhood.

21 Q And why are you supporting his application here  
22 today?

23 A Oh, I would support Tony because he's a  
24 trustworthy person. I know he's of good character and is a  
25 very reliable person. I feel that he would surely be capable

1 of running a business.

2 Q And you believe he would bring those traits to a  
3 limousine service if the Commission authorized him to provide  
4 service to the public?

5 A Certainly. I think all Tony's endeavors have been  
6 those where he puts his, I guess, very best to.

7 Q Would you utilize the service if he did receive  
8 certification from the Commission?

9 A I would strongly consider using Tony's service.

10 MR. MULCAHEY: Thank you. I have no further  
11 questions, Your Honor.

12 JUDGE SMOLEN: Mr. Spang?

13 CROSS-EXAMINATION

14 BY MR. SPANG:

15 Q Good afternoon, sir. With regard to the service  
16 you testified to in mid-December of 1996, did you obtain that  
17 service for your friend?

18 A Oh, my wife arranged it.

19 Q Who paid for that service?

20 A That service was one that she had purchased, I  
21 believe, through some sort of raffle where she won three  
22 hours worth of service.

23 Q Do you know who -- is your wife here to testify  
24 today?

25 A No, she's not.

1 Q With regard to this anticipated business travel in  
2 1997, would you pay for the service or would you be  
3 reimbursed by your company?

4 A I would have to pay for that service.

5 Q Does your company have any guidelines with regard  
6 to obtaining limousine service?

7 A They -- only if it was promoted by them would they  
8 pay for it; but if I were to run into circumstances where I  
9 couldn't drive or I couldn't have someone, a friend of mine  
10 drive us -- me to the airport, then I would have to pay for  
11 and be responsible for that service.

12 Q What is the exact basis for your anticipated  
13 business use this year when you've never previously used  
14 limousine service for business?

15 A What is the basis for that?

16 Q You're anticipating use, when you've never  
17 previously used a limousine service.

18 A As I said, my use would be more on the personal  
19 side than it would be on the business side. If the  
20 circumstances were presented to me that I couldn't get to the  
21 airport, then I would have no other alternative to use the  
22 limousine.

23 Q So you don't anticipate using a limousine service  
24 for business purposes in 1997?

25 A I don't have the intention to use it on my next

1 trip. I'm just saying if the circumstances were presented,  
2 then I would use it.

3 Q What circumstances would you need to be presented  
4 for you to use it?

5 A That I can't drive myself to the airport, and I  
6 have no other arrangements.

7 Q I just want to be clear on this. You currently do  
8 not anticipate using a limousine service for business  
9 purposes then?

10 A Right. For personal uses, probably.

11 MR. SPANG: I have nothing further.

12 JUDGE SMOLEN: Mr. O'Donnell?

13 CROSS-EXAMINATION

14 BY MR. O'DONNELL:

15 Q Do you intend to use limousine service for  
16 personal uses within the next year?

17 A I would strongly consider using it for personal  
18 use.

19 Q Do you intend to use limousine service for the  
20 next year?

21 A Yes.

22 Q Have you used limousine service in the last two  
23 years?

24 A Other than the arrangement a week or two ago, no.

25 MR. O'DONNELL: No other questions.

1 JUDGE SMOLEN: Mr. Adelman?

2 MR. ADELMAN: No questions.

3 JUDGE SMOLEN: Mr. Fullerton?

4 CROSS-EXAMINATION

5 BY MR. FULLERTON:

6 Q You say you've known the Applicant here for about  
7 the last 20 years, right?

8 A Well, as long as I can remember.

9 Q You're about the same age group. And did he ask  
10 you to come here and support his application?

11 A Yes.

12 Q Now, you're aware that there's other certificated  
13 service available for your use, do you not?

14 A Yes, I do.

15 Q And if that service is satisfactory, you would  
16 have no objection using them for a business or personal  
17 arrangement, do you?

18 A No.

19 Q And the Applicant, here, doesn't have any service  
20 yet; and you don't even know what the rates he would charge,  
21 do you?

22 A I'm not aware of what rates he would charge.

23 Q And if his service wouldn't meet your needs, you  
24 wouldn't use him, would you?

25 A If anyone's service didn't meet my needs, I

1 wouldn't use them, no, I wouldn't.

2 Q And, of course, since you don't know -- since he  
3 doesn't render the service, you don't know what type of  
4 service he could render, do you?

5 A Well, I -- just from knowing Tony and knowing that  
6 he's been a very reliable person, he has no experience,  
7 obviously.

8 Q All you're saying here today is you're coming in  
9 here, he asked you to appear, you've known him for 20 years;  
10 and you're saying because I found him to be a nice fellow and  
11 reliable, I support his application. That's the basis of you  
12 being here?

13 A Right.

14 MR. FULLERTON: Thank you.

15 REDIRECT EXAMINATION

16 BY MR. MULCAHEY:

17 Q Sir, your appearance here today is also because of  
18 your need for transportation services as indicated in your  
19 testimony?

20 MR. FULLERTON: Object. This is repetitious. He's  
21 already said what he needs, what he doesn't need. That's it.  
22 He said he wasn't going to use it for --

23 JUDGE SMOLEN: It's repetitious. Next question.

24 BY MR. MULCAHEY:

25 Q And do you agree that Mr. Previte would provide

1 prompt and reliable limousine service?

2 MR. FULLERTON: Object again. That's already been --

3 JUDGE SMOLEN: It's repetitious. It's repeating, but  
4 you can go into questions raised on cross-examination.

5 MR. MULCAHEY: I have no further questions of the  
6 Witness.

7 JUDGE SMOLEN: Anything further? No? The Witness is  
8 excused. Thanks very much for appearing and testifying.

9 (Witness excused.)

10 JUDGE SMOLEN: The next witness?

11 MR. MULCAHEY: I'd like to call Jean Pawlowski.

12 Whereupon,

13 JEAN MARIE PAWLOWSKI

14 having been duly sworn, testified as follows:

15 JUDGE SMOLEN: Please keep your voice up. State your  
16 full name.

17 THE WITNESS: Jean Marie Pawlowski.

18 JUDGE SMOLEN: Spell your last name.

19 MR. FULLERTON: You're going to have to keep your  
20 voice up. I can't hear you.

21 THE WITNESS: P-a-w-l-o-w-s-k-i.

22 JUDGE SMOLEN: And your address, please?

23 THE WITNESS: 1127 East Lincoln Highway, and that's in  
24 Coatesville, Pennsylvania.

25 JUDGE SMOLEN: What county is that?

1 THE WITNESS: Chester.

2 JUDGE SMOLEN: Go ahead, Mr. Mulcahey.

3 MR. MULCAHEY: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. MULCAHEY:

6 Q Good afternoon, Ms. Pawlowski. How long have you  
7 resided in Coatesville?

8 A My whole life.

9 JUDGE SMOLEN: Please, you'll have to -- if you  
10 answer, answer in this direction so the Court Reporter can  
11 get it and other Counsel can get it. Go ahead.

12 BY MR. MULCAHEY:

13 Q And have you utilized limousine service in the  
14 past two years?

15 A Yes, I have.

16 Q And would you identify the dates, if you can, of  
17 your usage?

18 A It was Summertime, June 20th of 1995; and I don't  
19 recall the second time.

20 Q And where did you use the limousine service, from  
21 what point in Pennsylvania?

22 A It was from Coatesville, Pennsylvania, to  
23 Philadelphia.

24 Q And what location in Philadelphia?

25 A We went to Delaware Avenue to the clubs.

1 Q Do you know what company you used in the past?

2 A I don't recall the name.

3 Q On both occasions, was the service from  
4 Coatesville to Philadelphia?

5 A Yes.

6 Q Now, do you anticipate the need for limousine  
7 service in the future, let's say, the next 12 months?

8 A Yes, I do.

9 Q And would you describe that use?

10 A I would use it to get a group of people together  
11 to come down to the City to go to the various clubs. That  
12 way, no one will have to worry about drinking and driving;  
13 and we will be able to stay together in our travels to make  
14 it a more enjoyable time.

15 Q On those occasions, would you describe,  
16 specifically, where the points would originate in Chester  
17 County of this service?

18 A It would be in Coatesville, Pennsylvania.

19 Q And could you identify, specifically, the points  
20 in Philadelphia that you anticipate a trip going to?

21 A It would most likely be Delaware Avenue and South  
22 Street.

23 Q On those occasions, would you arrange the  
24 transportation on behalf of your group of friends?

25 A Yes, I would.

1 MR. FULLERTON: How about looking -- I can't hear you.  
2 Your face is the other way, so --

3 JUDGE SMOLEN: There is a tendency to respond to the  
4 lawyer who is asking the questions but, really, it's supposed  
5 to go out here, so the Court Reporter can get it and other  
6 Counsel can hear.

7 BY MR. MULCAHEY:

8 Q Ms. Pawlowski, how do you know the Applicant, Tony  
9 Previte?

10 A I know Tony through school.

11 Q Do you know him to be of character that could  
12 operate a service to the public like a limousine service?

13 A Yes, I do.

14 Q What traits would you describe as being attributed  
15 to and his character?

16 A Tony is a very loyal person, very trustworthy and  
17 reliable. I've known him in the past to be there always for  
18 me. I can count on him and his support in almost anything.

19 Q Do you believe he'd bring those traits to a type  
20 of business like a limousine service?

21 A Yes, I do.

22 Q And if he receives a Certificate of Public  
23 Convenience from this Commission, would you utilize his  
24 service?

25 A Yes, I would.

1 Q Do you believe there's a need for the Commission  
2 to grant a certificate to somebody like Tony to provide  
3 limousine service in your area?

4 MR. FULLERTON: At that point, I object. It's the  
5 Commission's role to determine.

6 JUDGE SMOLEN: Sustained.

7 MR. FULLERTON: She can say what she wants to do.

8 JUDGE SMOLEN: Sustained. That question has been  
9 asked before and now it's objected to.

10 MR. FULLERTON: I wanted to see how long he'd keep  
11 this up. So at a certain point, I'm objecting.

12 MR. MULCAHEY: Jack, I was waiting for an objection.

13 JUDGE SMOLEN: It's for the Witness' edification and  
14 everyone else. The Witness has been asked, does she think  
15 there is a need for additional limousine service? That's a  
16 question that is ultimately determined by the Commission, and  
17 that's why Counsel is objecting to it; and I sustained it.

18 MR. MULCAHEY: No further questions.

19 JUDGE SMOLEN: All right. Mr. Spang?

20 MR. SPANG: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. SPANG:

23 Q Good afternoon. Are you currently employed?

24 A Yes, I am.

25 Q Who is your current employer?

1 A It's a company named Williams & Company.

2 Q What is your position in that company?

3 A I'm an assistant buyer.

4 MR. SPANG: Thank you. I have no further questions.

5 JUDGE SMOLEN: Mr. O'Donnell?

6 CROSS-EXAMINATION

7 BY MR. O'DONNELL:

8 Q Your trip on June 20th from Coatesville to  
9 Philadelphia --

10 A Yes.

11 Q -- did you make the arrangements for that?

12 A No, I did not.

13 Q Were you happy with the trip, disappointed with  
14 the trip?

15 A Yes, by the lack of personal effect.

16 Q Did you have fun that night?

17 A I had fun with my friends, but --

18 Q Thank you. Did you do any of the calling to make  
19 arrangements for the trip?

20 A Not this particular trip, no; on trips in the past  
21 I have, yes.

22 Q The other trip that you don't remember when you  
23 did, did you make the same arrangements for that?

24 A Yes, I did.

25 Q But that one you don't remember who you used or

1 what you did?

2 A No, I do not.

3 Q Do you remember the one that you didn't arrange?

4 A I remember the particular date, because it was one  
5 of my best friend's birthday.

6 Q Where did you go on the night you don't remember?

7 A To Philadelphia, also.

8 Q Did you have a good time that night?

9 A Yes, I did.

10 Q Did you call any other limousine services, besides  
11 the one you used?

12 A Yes, I did.

13 Q How many prices did you get?

14 A I would say four or five, but it was more  
15 availability than price.

16 Q They were the only ones that were available?

17 A For the particular time that we needed them.

18 Q Out of four or five companies, there was not  
19 another limousine available at that time?

20 A No, there was not.

21 MR. O'DONNELL: No further questions.

22 JUDGE SMOLEN: Mr. Adelman?

23 MR. ADELMAN: No questions, Your Honor.

24 JUDGE SMOLEN: Mr. Fullerton?

25 CROSS-EXAMINATION

1 BY MR. FULLERTON:

2 Q How do you know Tony? Where did you go to school  
3 with him?

4 A Coatesville Area Catholic Elementary School.

5 Q Oh, I thought you went to college with him?

6 A No.

7 Q And did he ask you to come today?

8 A Yes, he did.

9 Q What did he tell you he wanted you to do?

10 A He told me to tell times that I would use a limo  
11 service.

12 Q Did he tell you how he wanted you to testify?

13 A No, he did not.

14 Q He told you to talk about the limousine service,  
15 right?

16 A Yes.

17 Q All right. Now, some of these trips that you're  
18 talking about that you have gone on in the past, whatever you  
19 took, was Tony among the group?

20 A No, he was not.

21 Q These future trips that you're talking about, is  
22 Tony going to be in your group?

23 A The group going out to the places?

24 Q Yes.

25 A No.

1 Q You're familiar with the fact that there's present  
2 certificated service available in your area?

3 A Yes, I am, yes.

4 Q What service did you say you used this last time?

5 A I do not recall the name of it.

6 Q You don't know the name?

7 A Huh-uh.

8 Q You arranged for it?

9 A No, I did not.

10 Q Oh, didn't you arrange for it?

11 A No, I did not.

12 MR. FULLERTON: Well, then, I'm going to strike any of  
13 that testimony, Your Honor, if she's not personally familiar  
14 with it, then.

15 THE WITNESS: This last time, I did not. Times before  
16 that, I have.

17 BY MR. FULLERTON:

18 Q All right. The times before that, who did you  
19 use?

20 A I do not recall.

21 Q You don't recall?

22 A No, I do not.

23 Q Well, assuming that the existing service is  
24 already certificated --

25 A I do not --

1 JUDGE SMOLEN: Ask the question, and then she'll --  
2 ask the question.

3 BY MR. FULLERTON:

4 Q Assuming that the existing service is  
5 satisfactory, you don't have any objection to using it if it  
6 meets your needs, do you?

7 A As you may recall me stating a few minutes ago, I  
8 have called other places; and the availability was not there.

9 Q Well, you tell me the details of that then. When  
10 did you call? What carrier did you call?

11 A I called more than one carrier. I don't remember.  
12 I went down the phone book, and there was nothing available  
13 for the particular night that I needed.

14 Q How many carriers did you call?

15 A Four or five. I don't recall.

16 Q You don't know their name?

17 A I went down the phone book. If you get me a phone  
18 book out, I'm sure if there's the same listing, I can tell  
19 you what they were.

20 Q See, I don't know. I have to rely on you to tell  
21 me.

22 JUDGE SMOLEN: Mr. Fullerton, she has answered she  
23 doesn't know. Let's go ahead.

24 BY MR. FULLERTON:

25 Q This is the situation here today. The Applicant

1 has no service available, so you don't know what kind of  
2 service he could give?

3 A I don't --

4 Q Forget about the fact that you've known him in the  
5 past. He has no service available, and he hasn't made it  
6 available to you; so, therefore, you don't know what he'll be  
7 like, do you?

8 A No, I do not.

9 Q And depending on his price, if he got service and  
10 charged a certain amount of money but the price wasn't  
11 agreeable to you, you wouldn't use the service, would you?

12 A No, I would not.

13 Q So the only reason you're here today is you know  
14 him, he asked you to be here; and that's it?

15 A No, that is not it. As I stated before, there has  
16 been times where I called, and there was not available  
17 services; and I would have had to go elsewhere.

18 Q But you don't know any of those details?

19 A No, I do not.

20 MR. FULLERTON: That's all.

21 JUDGE SMOLEN: Any --

22 MR. MULCAHEY: No, I have no further questions of this  
23 Witness, Your Honor.

24 JUDGE SMOLEN: All right. The Witness is excused.

25 MR. O'DONNELL: Your Honor?

1 JUDGE SMOLEN: Do you have another question?

2 MR. O'DONNELL: Let me ask a question now to you. He  
3 needs to --

4 JUDGE SMOLEN: Just a minute. I want you to  
5 understand, Mr. O'Donnell, that I cannot advise you on how  
6 you should conduct your case.

7 MR. O'DONNELL: I'd like to clarify something, sir, on  
8 whether she needs to produce receipts automatically or I need  
9 to ask?

10 JUDGE SMOLEN: You ask. Ask -- whatever you want to  
11 ask, ask.

12 MR. O'DONNELL: Would you present that receipt for the  
13 one trip she had?

14 MR. MULCAHEY: Which trip?

15 MR. O'DONNELL: We have no idea. She didn't tell us  
16 what it was.

17 JUDGE SMOLEN: There were two trips she testified to,  
18 one on June 20th --

19 Do you have a receipt for that trip?

20 THE WITNESS: I do not.

21 JUDGE SMOLEN: How about the second trip, do you have  
22 a receipt for that? If you look, do you have it among your  
23 records anywhere, you may not have it with you today?

24 THE WITNESS: Most likely it would be -- I could get  
25 it from a credit card company.

1 MR. MULCAHEY: Your Honor, we'll make an attempt to  
2 try to --

3 JUDGE SMOLEN: Use your best efforts to obtain that.  
4 Mr. Mulcahey has agreed. That should satisfy --

5 MR. O'DONNELL: Thank you, Your Honor.

6 JUDGE SMOLEN: Anything further of this Witness?

7 MR. MULCAHEY: I have nothing further, Your Honor.

8 JUDGE SMOLEN: The Witness is excused. Thank you very  
9 much for appearing and testifying.

10 And so the record is clear, there was some motion to  
11 strike that I didn't rule on; but I overrule it. Next  
12 witness.

13 (Witness excused.)

14 MR. MULCAHEY: The next witness, I'd like to call is  
15 Daniel Hughes. Mr. Hughes?

16 Whereupon,

17 DANIEL HUGHES

18 having been duly sworn, testified as follows:

19 JUDGE SMOLEN: Please have a seat. Keep your voice  
20 up. State your name and address for the record.

21 THE WITNESS: My name is Daniel Hughes. My address is  
22 312 Baltusrol Drive in Coatesville, Pennsylvania.

23 JUDGE SMOLEN: And that's in what county?

24 THE WITNESS: Chester County.

25 JUDGE SMOLEN: Mr. Mulcahey?

## DIRECT EXAMINATION

1  
2 BY MR. MULCAHEY:

3 Q Good afternoon, Mr. Hughes. How long have you  
4 resided in Coatesville?

5 A Seven-and-a-half years.

6 Q And by whom are you employed, sir?

7 A The QVC Network in West Chester, Pennsylvania.

8 Q And what position do you serve on that network,  
9 sir?

10 A I'm one of their television hosts.

11 Q And how long have you served in that position,  
12 sir?

13 A Seven-and-a-half years.

14 Q And where is QVC located?

15 A It's the Goshen Corporate Park in West Chester.

16 Q Have you had occasion in the past to utilize a  
17 limousine service?

18 A Quite a bit, actually.

19 Q Could you describe your usage starting with, let's  
20 say, the past 12 months?

21 A Okay. Um, whenever we're in a position that the  
22 show -- we do travel and we travel a lot, whether it be on  
23 the road for remote shows or whether it's a situation where  
24 we're doing a fact-finding mission. Our transportation is  
25 usually provided from the studio to the airport or wherever

1 that destination is. That's booked by our travel agent in  
2 house. That would be work related, but you kind of get used  
3 to the convenience of having a limousine service there; and  
4 that's something that now I'm booking myself just for  
5 personal reasons, too.

6 Q And you're appearing here today on behalf of --  
7 not on behalf of QVC but on your own personal reason?

8 A My own personal reason.

9 Q Could you describe your personal usage within the  
10 past 12 months?

11 A Okay. Actually, I can give you one that was this  
12 past week, two of them this week. The young lady that I'm  
13 seeing was going on vacation and didn't want to leave her  
14 vehicle at the airport; so because I'm familiar with the  
15 limousine services, I made a phone call, made sure that she  
16 had transportation to where she needed to be dropped off and  
17 having somebody there to pick her up when she got back. That  
18 makes me feel better, knowing that she's going to be taken  
19 care of.

20 MR. O'DONNELL: Objection. The origin of this,  
21 please?

22 MR. MULCAHEY: I'm going to continue with this line of  
23 questioning.

24 JUDGE SMOLEN: You have a right on cross-examination,  
25 if you want to, to ask questions. If he omits something from

1 his case, you can do whatever you want with it. Go ahead.

2 BY MR. MULCAHEY:

3 Q Mr. Hughes, can you give me an idea of  
4 approximately how many times, personally, you've required a  
5 limousine service in the last 12 months?

6 A You're not talking about business, but personal?

7 Q Right.

8 A Like going out to dinner and things like that?

9 Q That's correct.

10 A Maybe I'd say on average of at least once a month  
11 or so.

12 Q Could you describe, generally, the points of  
13 origination for these trips and the points of destination,  
14 specifically?

15 A The point of origination, I'd say most of the  
16 time, is my own house.

17 Q In Coatesville?

18 A Uh-huh. And then we were going out to dinner  
19 maybe, I'm trying to think exactly when it was, maybe  
20 Thanksgiving, we had reservations for the Kennedy Siley  
21 Mansion up at Valley Forge. Other occasions, I'm trying to  
22 think of all of them. There's --

23 Q For example, restaurants, what restaurants do you  
24 frequent?

25 A Okay. That's what I'm trying to think. There's a

1 restaurant on 202 -- this is crazy. I work in front of a  
2 camera and I don't get nervous. I'm scared to death right  
3 now. I don't know why.

4 Dilworth Inn is the place I was trying to remember.

5 JUDGE SMOLEN: What was it called?

6 THE WITNESS: Dilworth Inn, I think is what it is, on  
7 202.

8 MS. PAWLOWSKI: Dilworth.

9 THE WITNESS: Dilworth -- thank you. That's it. That  
10 works. Places that every once in a while, I don't know if  
11 this puts me in the best light. If I have some buddies and  
12 we want to go out and have some fun, we'll go to a bar. I  
13 feel a little bit better knowing I'm not doing any driving.  
14 With what I do for a living, I don't need that headache.

15 BY MR. MULCAHEY:

16 Q Could you identify, maybe, some more specific  
17 points you have travelled to in the past year?

18 A In the -- Atlantic City.

19 Q Within the Commonwealth of Pennsylvania.

20 A Within the Commonwealth of Pennsylvania, okay.

21 Let me think about it. Oh, actually, there was a situation  
22 with Christmas shopping just at the mall, just for fun; and  
23 that was King of Prussia Mall and some of the other shops  
24 around there.

25 Q Do you have occasion to travel from your home in

1 Coatesville to the City of Philadelphia?

2 A Yes, not as often. In all due respect to  
3 Philadelphia, I usually stay out of there, as much as I can.  
4 If I know that I'm coming up here, if it's business related,  
5 then QVC will handle the car. I usually don't come up here a  
6 whole heck of a lot for personal.

7 Q Now, are there occasions when you arrange  
8 transportation yourself in connection with your business?

9 A Yeah, there have been, because QVC has a policy as  
10 to when they will provide a car and when they will not.

11 Q On the occasions where they will not provide a  
12 car, do you arrange for your own?

13 A I have in the past.

14 Q Can you identify those incidents?

15 A I'm trying to think of a good example. Because of  
16 my work schedule, I'm on the programs from 7:00 to 9:00 a.m.,  
17 which means I'm in the studio usually at 2:30 in the morning.  
18 So if I have something where I have to be at a meeting either  
19 meeting with a vendor or -- I'm trying to think of a good --  
20 I can't think of a particular example, but like today, this  
21 is a late day for me, that I'm in the City at this time.

22 Usually, if it works out, I'll make a phone call and  
23 have somebody take me into the City, just so I don't have to  
24 drive; and I don't have to worry about being too tired to do  
25 it.

1 Q Can you identify by numbers how many times you  
2 arranged for your own transportation in connection with your  
3 business, if you can?

4 A I mean this would be purely guessing. I'd say  
5 maybe three or four. It really is not all that frequent.

6 Q Now, with respect to your future need --

7 JUDGE SMOLEN: Before you go on, you answered with  
8 respect to your business needs --

9 THE WITNESS: Yes, I did.

10 JUDGE SMOLEN: -- or your business use, you said three  
11 or four times in the past year?

12 THE WITNESS: I think somewhere in that area. I'm  
13 guessing again.

14 JUDGE SMOLEN: Well, we don't want you to guess.

15 THE WITNESS: That would be as fair as I could be.

16 JUDGE SMOLEN: And what about for your personal use?

17 THE WITNESS: I'd say that would be more frequent.

18 JUDGE SMOLEN: Do you have a number?

19 THE WITNESS: I'd say once a month, maybe more.

20 JUDGE SMOLEN: That's in the past year?

21 THE WITNESS: I'd say that's accurate.

22 JUDGE SMOLEN: Did you ever arrange limousine service  
23 for your personal use?

24 THE WITNESS: Would that also include service for the  
25 young lady that I'm dating that I booked?

1 JUDGE SMOLEN: Yes.

2 THE WITNESS: So that would be, well, maybe more.

3 JUDGE SMOLEN: And what were the points?

4 THE WITNESS: The point -- one would be on the day  
5 after Christmas, the 26th --

6 JUDGE SMOLEN: No, I mean points of origin and points  
7 of destination.

8 THE WITNESS: One would be from her home in  
9 Downingtown to the airport, and then the return trip; the  
10 dinner dates that I've had in the past. I remember the  
11 Dilworth Inn. I remember going shopping with her at King of  
12 Prussia. There have been occasions where myself and two  
13 other guys went out. It wasn't really a bachelor party, it  
14 was a situation where he was getting married, and we went out  
15 for drinks. That was in October. There have been --  
16 actually, you mentioned Philadelphia. We came down here for  
17 dinner, and that would have been midsummer; but I can't give  
18 you the exact date. I apologize for that. I probably should  
19 know that.

20 If I need a limousine for business, that's usually  
21 taken care of by QVC.

22 MR. FULLERTON: Your Honor, he didn't give us the  
23 points of origin here. He said one was just Downingtown.

24 MR. MULCAHEY: Coatesville and Downingtown.

25 THE WITNESS: You mean from where to where?

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JUDGE SMOLEN: Where did it start?

MR. FULLERTON: Where did it leave from?

THE WITNESS: Usually from my home.

MR. FULLERTON: All right.

MR. MULCAHEY: I thought he testified to that.

JUDGE SMOLEN: He did, but go ahead. Let's go ahead.

BY MR. MULCAHEY:

Q Mr. Hughes, with respect to your future need for limousine service, can you anticipate the number of times you would need a limousine personally in the next 12 months?

A It's something that to me is more of a convenience factor. I mean, it's -- the luxury is kind of nice, but the more often I have something like this at my disposal, the more often I find myself using it. I did it last year an average of once a month. I don't see any reason why it would be any less; possibly, more.

Q Now, with respect to usage of limousine service in connection with your business where you actually had to arrange the transportation, can you give me a number of how many times that may occur in the next 12 months?

A That might be just a little higher, only because the more time I'm with QVC, the more travelling I'm going to end up doing, maybe four or five.

Q If you could bear with us another minute, could you describe this future need, where the points of

1 origination would occur?

2 A Okay. You're talking just in Pennsylvania? I may  
3 be going to Atlantic City and not having to drive.

4 JUDGE SMOLEN: No, he asked you where the trip would  
5 start?

6 THE WITNESS: Most often from my house. It wouldn't  
7 be -- I'm usually at my house or at work, so it would either  
8 be from West Chester, Pennsylvania, at the studio, or at my  
9 home in Coatesville, most likely Coatesville.

10 BY MR. MULCAHEY:

11 Q And just bearing with me, again, in the next 12  
12 months, these anticipated needs, where would the trips go to?  
13 What would the points of destination be?

14 A Location?

15 Q Yes.

16 A There's a couple of restaurants that I frequent a  
17 lot.

18 Q Where are they located?

19 A West Chester, Pennsylvania, The Bar and The  
20 Restaurant. I do a lot of entertaining of dates in the  
21 Valley Forge area and King of Prussia area. I'm kind of  
22 stumped. Primarily, restaurants and evening spots. I don't  
23 know what else.

24 Q Okay. And if the Commission grants Mr. Previte a  
25 Certificate of Public Convenience to do this type of service,

1 would you use his service?

2 A Yeah, I think I would.

3 Q How do you know Mr. Previte?

4 A The young lady that I'm seeing knows him through a  
5 social club that we belong to, the LJM in Coatesville; it's a  
6 situation where I would be in there with her, he'd come and  
7 say hello to her, and we'd kind of strike up a conversation.

8 Q I see. ~~And do you~~ -- strike that.

9 I have no further questions.

10 JUDGE SMOLEN: All right. Mr. Spang?

11 CROSS-EXAMINATION

12 BY MR. SPANG:

13 Q With regard to the approximate 12 trips you've  
14 taken in the past year, could you tell me what limousine  
15 companies you've utilized?

16 A Primarily, King Limousine. I think they're  
17 located out in Valley Forge. I'm not sure. I believe that's  
18 right, but that is the service that QVC uses most often; so  
19 that, so far, has been the most convenient, just for the sake  
20 of booking.

21 Q Apart from King in the past year -- and this is  
22 with regard to your personal use -- have you used any other  
23 services?

24 A No, I have not.

25 MR. SPANG: Would Counsel agree to produce receipts,

1 evidence of payment for the personal trips in the past 12  
2 months?

3 MR. MULCAHEY: I would, but King is, again, a  
4 participant in this -- as a Protestant in this case, and they  
5 should have their records indicating usage.

6 MR. THOMAS: Your Honor, we don't have any burden in  
7 this. We're Protestants, but --

8 JUDGE SMOLEN: Let's ask the Witness. Do you have  
9 receipts?

10 THE WITNESS: What I would probably have is charge  
11 card statements. I have a corporate card that's presented by  
12 QVC, and what I've been doing is -- I mean, convenience wise  
13 -- is picking up the phone, calling our travel agent, which  
14 is in house, and saying can you book it, they book it, boom,  
15 it just winds up on my charge card statements. Usually, it's  
16 already pre-paid; but I think I could. Yeah. It could be a  
17 problem. It might take me a little time to do, but I'd be  
18 happy to do it.

19 JUDGE SMOLEN: Mr. Mulcahey, you'll get the receipts  
20 -- not the originals, just copies.

21 THE WITNESS: Okay. Go ahead.

22 MR. SPANG: Thank you, Your Honor.

23 BY MR. SPANG:

24 Q Just so I'm clear, then, the personal trips,  
25 you're booking through your company's in-house travel agent?

1           A    Right.  But then what happens is when the  
2 statement comes, I -- instead of being reimbursed for those,  
3 as I normally would be on an expense voucher, I just pay it.

4           Q    And then all of your other trips are booked  
5 through your business?

6           A    Um-hum.

7           Q    And they're all with King Limousine?

8           A    If they weren't, I don't think I would have known,  
9 to be honest.  It's a situation where they pick me up, I  
10 climb in the car and I go.  I assume it would be.

11          JUDGE SMOLEN:  Let me get something straight.  All of  
12 your limousine charges are charged to your corporate American  
13 Express?

14          THE WITNESS:  It's a corporate VISA, yes.

15          JUDGE SMOLEN:  Excuse me, corporate VISA; and if they  
16 are for corporate business, you're reimbursed; if they're  
17 not, you pay them yourself?

18          THE WITNESS:  Yes.

19          JUDGE SMOLEN:  But they would all show on your VISA  
20 bills?

21          THE WITNESS:  Yes, they should.

22          JUDGE SMOLEN:  And that's the ones you're going to try  
23 to get for Mr. Mulcahey to supply to Mr. O'Donnell?

24          THE WITNESS:  Yes.  Can I ask a question?

25          JUDGE SMOLEN:  What is it?

1 THE WITNESS: I -- because I'm going back on a year, I  
2 mean there's going to be quite a few of them. It might be  
3 difficult for me to be able to remember which was a business-  
4 related situation and which one was a personal related.

5 JUDGE SMOLEN: Just supply what you have.

6 THE WITNESS: Okay.

7 JUDGE SMOLEN: Don't do any -- you don't have to do  
8 anything, just supply what you have.

9 THE WITNESS: All right.

10 MR. O'DONNELL: Your Honor, wouldn't he have been --  
11 paid for the ones that were business and not the ones that  
12 weren't?

13 THE WITNESS: Yeah, but that's a matter of --

14 MR. O'DONNELL: Distinguished whether they paid or  
15 didn't pay it?

16 THE WITNESS: I'm trying to think of how I would track  
17 that. What I do is I get an expense check. It wouldn't be  
18 just for the amount of the limousine, it would be the cost of  
19 whatever, air fare.

20 MR. O'DONNELL: Don't you mark which ones were and  
21 which ones weren't, so they can reimburse you?

22 THE WITNESS: Yes, that could be done.

23 MR. O'DONNELL: We should have a record of how he did  
24 that, though.

25 JUDGE SMOLEN: You can do it -- if you can, do it to

1 the best of your ability.

2 THE WITNESS: Sure. It's quite a bit of leg work, but  
3 if that's what --

4 JUDGE SMOLEN: That's for the past year, the past 12  
5 months.

6 THE WITNESS: Okay.

7 JUDGE SMOLEN: Next question.

8 BY MR. SPANG:

9 Q Sir, with regard to the first trip you testified  
10 to, the trip last week for your girlfriend, was that also  
11 through King Limousine?

12 A Yes, in fact, I know that one was through King.

13 Q Are you happy with the quality of their services?

14 A I'd say most of the time, yes. I have had some  
15 occasions -- and I understand you represent King -- they've  
16 been a good company; but there have been occasions where they  
17 have not been there on time, and I could give you examples of  
18 that if you'd like to hear them.

19 Q But you continue to use them, in spite of  
20 those --

21 A More out of habit and the relationship that has  
22 been built between that company and my company QVC.

23 There is another factor. I never know who I'm going  
24 to get as a driver. That's been a consideration. They've  
25 got some drivers that are great; really, I mean, good people,

1 but I need to know who I'm going to get.

2 MR. SPANG: Thank you very much. I have nothing  
3 further.

4 THE WITNESS: Thank you.

5 JUDGE SMOLEN: Mr. O'Donnell?

6 CROSS-EXAMINATION

7 BY MR. O'DONNELL:

8 Q Have you ever had any trouble securing a limousine  
9 at all on these trips you used?

10 A Honestly, because I don't do the booking, I don't  
11 think there's been a problem. I -- to be honest, I'm not  
12 sure, myself.

13 MR. O'DONNELL: I have no more questions.

14 JUDGE SMOLEN: Mr. Adelman?

15 MR. ADELMAN: No questions.

16 CROSS-EXAMINATION

17 BY MR. FULLERTON:

18 Q I didn't quite understand what you do. You're  
19 with a radio station or TV?

20 A No, sir. I work for the QVC Television Network  
21 out of West Chester, Pennsylvania. It's --

22 Q What do you do?

23 A We're a cable shopping service, the biggest in the  
24 world; and I'm one of their televised hosts. I'm one of the  
25 people on television that --

1 Q If I want to buy something, I -- you --

2 A I would do my darnedest.

3 Q First of all, as I understand, the Applicant,  
4 here, asked you to come to support his application; is that  
5 right?

6 A Actually, sir, I volunteered. He talked to my  
7 girlfriend. We were sitting at the LJM one night, which is  
8 our local Sons of Italy club; and I have actually only met  
9 Tony on four, maybe five occasions. He knows Carol. Every  
10 time this guy comes in, he's talking about wanting to own a  
11 limousine service. This has, obviously, been a dream for a  
12 long time. He's passionate about it.

13 Q That's how you happened to be here?

14 A Well, we started talking about limousines and  
15 because I tend to use the services a lot, we struck up a  
16 conversation. He asked Carol, I don't know, no offense, if  
17 he was intimidated to ask me --

18 Q I understand.

19 A -- if I'd be willing to help out. I had people  
20 helping me when I was starting my career.

21 Q So far as your business is concerned, it's your  
22 business that arranges for your transportation; is that  
23 right?

24 A Yes, sir.

25 Q And you do what it tells you?

1 A Exactly, yes, sir.

2 Q So you don't have anything, personally, to do with  
3 that part of it?

4 A That's true, yes.

5 Q Now, so far as your personal activity is  
6 concerned, have you, personally, used King?

7 A Yes, I have.

8 Q And you're saying that it furnishes a reasonably  
9 satisfactory service, right?

10 A I would say that would be the case. I've had some  
11 circumstances -- it always happens on a bad day.

12 Q Nobody bats a hundred percent.

13 A I would agree with that.

14 Q But you're reasonably satisfied with King?

15 A Yes.

16 Q Now, have you used any other existing service?

17 A To my knowledge, I don't think I have.

18 Q Do you know there's other existing service  
19 available?

20 A Sure, um-hum.

21 Q And to the extent that they can meet or the  
22 existing service, other than King, can meet your  
23 transportation needs, you're -- you'd be happy with that,  
24 wouldn't you?

25 A I would say they can get me from Point A to Point

1 B, um-hum.

2 Q Now, so far as the Applicant is concerned, he has  
3 no authority so, therefore, he couldn't furnish any service  
4 to you and, therefore, you don't know what kind of service he  
5 could provide, do you?

6 A I think --

7 Q Well, no, I don't want you to think, I want you to  
8 answer the question.

9 A Sir, it's difficult to answer without thinking  
10 first.

11 Q Well, think the right way then.

12 A Okay. From knowing Anthony on a relatively short-  
13 term basis, I'm volunteering to come down here. I'm pretty  
14 busy. One of the things that would be nice, if I'm going to  
15 continue to book limousines, just as I would be if I was  
16 going to get my suits dry cleaned or anything else, is to  
17 know the person that I do business with. I can't say that  
18 I'm good friends with him at this point, but I think after  
19 talking to him and knowing him, that there's a good chance  
20 that that will happen.

21 I do not like to be kept waiting, and I don't mean to  
22 sound arrogant on that. I can't afford to be kept waiting.  
23 Every time this young man has said he was going to do  
24 something, he did it, on time, exactly as he said he would do  
25 it.

1 Q What's he done for you that -- so far that would  
2 indicate that?

3 A Classic example. We were talking about just  
4 simply getting together and having a beer, meeting at the  
5 social club. The man is on time.

6 Q Well, have you ever used him for any business  
7 purposes?

8 A No, sir, I have not.

9 Q How about answering my question. Since he doesn't  
10 have any authority and since he hasn't served you, you really  
11 don't know actually what type of service he could provide?

12 A That would be fair, but I would also say, sir --

13 JUDGE SMOLEN: Just answer the question.

14 BY MR. FULLERTON:

15 Q I'm not asking for personal opinions. I'm just  
16 asking you a question.

17 A I could appreciate your position. At this point,  
18 he does not own a limousine service. I can't say what  
19 service he would provide.

20 Q Right.

21 A But what I can say --

22 Q I didn't --

23 JUDGE SMOLEN: He can answer, Mr. Fullerton.

24 THE WITNESS: I would simply say I know him better  
25 after talking to him on a few occasions than I know any of

1 the limousine drivers that have been driving me around.

2 MR. FULLERTON: Object to that last part. That's not  
3 responsive to my question.

4 JUDGE SMOLEN: Well, he responded to your question.

5 MR. FULLERTON: And then he went beyond.

6 JUDGE SMOLEN: He went beyond.

7 THE WITNESS: With all due respect --

8 MR. FULLERTON: I don't --

9 THE WITNESS: Would anyone know how a business would  
10 operate, if he doesn't have the business yet?

11 JUDGE SMOLEN: Wait. Wait until there is a question.  
12 Next question.

13 BY MR. FULLERTON:

14 Q And you have no assurance that if the Applicant  
15 got the authority that your business which controls its own  
16 business would be using the Applicant? You have no control  
17 over that?

18 A Oh, I would agree. In fact, QVC's relationship  
19 with King Limo has been a good relationship. I don't see any  
20 reason why we would want to change.

21 MR. FULLERTON: That's all I have. Thank you.

22 MR. MULCAHEY: I have nothing further, Your Honor.

23 JUDGE SMOLEN: The Witness is excused. Thank you very  
24 much for appearing and testifying.

25 (Witness excused.)

1 (Discussion off the record.)

2 MR. MULCAHEY: I'd like to call Anthony Previte.

3 Whereupon,

4 ANTHONY S. PREVITE

5 having been duly sworn, testified as follows:

6 JUDGE SMOLEN: Please have a seat. State your full  
7 name and address.

8 THE WITNESS: My name is Anthony S. Previte. I live  
9 at 640 East Lincoln Highway, Coatesville, Pennsylvania.  
10 That's Chester County.

11 JUDGE SMOLEN: All right. Mr. Mulcahey?

12 MR. MULCAHEY: Yes.

13 DIRECT EXAMINATION

14 BY MR. MULCAHEY:

15 Q Mr. Previte, if you would just reference this  
16 document which is marked -- I have two copies for the Court  
17 Reporter -- Applicant Statement 1?

18 MR. MULCAHEY: Your Honor, is that how you'd like it  
19 marked?

20 JUDGE SMOLEN: Well, I thought you were going to move  
21 -- request that it be transcribed into the record.

22 MR. MULCAHEY: Okay.

23 JUDGE SMOLEN: So why don't you go through just some  
24 testimony, et cetera?

25 MR. MULCAHEY: Sure, sure.

1 BY MR. MULCAHEY:

2 Q Mr. Previte, referencing Statement No. 1, can you  
3 identify that document?

4 A This is my written testimony.

5 Q Did you participate in the preparation of this  
6 document?

7 A Yes, I did.

8 Q If I asked you any -- request what's contained in  
9 that statement here today, would you answer the same or  
10 similarly?

11 A Yes, I would.

12 Q To the best of your information and belief, is the  
13 information contained in this statement accurate?

14 A Yes, it is.

15 Q Are there any additions or corrections you would  
16 like to make to this statement at this point?

17 A Yes, just one. Granted the PUC license, I would  
18 initially employ Tom Mazza Consulting to assist me with any  
19 questions I might have.

20 JUDGE SMOLEN: Tom who?

21 THE WITNESS: Mazza.

22 JUDGE SMOLEN: Spell it.

23 THE WITNESS: M-a-z-z-a.

24 JUDGE SMOLEN: Who is he?

25 THE WITNESS: He is a -- he has his own business, it's

1 a consulting business.

2 JUDGE SMOLEN: All right.

3 THE WITNESS: He just went full time into limousine  
4 consulting, so I would utilize him.

5 JUDGE SMOLEN: Where is he located? In what city,  
6 what township?

7 THE WITNESS: Um, I'm not exactly sure. He's maybe  
8 like 40 minutes away, but I can't remember the exact city.

9 JUDGE SMOLEN: All right.

10 THE WITNESS: Near Lansdale, in that area.

11 MR. MULCAHEY: Your Honor, I move, then, that the  
12 testimony be transcribed into the record, subject to cross-  
13 examination.

14 JUDGE SMOLEN: I'm going to direct the Court Reporter  
15 to transcribe into the record these six pages of questions  
16 and answers as though they were orally asked and orally  
17 answered, so they will be made part of the record in this  
18 case.

19 (Beginning of Testimony of Anthony S. Previte:)

20 Q Please state your full name and address.

21 A My name is Anthony S. Previte, 640 East Lincoln  
22 Highway, Coatesville, Pennsylvania 19320-3532.

23 Q Are you presently employed? If yes, by whom?

24 A I am currently employed by ComNet Mortgage  
25 Services, a regional mortgage company with its main office in

1 Chester County and branches in several other counties. I am  
2 a Manager in the Record Retention/Release Department.

3 Q Are you the individual who filed the application  
4 in this proceeding?

5 A Yes.

6 Q Are you completely familiar with the contents of  
7 the application?

8 A Yes, I am.

9 Q To the best of your knowledge, information and  
10 belief, are the facts and statements made in the application  
11 true and correct?

12 A Yes, they are.

13 Q Do you intend to operate as a sole proprietor?

14 A At this point I intend to operate as a sole  
15 proprietorship, and may, depending upon the growth of the  
16 business, incorporate at a later date.

17 Q Have you filed a Fictitious Name form with the  
18 Commonwealth of Pennsylvania?

19 A Yes, I have registered and intend to trade under  
20 the fictitious name "Dynasty Limousine Service". Exhibit "A-  
21 1" is a copy of the registration with the Commonwealth of  
22 Pennsylvania.

23 Q Please state for the record your educational  
24 background.

25 A In 1991 I earned a Bachelor of Science Degree in

1 Mathematics from Villanova University. In addition I have  
2 taken a business accounting course at Immaculata College. I  
3 have also attended Fred Pryor Seminars on how to develop a  
4 budget and how to supervise people. I have developed a  
5 financial package program on Lotus 1-2-3, utilizing my  
6 knowledge of accounting and personal computers for this  
7 business, which is attached hereto and marked Exhibit "A-2".

8 Q Please state for the record your  
9 business/employment experience.

10 A As I have stated, I am employed by ComNet Mortgage  
11 Services and have been so employed since September of 1991.  
12 I started my career at ComNet as a Loan Administration  
13 Representative, and was later promoted to an Investor  
14 Accounting Representative. I was further promoted in July of  
15 1994 to a Supervisor and again promoted in July of 1996 to  
16 the position of Manager of the Record Retention/Release  
17 Department. For the last two years, I have maintained my  
18 Department at Twenty (20%) Percent below budget. I have  
19 attached my résumé to further describe my experience/duties,  
20 which is attached hereto and marked Exhibit "A-3".

21 During this period of time, I was also employed, on a  
22 part-time basis, as an Automotive Detailer with Town Motors  
23 in Exton. In this position, I increased my knowledge of  
24 automobiles, especially regarding the mechanical operations  
25 and repair. In this capacity, I also assisted the Service

1 Department by picking up customers and transporting them to  
2 their destinations.

3 Q At this point, do you maintain an office for  
4 Dynasty Limousine Service?

5 A No. I have not established an office for this  
6 business because I have not received a license to operate a  
7 limousine service from the Federal Highway Administration or  
8 the Pennsylvania Public Utility Commission. Furthermore, I  
9 currently do not own a vehicle for use in such a service.

10 Q Do you have plans to obtain a license to transport  
11 persons in interstate commerce?

12 A Yes, I intend to file an application with the  
13 Federal Highway Administration some time in early 1997, with  
14 plans to commence interstate transportation in the spring of  
15 that year. At that time I would hope that this Commission  
16 would act favorably regarding my request for operating  
17 authority and I would hope to take delivery of a vehicle.

18 Q Please identify the type of vehicle you plan to  
19 utilize in the performance of limousine service.

20 A I have investigated a number of different vehicles  
21 for use in my business, by meeting with limousine dealers in  
22 the area and attending the 1996 Limousine Digest Show in  
23 Atlantic City, New Jersey. At this point, I have concluded  
24 that it would be best to start a service with a late model  
25 six (6) passenger vehicle. Therefore, I would purchase a

1 1992-1994 white Lincoln stretch limousine. The coach builder  
2 will have to be a certified Qualified Vehicle Modifier (QVM).

3 Q In the event you receive operating authority, what  
4 additional steps would you take?

5 A I would open an office and install adequate  
6 telephone lines to receive calls from the public. Initially,  
7 I would establish the office in my home at 640 East Lincoln  
8 Highway, Coatesville, which is zoned to permit commercial  
9 activity. Later, I might consider moving the operation to  
10 another site. With respect to the telephone lines, I plan to  
11 start with one (1) dedicated line, with an answering service  
12 for calls after hours. In addition, my mother has agreed to  
13 assist me during working hours and I would hire two (2)  
14 individuals as drivers, so that I would have three (3) people  
15 (including myself) available at any time to drive.

16 Q Do you have a preventive maintenance program that  
17 you intend to implement in you (sic) service?

18 A Yes, I have developed a preventive maintenance  
19 program relying on my experience with Town Motors. The  
20 program will include a weekly check of the following: tire  
21 pressure, oil, antifreeze, brake fluid, windshield washer  
22 fluid and wipers, transmission fluid, coolant hoses, fan  
23 belts, temperature control functions and electrical features,  
24 including exterior lights.

25 Every six (6) months, a complete vehicle inspection

1 will be performed, and any borderline parts (brakes, tires,  
 2 etc.) will be replaced to ensure that the vehicle is properly  
 3 maintained for safe and continued operation. At this time,  
 4 the air conditioning will be checked, together with the  
 5 complete electrical system.

6 Every three thousand (3,000) miles, oil and filter  
 7 will be changed, and lubrication of ball joints and universal  
 8 joints will occur. Every twelve to fifteen thousand (12,000-  
 9 15,000) miles, the transmission fluid will be changed. In  
 10 the event that I acquire a new vehicle, the coolant hoses and  
 11 belts will be changed at sixty thousand (60,000) miles and  
 12 then changed again each time the vehicle has an additional  
 13 twenty-five thousand to thirty thousand (25,000-30,000)  
 14 miles. On used vehicles, the coolant hoses and belts will be  
 15 changed every twenty-five thousand to thirty thousand  
 16 (25,000-30,000) miles. It is my opinion, only, that after-  
 17 market hoses and belts do not last as long as original  
 18 equipment.

19 I intend to change the rear differential oil at forty  
 20 thousand (40,000) miles and the vehicle will receive full  
 21 tune-ups every thirty to thirty-five thousand (30,000-35,000)  
 22 miles.

23 Also, my drivers will be required to inform me if the  
 24 automobile is operating peculiarly.

25 Q Do you have a safety program that you intend to

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1 implement in your service?

2 A In addition to the preventive maintenance program  
3 that will maintain safe operating vehicles, I intend to  
4 attend driver safety courses and then be the responsible  
5 party for hiring any drivers. When hiring potential drivers,  
6 I intend to have a two (2) hour road training course  
7 implemented and a written test. I hope that the driver  
8 safety courses will assist in the written test, however, I  
9 have reviewed the Commercial Driver's License (CDL) Study  
10 Guide and will use some of the material from that Guide to  
11 test my drivers. I also intend to randomly select customers  
12 for mail-out questionnaires. I will ask questions about the  
13 driver, the vehicle and how the trip was overall.

14 If any of the customers' responses are negative, the  
15 driver will be questioned and disciplinary measures will be  
16 taken. If a driver is caught using alcohol or narcotics  
17 during the trip, he/she will be terminated, no questions  
18 asked. I am also currently looking into the possibility of  
19 random drug testing the drivers.

20 Once the operation has commenced, I intend to meet  
21 with my drivers on a weekly basis to discuss road conditions,  
22 road construction and weather conditions to ensure safe  
23 operations.

24 Q Do you know the insurance limits placed upon a  
25 business that operates a limousine service by the Federal

1 Highway Administration and this Commission?

2 A This Commission only requires Thirty-Five Thousand  
3 (\$35,000.00) Dollars of liability coverage. However, I  
4 intend to maintain One Million Five Hundred Thousand  
5 (\$1,500,000.00) Dollars of liability coverage to comply with  
6 FHWA requirements, which will also satisfy this Commission.

7 Q Do you have financial information you wish to  
8 identify?

9 A Yes. I have prepared a Balance Sheet of my assets  
10 and liabilities which is marked Exhibit "A-4". In addition,  
11 I have prepared copies of my bank statements which are marked  
12 Exhibit "A-5". In addition to my bank accounts, I have  
13 investments which are marked Exhibit "A-6". Some of my  
14 accounts are in joint name with my mother, which I have so  
15 titled after the death of my father. Said funds in the joint  
16 accounts will be available, if necessary, for the service. I  
17 intend to establish a separate checking account for the  
18 business once I commence service.

19 Q Is it your opinion that, in the event additional  
20 equipment will be needed by you, you have the financial  
21 ability to purchase or lease additional equipment?

22 A Yes. I have thoroughly investigated the financing  
23 requirements for the acquisition of vehicles and I have been  
24 pre-approved for a loan for one vehicle, as evidenced by an  
25 approval letter from Commonwealth Bank, marked Exhibit "A-7".

1 If additional vehicles are required, I will be in a position  
2 to purchase them due to the fact that my debt service is low,  
3 as evidence (sic) by my Credit Report which is marked Exhibit  
4 "A-8".

5 Q In the event that this Commission grants you  
6 authority to provide limousine service, are you prepared to  
7 file tariffs setting forth just and reasonable rates?

8 A Yes, I am.

9 Q Have you had requests for limousine service?

10 A Yes, the requests I have received resulted from my  
11 investigations of whether establishing a service would be  
12 feasible. Part of my investigation was to discuss this with  
13 the public, many of whom are witnesses in this case.

14 Q What have you told individuals requesting  
15 limousine service from you?

16 A I have told them that I did not have my PUC  
17 license yet and they would have to seek transportation at  
18 another company.

19 Q Have you ever operated as a common carrier without  
20 authority from this Commission or the FHWA/Interstate  
21 Commerce Commission?

22 A No. Before I decided (sic) establish a limousine  
23 service, I investigated the licensing requirements before the  
24 local, state and federal governments. As a result of this  
25 investigation, I determined that the first step in the

1 process was to make the appropriate applications before this  
2 Commission and the FHWA, not to acquire a vehicle and start  
3 operations.

4 Q Is it your opinion that you are fit, willing and  
5 able to perform the limousine service requested in this  
6 proceeding?

7 A Yes.

8 (End of Testimony of Anthony S. Previte.)

9 JUDGE SMOLEN: Do you want to mark the exhibits all at  
10 once?

11 MR. MULCAHEY: Sure, Your Honor.

12 JUDGE SMOLEN: And those will be supplied to the Court  
13 Reporter, two copies to the Court Reporter.

14 MR. MULCAHEY: The exhibits are attached to the  
15 statement -- the two statements that I gave to the Court  
16 Reporter.

17 Exhibit A-1 is the Fictitious Name Registration.

18 Exhibit A-2 is a financial statement.

19 Exhibit A-3 is a résumé of Mr. Previte.

20 JUDGE SMOLEN: Wait just a second. The financial  
21 statement, then, is a multiple-page document. Go ahead.

22 MR. MULCAHEY: That's correct.

23 Exhibit A-3 is a two-page document, a résumé of Mr.  
24 Previte.

25 JUDGE SMOLEN: All right.

1 MR. MULCAHEY: Exhibit A-4 is a balance sheet of Mr.  
2 Previte.

3 Exhibit A-5 are supporting documentations -- documents  
4 -- documentation regarding certain accounts.

5 Exhibit A-6 is supporting documentation of certain  
6 investments.

7 Exhibit A-7 is a conditional credit approval.

8 Exhibit A-8 is a credit report of Mr. Previte.

9 JUDGE SMOLEN: I better just mark for identification  
10 as --

11 MR. MULCAHEY: That's correct.

12 JUDGE SMOLEN: -- Mr. Mulcahey has referred to them.  
13 Of course, they're subject to cross-examination and whatever  
14 timely objection. Go ahead.

15 (Whereupon, the documents were  
16 marked as Applicant's Exhibits  
17 Nos. A-1 through A-8 for  
18 identification.)

19 MR. MULCAHEY: Your Honor, at this point, I'd offer  
20 Mr. Previte for cross-examination.

21 JUDGE SMOLEN: All right. Let's start with Mr.  
22 Fullerton.

23 MR. THOMAS: Your Honor, I'm going to --

24 JUDGE SMOLEN: Or Mr. Thomas, excuse me.

25 CROSS-EXAMINATION

1 BY MR. THOMAS:

2 Q Good afternoon, Mr. Previte. Mr. Previte, at the  
3 present time, by whom are you employed?

4 A By ComNet Mortgage Services.

5 Q And can you briefly describe ComNet?

6 A ComNet is a mortgage company, which is located in  
7 Chester County, and has branches throughout the Commonwealth  
8 of Pennsylvania, New Jersey, Virginia; I believe,  
9 Connecticut, we might have field offices. We're residential  
10 mortgages, and we go from originating the loan to servicing  
11 the loan; and that's the department I work in, Servicing.  
12 I'm actually the last step in the loan, when it gets paid  
13 off. I'm responsible for that.

14 Q And do you work out of an office in Chester  
15 County?

16 A Yes.

17 Q Where is that office located?

18 A Malvern.

19 Q Malvern. Okay. And you state that you're the  
20 last step of processing a loan. Describe exactly what your  
21 day-to-day duties are at ComNet.

22 A Okay. The main -- it's in my résumé. It's Record  
23 Retention/Satisfaction Manager. Record Retention is the  
24 first part, and I'm responsible for maintaining accurate  
25 records of any correspondences that is sent to the customers.

1 I'm responsible for filing of them. I'm responsible for  
2 maintaining the integrity of the loan docket in a fireproof  
3 room. That's pretty much it for Record Retention. It's not  
4 a big deal, but I'm in charge of it.

5 And with regard to Satisfactions, that's when say you  
6 come in to pay off your loan, the next day I'll get the loan  
7 and what happens when you first take out your loan, there  
8 should have been a mortgage recorded at the local county seat  
9 where your house is. So if you're in Chester County, it  
10 would be in West Chester. And what I'm responsible for is  
11 ensuring that that satisfaction piece is properly endorsed  
12 and sent, along with the mortgage, to the appropriate  
13 courthouse in Pennsylvania or other -- it varies by state,  
14 how to satisfy it. I'm using Pennsylvania because that's  
15 where we're at. So you send the satisfaction piece of the  
16 mortgage, you get it back and I ensure that it's sent off to  
17 the customer and send the docket off site and keep it there  
18 for seven years until we can destroy it, because that's  
19 record retention rules that's set forth by the government, I  
20 believe.

21 The other thing I do is I develop -- well, I assist  
22 with developing the budget for five or six departments. I  
23 didn't write it down, but at the time, I think it was five or  
24 six. What I do there is I look at past histories, and I  
25 input on a loaded schedule the numbers that they used in past

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1 history; and then what happens is that it gets spit out into  
2 a forecast year. So if we're in November, I forecast that  
3 for 1997. It's based on full-time employees. So my  
4 department might have three full-time employees. So I take  
5 those numbers, they get transcribed over to 1997. I punch in  
6 how many employees I'm going to have first -- or expect to  
7 have; and then I print it out and it goes upstairs for  
8 review. We do maybe eight or ten GLs, general ledgers, which  
9 I develop for every department in the administration.

10 I'm also in charge of equity line of credit. I'm  
11 probably the only person in the mortgage company that knows  
12 how to service a lien. My boss knows, but she doesn't know  
13 details or everything. I'm responsible for those. I set the  
14 loan up. I service the loan. I request money from the  
15 investor when people disburse their checks.

16 Basically, I ensure that payments are there on time.  
17 If they're not, then we get the request; and I'll get  
18 involved in that aspect of it.

19 I also assist the subservicing department setting up  
20 loans in the system, as assigned.

21 Q Now, you testified that you had three employees in  
22 your department. Is it three plus you?

23 A No, two plus me.

24 Q So there's three employees in your department?

25 A Right now.

1 Q Are you all even, or are you the department head?

2 A I'm the manager and then there's a record  
3 retention clerk, and then there's the typist. I just have to  
4 make sure that everything is out.

5 Well, for the last three months, we've been without  
6 one so I've been doing all the work, because the guy that was  
7 there retired; so I had to step in -- it's a position such  
8 that it's not -- how can I put this? It's not a position  
9 that everybody wants. It's like kind of a low-paying job, so  
10 there's not a big response for it in the paper or even  
11 internally. The position has been open for the last three  
12 months, so I've been doing all the work. January 13th,  
13 someone is coming over and taking the position.

14 Q Who do you report to?

15 A Vice-President of Loan Administration.

16 Q In the Malvern office, how many employees does  
17 Malvern have?

18 A Seventy-five to a hundred. I haven't counted  
19 them.

20 Q How many years have you been with ComNet?

21 A Since September of 1991.

22 Q From what you just described it, you're quite busy  
23 there on a day in and day out basis?

24 A Yes, because I haven't had a person. I've been  
25 doing all the --

1 Q You're picking up another function?

2 A Yeah, which I'm not supposed to do.

3 Q What time does your day start at ComNet?

4 A Um, it's supposed to start at 8:30. It usually  
5 starts 7:30, quarter of 8:00, 8:00. I don't -- I like to get  
6 my things done early.

7 Q What time do you generally head out of there at  
8 night?

9 A About 5:00. If I have to stay late, which is very  
10 rare, because I usually get everything done during the day,  
11 I'll stay until 6:00.

12 Q Your home right now is where?

13 A The address is 640 East Lincoln Highway,  
14 Coatesville.

15 Q Coatesville. I've been in Chester County many  
16 times, but I forget the distances. How far is Coatesville  
17 from Malvern?

18 A I think it's like 15 to 18 miles, depending which  
19 way you go.

20 Q And a typical busy morning with everybody rushing  
21 around, how long does it take you, generally, to drive that?

22 A Well, 25 minutes, 20, somewhere in that  
23 neighborhood.

24 Q Now, just by way of -- I just want to touch on it.  
25 You testified on Page 2 of your statement that you were

1 employed on a part-time basis as an automotive detailer with  
2 Town Motors in Exton. Just what is Town Motors?

3 A It's a Chrysler-Plymouth dealership where I work.  
4 I believe I started in June of 1986 and terminated in  
5 February of 1994.

6 Q So you started sometime prior to college?

7 A Yes.

8 Q And worked through college?

9 A I think I was in 11th or 12th grade, and I just --  
10 because I love automobiles, I stayed there. Everybody told  
11 me to leave and find a better job, but I enjoyed --

12 Q What you were doing?

13 A Yeah, in doing what I did.

14 Q What, exactly, did you do at Town Motors? You  
15 said detailing?

16 A Yeah, detailing, um, that's kind of a misleading  
17 word.

18 Q Did you start cleaning the cars and --

19 A Basically, yes, clean cars. Most of it, you know,  
20 I started out, basically, as a used car lot guy. I'd go out  
21 there everyday, wash them off, dry them off; then I'd go  
22 inside and detail cars that were sold, used and new.

23 Then they got to know me, so after six months, they  
24 decided, you know, they send me to pick cars up here, pick  
25 cars up there; and I also helped the Service Department out.

1 I brought cars around back for the customers that were being  
2 worked on. If they needed a ride somewhere, I'd transport  
3 them there and then I'd go back and pick them up and bring  
4 them back. On many occasions, I would transport customers  
5 home.

6 Q When did you terminate your services?

7 A I believe it was February of 1994, somewhere in  
8 that vicinity.

9 Q So you worked there while you were also working at  
10 ComNet?

11 A Yes.

12 Q Was it in the evenings or the nights?

13 A Yeah, Saturday morning, I'd work there. I enjoyed  
14 doing it. I really didn't have to, but I enjoyed doing it.

15 Q Now, earlier you testified that in addition to  
16 your prepared statement, that you were going to bring a Tom  
17 Mazza in as a consultant?

18 A Yeah, that's a -- he's a person that I'd hire.

19 Q You said he had experience in limousine service?

20 A Yeah. I was at the limousine show in Atlantic  
21 City this November, I believe it was, November 1st, I think  
22 it was; and I was walking around the exhibits, and he was  
23 there. I started talking with him, and I said I'd like help  
24 in getting started out. So he told me he'd come out and  
25 spend the day with me and, you know, for a fee; and try to

1 teach me some things about the limo business that I don't  
2 know.

3 Q So he has some consulting firm that goes around  
4 and elicits clients that are in the limousine service?

5 A Yes. He helps regular companies out, too. I  
6 think the way he put it in his brochure, we -- and I believe  
7 it was him -- We help people reach the next level in  
8 limousine service.

9 I think it's somewhat what he wrote.

10 Q And you met him in Atlantic City?

11 A Yes.

12 Q And when was that?

13 A November 1st, the Limousine Digest show.

14 Q And when -- did you talk to him recently, that  
15 you'd like to retain his services?

16 A No, but he told me that day to call him and we'll  
17 set a time up; and he'll come out to my house. We'll meet  
18 somewhere, and he'll spend the day with me and answer any  
19 questions that I might have.

20 Q Now, I think somewhere in your testimony you  
21 testified that, at least initially, you'd have your mother be  
22 of some help in running the business?

23 A Yes.

24 Q Is that your mother sitting at Counsel's table?

25 A Yes.

1 Q What functions do you see your mother performing?

2 A Basically, answering the phones and booking trips  
3 for me. I know it's not going to, you know, when I first  
4 start out, I don't plan on having a big office like King's  
5 does or Krapf's does, so I'd have to have -- I'll start out  
6 small.

7 Q Now, I think it was Mr. Hughes, the fellow from  
8 QVC, I think he testified that he thought it was your long  
9 lost -- or long ambition to go into the limousine service. I  
10 think it was him. When did you decide that you wanted to go  
11 into the limousine service?

12 A I've always loved transportation, even when like I  
13 was little. If there was any kind of automobile moving,  
14 anything to do with automobiles. So what I decided -- they  
15 have these Secret Wealth tapes at work, so I just borrowed  
16 them one day. I started listening to them. I came to the  
17 conclusion to find something that you love, so I love  
18 driving; and I decided, well, maybe a limousine business.

19 Q When did you actually make the decision that you  
20 -- take the necessary steps to see if you could go into the  
21 limousine business?

22 A I think I went to Mr. Mulcahey's office in August,  
23 somewhere. I had been thinking about it for a while.

24 Q August of 1996?

25 A Yeah, 1996. I was thinking about it for maybe a

1 year or so. When I found out about the PUC and a guy told me  
2 it's a pain to go through the -- well, it's a tedious  
3 process. I've heard people telling me it takes two or three  
4 years; and I decided, well, do something, do it. Put your  
5 mind to it and do it. That's why.

6 Q So you went to Mr. Mulcahey's office, that's how  
7 you actually got the ball rolling?

8 A Yes.

9 Q Now, personally, prior to August of 1996, did you,  
10 yourself, ever seek a limousine for your own use?

11 A Yes, I -- well, if I tell you, I'll get the  
12 company in trouble. I don't think they had the authority to  
13 come down and pick me up, but I don't even remember the  
14 company's name.

15 Q I really don't care about the name.

16 A Well, yeah, I did; and I'll tell you what. They  
17 picked me up, and I was very disappointed. The limo, it was  
18 -- nothing worked. The ash trays -- not the ash trays, the  
19 cigarette lighter; nothing worked.

20 At the end of the night, I felt like I was gouged  
21 because he had finished dropping everybody off, and I paid  
22 half and my friend paid half. He drops me off and, you know,  
23 we were out drinking, so, you know, I had a little beer in  
24 me; and the guy goes, Oh, you owe me another 80 bucks. For  
25 what? He said, because you went a half hour over, or

1 whatever. So I had to shell some money out.

2 Now, who's to say -- I didn't get a receipt for that  
3 trip -- but who's to say that that driver didn't take that  
4 money and pocket it? I should have paid with a credit card,  
5 I really should have; but that was it.

6 Q Personally, that was your only casual experience  
7 with limousine service as a customer?

8 A No, at my sister's wedding, we needed a limo then.

9 Q Out of Chester County?

10 A Yes, out of my house. We went to Lancaster County  
11 and came back. Where else? I think those were the only  
12 trips.

13 Q Now, I've represented Krapf's Coaches, well, for  
14 the last 25 years; and I know their operations. Have you had  
15 any experience with Krapf's Coaches, or do you know who  
16 Krapf's Coaches is?

17 A I know the Krapf's. They took me to school for 12  
18 years, high school and grade school. Yes.

19 Q And you say King's Limousine, you're also aware of  
20 their operations?

21 A Oh, yeah, I'm mean I'm aware.

22 Q Anybody who is here at this table and anybody who  
23 is it?

24 A Yeah, Celebrity, Hermes, Birdie's out of West  
25 Chester. I know about them.

1 Q So you have researched, basically, limousine  
2 service in Chester County and Lancaster County, I understand?

3 A Yes.

4 Q How many limousine carriers did you find out that  
5 there are in Chester County?

6 A At one point, I believe we only had five. One of  
7 the companies was out of Delaware, I think, so -- and the  
8 other thing that really convinced me was last June, the  
9 Coatesville Prom, everybody has a limousine, everybody wants  
10 a limousine. So I went down there just to see how many,  
11 actually, out of state limousines there were or even illegal  
12 limousines, which I know if they're working for somebody  
13 else, but -- you know, I was just looking at the license  
14 plates, and I noticed they have to have LM, and it says  
15 limousine.

16 So I went there and to tell you the truth, I really  
17 didn't see that many that had limousine written on it. There  
18 was a lot of out of staters.

19 Q There's at least six limousine carriers at this  
20 table. Do you know who else? We have King's here. We have  
21 A La Carte here. We have Krapf's here. We have Allways  
22 here. We have Lazer here. I'm probably missing the sixth.  
23 Did I get Allways? Prestige.

24 What other carriers did you find out, limousine  
25 carriers did you find out existed in the county?

1           A   Hermes Limousine, Celebrity Limousine, Birdie's --  
2 I've heard of Birdie's. I don't know how big he is.

3           Q   So there's at least nine that you know of right  
4 here?

5           A   Yeah.

6           Q   And what investigation did you do in Lancaster  
7 County?

8           A   I know of one company that's in Lancaster County,  
9 and I can't remember the name. I can't remember the exact  
10 name, but I think they're pretty good.

11          Q   Why did you pick Lancaster County as the second  
12 county versus Philadelphia or Bucks, Delaware?

13          A   Well, I live in Chester County; and I've seen the  
14 Main Line come up through -- say you start in Berwyn, Paoli,  
15 Exton, Downingtown. I don't know if it will come to  
16 Coatesville. Hopefully it does, but at its best, it will  
17 jump over into Lancaster County, to keep moving out. So --  
18 in my opinion, I think they'll build like a by-pass that goes  
19 from -- currently, you have to take Route 30, that's a two-  
20 lane road. There's a lot of lights, and it takes a long time  
21 to go to Lancaster; but in my opinion, I think they'll build  
22 a by-pass that connects the Route 30 by-pass with, I think  
23 it's 283 out in Lancaster that leads out toward Harrisburg.  
24 That's my opinion.

25          I expect that there will be corporations going up and

1 there will be more housing going up that way. So, obviously,  
2 the more people you have out there, the better chance that a  
3 limo service would be requested out there.

4 Q Would I be correct that as of today, you have not  
5 been a frequent user of limousine service in Lancaster -- in  
6 Chester County?

7 A That's correct to say, yes.

8 Q Now, let's, for a minute, take a look at some of  
9 your plans. Now, you testified that you'd have your mother  
10 answering the telephone?

11 A Yes.

12 Q Does your mother work?

13 A Yes, but she's planning on retiring.

14 Q And when is she planning on retiring?

15 A In six months.

16 Q Six months. And what has been her business?  
17 Where is she employed?

18 A She works for the --

19 MRS. PREVITE: The VA Medical Center in Coatesville.

20 JUDGE SMOLEN: Now, wait. You'll get a chance if he  
21 puts you on.

22 Do you know where your mom works?

23 THE WITNESS: Yes, Veterans' Canteen Service. It's  
24 like a retail store. You go in there and buy -- you can buy  
25 a TV in there, odds and ends. It's not a cafeteria, it's

1 just, you know, like a drug store. They don't sell drugs,  
2 obviously.

3 BY MR. THOMAS:

4 Q Now, you also testified that as business develops,  
5 you will hire two drivers. What are you planning -- if the  
6 Commission approves your application, would you hire a driver  
7 immediately? How would you do it?

8 A I would probably start seeking drivers  
9 immediately, at least just to cover during the week. On the  
10 weekends, I would do everything myself to keep the prices  
11 down; but during the week -- if I would have a big trip, my  
12 boss is very understanding. Any time I need off, she says  
13 go, assuming nothing is pressing at work, which I always get  
14 my stuff done so I don't have to worry about that. But I'd  
15 have two drivers and with the airport runs people want to do,  
16 whatever during the day, have them on call.

17 Q Now, have you made any estimate as to what the  
18 annual cost of a driver would be, to your operation?

19 A The way I looked at it, I would pay them 15  
20 percent of whatever the job was.

21 Q And have you made any forecast what the average  
22 revenue -- what the revenue would be on an average job?

23 A An airport run costs between \$65 and \$75 to \$85,  
24 just from my area down to Philadelphia.

25 Q Let's use \$85. From Exton, how long does it take

1 to drive down to the airport and back?

2 A Down and back, about 80 minutes.

3 Q Eighty minutes?

4 A Eighty minutes, 70 to 80 minutes.

5 Q And you think you could hire a driver for \$8.50 to  
6 make that run or \$12, whatever the 15 percent is?

7 A For an hour and half worth of work. Yeah. I  
8 haven't figured out the exact numbers, but I'd have to sit  
9 down and figure everything out and see what I could pay him,  
10 how much the limo takes to run, insurance and figure out fair  
11 ways to get them; unless it's oddballing it.

12 Q Do you expect -- are you planning on providing any  
13 benefits to your drivers?

14 A No.

15 Q No benefits?

16 A What I was basically looking for is the early  
17 retired people that really just want something to do. They  
18 wouldn't abuse the cars, they would be courteous. I would  
19 prefer someone who is retired from an office. Someone who is  
20 well-spoken, you know, an average -- anything but a steel  
21 worker. I just threw in construction worker. They just talk  
22 a different way.

23 Q So you don't expect to hire drivers that have some  
24 driving experience, you're looking for somebody that maybe is  
25 just recently retired?

1           A    I mean, I'm going to have to check his driving  
2 record, criminal records, you know, their health. I'm not  
3 going to hire just the average Joe walking in off the street.  
4 You can't do that. If somebody has had tons of accidents,  
5 they're not getting hired at all.

6           Q    Now, with respect to your business plans, you said  
7 you had some budgeting constraints. Have you -- assuming you  
8 start out with one auto, have you made any forecasts as to  
9 what your operating margin would be on each dollar of  
10 revenue?

11          A    Um, I haven't really gotten that far. I didn't  
12 want to -- I didn't want to waste too much time forecasting.  
13 I just wanted to see if I could get my license going, and  
14 then I'd go on from there. I'd sit down and figure that out  
15 or have somebody help me figure it out; but I didn't go that  
16 far yet.

17          Q    What causes me a little concern and why I'm  
18 raising it is I looked at your exhibit. I don't know which  
19 -- it's Exhibit A-7, the Commonwealth Bank giving you -- I  
20 guess it's not a guarantee, but I read it as somewhat of a  
21 commitment that they would make you an automobile loan which  
22 would be \$856 -- require a payment of \$856 a month?

23          A    This letter is qualifying me for the most that I  
24 could finance.

25          Q    Yes, almost \$34,000?

1           A    Thirty-four thousand. Now, I'm not going to go  
2 out and spend \$34,000 on the first auto. It just doesn't  
3 make good business sense. I want to keep my expenses for my  
4 business at a point where I can pay for them through my job.  
5 If the limo does nothing, the bank still wants their money.  
6 I still have my job that would pay for the limo business.

7           Q    I understand. Looking at this letter, it says  
8 that your current salary is \$32,500 a year. Is that still  
9 accurate?

10          A    As of this year actually, January, the first  
11 paycheck in January, I'm supposed to be getting -- bumped up  
12 to \$40,000.

13          Q    And has that started yet?

14          A    That's -- the request was sent up. Most of the  
15 time the approve what is requested. See, I'm \$7500 below my  
16 minimum for my grade level. Minimum for my grade level is  
17 \$39,900. When I was brought in there since -- here's what  
18 she told me -- she brings all the managers in lower, just to  
19 see how they'll perform for the next six months or whatever.  
20 I got promoted in July to manager. Before that I was a  
21 supervisor. So, obviously, for the next -- last six months,  
22 I've been performing above standards, so she's going to bump  
23 me up, finally, to the minimum.

24          Q    But that has not occurred yet?

25          A    Well, see, it was three weeks ago she sent it up.

1 She hasn't told me anything. I don't know if she's going to  
2 wait me for me to see it in my paycheck. I don't know. I  
3 don't see it being a problem, put it that way.

4 Q But it has been -- you have not received any  
5 formal approval?

6 A No.

7 Q Now, with respect to the vehicle that you're  
8 contemplating on purchasing if you get approval, a Lincoln  
9 stretch limousine, six passenger vehicle.

10 Now, I heard some people -- some of your own witnesses  
11 here testify that they needed a vehicle maybe eight or more;  
12 you couldn't provide them with the service?

13 A Not at first, no, I could not, unless I could find  
14 a good deal on an eight-passenger limo.

15 Q Based upon your investigations, what's it cost,  
16 let's say a 1994, six passengers, Lincoln stretch limo?

17 A How many miles?

18 Q Let's -- that 1994, let's say you had around 20 a  
19 year, so let's say 40,000?

20 A Um, that's a good question. I'd probably expect  
21 to pay around \$30,000 for that, just for the mileage. The  
22 \*limousine, if you take care of it, they go for 190,000,  
23 200,000, 300,000. You have to take care of it.

24 Q So would you agree with me it may be in the range  
25 of maybe \$30,000, \$35,000?

1 A Yeah, like I said, \$30,000, \$35,000; but the ones  
2 I've looked at, 1992, 1993, 1994, they all have high mileage.  
3 You have to look at the car. If it sounds good and runs  
4 good, you know, make the move to buy it, because they're a  
5 lot cheaper.

6 Q How many miles -- what do you expect from a  
7 mileage standpoint, or didn't you --

8 A Probably 110,000, 120,000, 130,000.

9 Q And what are you expecting the cost to be?

10 A Probably around \$20,000, \$22,000, somewhere in  
11 that neighborhood.

12 Q So you're looking maybe at \$600 a month?

13 A Well, I don't have the amortization schedule in  
14 front of me.

15 Q Just ball park.

16 A Probably.

17 Q That would require interest payments of  
18 approximately \$7200 a month -- a year, would it not, 600  
19 times 12?

20 A Oh --

21 Q And what do you expect the cost of insurance to  
22 be?

23 A Anywhere between \$35,000 and \$40,000; but mind  
24 you, \$22,000, I'm not -- that's not what I'm financing.

25 Q Can you put some money into it?

1           A    Put \$5,000 down. The insurance, hopefully, by the  
2 time I'm granted the authority, I'd be able to save some more  
3 money and pay cash for that, so I don't have to worry --  
4 that's one less expense I have to worry about.

5           Q    So you're going to use \$5,000 of your \$14,000  
6 savings?

7           A    Yes.

8           Q    What other expenses do you expect to incur?

9           A    Besides insurance on the car, I expect to have --  
10 well, my limo service will have something special, but I'm  
11 not going to tell you. There's certain little things I'm  
12 going to do for it.

13          Q    That's okay.

14          A    The car, insurance -- oh, credit card machine.  
15 There is a \$75 application fee, and then every month, you're  
16 billed a certain amount. I'll have that. And then monthly  
17 expenses, fuel and then the monthly expense of changing the  
18 oil, all mechanical repairs would have to be -- I expect to  
19 spend -- put 3,000 miles a month on the car, at least, doing  
20 a decent business; and I'd have to change the oil. Every  
21 time you change the oil -- you have to have some reserve.

22          Q    Where do you plan to house this vehicle?

23          A    That's something I've been working on. I've  
24 thought about putting it -- my aunt has a long driveway. I  
25 was going to ask her if -- until I get on my feet, three or

1 four months, to put it in her driveway with a tarp over it.  
2 And then I've been investigating the possibilities of having  
3 garages in the area -- outside of Coatesville, put it that  
4 way, because it's not safe; still have the main office in  
5 Coatesville.

6 Q Right now, you plan to have your main office at  
7 your mother's house?

8 A Yes, until the business is -- I know the business  
9 is running well enough that it knows it can get paid \$600,  
10 \$700, \$800.

11 Q And you're going to have the car, maybe initially,  
12 at your aunt's house?

13 A Yeah, which is not that far away from me. It's  
14 not really worth wasting a lot of time on it. There's no --  
15 I don't know if I have the license yet. I'm trying to  
16 respect the PUC case at this point. I've thought about  
17 getting one. I think I can probably get one for about 120  
18 bucks. I know I can get one for a hundred bucks.

19 Q Do you expect to do any of the driving?

20 A On the weekends, yes.

21 Q Now, would I be correct to state that your desire  
22 to go into the limousine service was based more upon your  
23 pursuit, maybe, of a second activity other than your main  
24 ComNet job and your love of automobiles than it was a public  
25 need for limousine service in Lancaster County and Chester

1 County?

2 A Well, actually, there is a public need for  
3 business.

4 Q But your first objective when you decided to go  
5 into the limousine service and then you investigated what was  
6 going on with the rest?

7 A Say that again?

8 Q Maybe it's better to read that question back.

9 (Question read by the Court Reporter.)

10 THE WITNESS: Yes.

11 BY MR. THOMAS:

12 Q Let's assume on June 1, if everything goes --  
13 you're hoping you're in business. You're at work and your  
14 mother happens to be at home -- I guess you're going to have  
15 an answering machine until she is retired?

16 A Yes, or I was thinking about maybe, like, having a  
17 beeper. That seemed kind of cheesy to me, having someone  
18 beep me. Those things I'm going to have to work out. I'm  
19 probably going to have an answering service, not an answering  
20 machine. The service will call me, and I return the call to  
21 the customers.

22 Q Chester County is a pretty large county  
23 geographically?

24 A Yes.

25 Q And so is Lancaster.

1 A There's a lot of farm land in Lancaster.

2 Q What would you do if you get a request to provide  
3 service on the same day in West Chester and also in Manheim?

4 A Oh, boy. Well, the one thing I can do is take the  
5 Manheim trip myself and refer the second trip to Chester  
6 County to one of these guys, or take the Chester County trip  
7 myself and refer the Lancaster trip to them. I'm going to  
8 need -- possibly, I'm going to have a lot of overflow to give  
9 away to people, at least starting out. I'm not going to be  
10 like King, not going to be a Krapf's at first. I'm going to  
11 have a lot of work, I want to work with people and help them.

12 Q So you're going to take the jobs that either, one,  
13 are the most economical for you and refer out the others?

14 A No.

15 Q No?

16 A Whatever the availability is. Like say I call  
17 Lazer because I can't do Manheim trips. Okay, well, I can do  
18 Main Line trips, and I'd call these other guys. It all  
19 depends on how things work out with the particular client.  
20 Like all these guys have Chester County, but Lazer is the  
21 only one in Lancaster County. They can't really go to  
22 Lancaster, but, you know.

23 Q You're going to rely on the existing carriers in  
24 those instances?

25 A Yes, because if they all stick together, you know,

1 you have to work together to make the industry better.

2 MR. THOMAS: Your Honor, I have no further questions  
3 at this time.

4 JUDGE SMOLEN: Mr. Adelman?

5 MR. ADELMAN: No questions.

6 JUDGE SMOLEN: Mr. O'Donnell?

7 MR. O'DONNELL: Thank you.

8 CROSS-EXAMINATION

9 BY MR. O'DONNELL:

10 Q You testified here, it says you intend to operate  
11 as a sole proprietor?

12 A Initially, yes.

13 Q Do you have any partners?

14 A No.

15 Q You testified here that you are aware of the  
16 illegal operators in the area, gone out and looked at LM tags  
17 on cars and LM tags?

18 A Well, yeah. When I went to that prom, the  
19 Pennsylvania cars I saw, they could very well have been  
20 somebody's personal limo. I don't know. I didn't sit there  
21 and knock on windows.

22 Q But you're aware of what it means to be an illegal  
23 operator?

24 A Yes, oh, I know exactly what it means; and it  
25 bothers me that they do that. It really does.

1 Q Are you aware of T's Limousine Service? Do you  
2 have any relationship with T's Limousine Service?

3 A No.

4 Q And do you recall your conversation with me of  
5 Allways Limo and Tyrone Hartley with reference to T's  
6 Limousine Service when he was applying for his application?

7 A This afternoon?

8 Q No, nine months ago.

9 A Oh, nine months ago. I recall. I was standing  
10 around with my friend, and like I told you on the phone, he  
11 couldn't get the -- get on the phone, so I helped him.

12 Q So you are aware of T's Limousine Service?

13 A There is no T's Limousine Service.

14 Q -- oh, operating as T's Limousine Service?

15 A There is no T's Limousine Service, that's what I'm  
16 telling you. T's Automotive is a repair shop.

17 Q And you're aware that his car runs illegal?

18 A I don't know what he does with it. I have no  
19 idea.

20 Q You have no idea what he does with his limousine?

21 A No. What he does with his car, I don't know.  
22 He's a friend of mine, but I don't know what my friends do.

23 Q And you chose to call on his behalf and represent  
24 him?

25 A No, he couldn't get anybody else to call. His

1 girlfriend was working and she can't call, so I had a half  
2 day one day; and I called for him.

3 Q You stated that you intend to hire your mother for  
4 a while?

5 A What?

6 Q You state that you intend to hire your mother for  
7 a while?

8 A Just for a while, yes, until I know the business  
9 is doing well.

10 Q How do you intend to compensate your mother?

11 A Um, I haven't discussed it actually, but maybe on  
12 a per job basis. I'm sure she's not going to want, you know,  
13 a lot of money.

14 Q You do intend to compensate her?

15 A Yeah, whatever it may be. I mean, she wants  
16 something to do during the day.

17 Q But you do intend to compensate her?

18 A Yes, somehow.

19 Q You also said you were going to hire two  
20 employees?

21 A Drivers.

22 Q Drivers? You're not going to hire any employees,  
23 just drivers?

24 A At first it's going to be just like they're -- is  
25 the right word contract? Is that the right word, contracted?

1 Q So you don't intend to hire these drivers as  
2 employees?

3 A They'll be employees but they won't necessarily be  
4 on my payroll, put it that way.

5 Q So I'm to take it by that that they will be  
6 employed illegally?

7 MR. MULCAHEY: Objection, Your Honor. That calls for  
8 a conclusion of law. We're getting into this independent  
9 contractor/employee relationship.

10 JUDGE SMOLEN: Sustained. Next question.

11 BY MR. O'DONNELL:

12 Q Do you intend to pay these employees by the hour?

13 A As I told Mr. Thomas, I'd probably pay them by  
14 percentage of the job; so if it's a \$300 job, they'll get  
15 paid by that, plus any tips that people want to give them.

16 Q Do you intend to bill gratuity on your trips?

17 A I'll have to look into that. I'm not sure what  
18 the PUC regulation is on that. I have to discuss that with  
19 Rich. I'm not sure if I can say, well, tell the PUC I'm  
20 going to charge 40 bucks an hour and then tack on 50 percent.  
21 I'm not -- I didn't go that far yet as to develop my tariff.  
22 I have to look into that still.

23 Q Okay. If you do charge gratuity on trips, drivers  
24 will receive a gratuity?

25 A Oh, yes, sure.

1 Q I see in your thing here that you intend to  
2 acquire 1.5 million dollars worth of liability insurance? I  
3 do not see anything --

4 JUDGE SMOLEN: You have to answer. She can't take  
5 down that.

6 THE WITNESS: Oh, yes, yes.

7 BY MR. O'DONNELL:

8 Q I do not see anything in here with reference to  
9 Workmen's Compensation for your employees?

10 A Again, that's something that until I know I'm  
11 going to get the license, I'm not going to stress over yet.  
12 When I know that the license is coming, then I'll start  
13 looking into these things. Workmen's Comp, yes, I'll look  
14 into that, depending how I pay my drivers. They could just  
15 get 1099 at the end of the year. I'm not sure -- that's all  
16 things that I have to sit down with my accountant and tell  
17 them about -- talk to them about how I'm supposed to take  
18 care of these and what will work for me or --

19 Q So at this point, you have not looked into how  
20 your employees are supposed to get paid?

21 A I don't have any. There's no reason for me to  
22 worry about that until I get through this hearing.

23 Q Do you intend to hire two employees?

24 A I will intend to -- yes.

25 Q But you have no idea how you're going to pay them?

1 MR. MULCAHEY: Your Honor, I think that's been asked  
2 and answered maybe three times or four times.

3 MR. O'DONNELL: I'm trying to find out, Your Honor,  
4 whether he's done any investigation into paying his  
5 employees.

6 JUDGE SMOLEN: Well, ask him that, then.

7 BY MR. O'DONNELL:

8 Q Have you done any investigation into paying your  
9 employees?

10 A Okay. We're getting into this legal thing again.  
11 It's going to be cash, but that's going to happen with --

12 Q You're going to pay your employees cash?

13 A I'm going to 1099 them at the end of the year.  
14 That's what I thought about so far. Until I actually have a  
15 business --

16 Q That's all I need to know.

17 You stated that you looked into -- or you talked to  
18 somebody who referred that getting a PUC license was a pain?

19 A Um-hum.

20 Q Who did you discuss that with?

21 A I don't remember the guy's name, but he worked up  
22 at Wolfington or in Wolfington -- the bus company up there on  
23 100, Eagle or Exton. When I first started thinking about  
24 getting into the limo business, he has limos up there.  
25 They're mostly funeral cars, but he told me you needed PUC to

1 get this thing.

2 Q What was your conversation with him?

3 A Well, he told me, he goes, You looking into buying  
4 one? And I said, Yes. And he goes, Well, you know you need  
5 a PUC license to operate one legally. I said, No, I didn't  
6 know that. And then he went on to explain you apply for it  
7 and then you have to go to court. He didn't tell me anything  
8 about the witnesses. He just told me you have to go to court  
9 to prove your case. That's when I started looking.

10 Q Did you talk to any limousine operators to find  
11 out how the business was, what the rough points were, whether  
12 you could make it or not?

13 A I talked to a couple. I don't remember exactly  
14 who they were. I probably talked to more in New Jersey. My  
15 sister knows a few people in the business in Jersey, which is  
16 not really relevant for here.

17 Q You haven't talked to anybody in Pennsylvania?

18 A I've talked to one guy. I can't remember what his  
19 name is. I happened to meet him. He says it's a tough  
20 business. When you first start it, you have to put a lot of  
21 hours in and work very hard at it. The paperwork, he said,  
22 kills you.

23 MR. O'DONNELL: No further questions, Your Honor.

24 JUDGE SMOLEN: Mr. Spang?

25 CROSS-EXAMINATION

1 BY MR. SPANG:

2 Q Good afternoon. What's the name of your direct  
3 supervisor?

4 A Vice-President Barbara Schmidt.

5 Q Have you discussed with her the ability to take  
6 time off to do the runs?

7 A I know when I was telling her about having to get  
8 a scheduled PUC hearing date, she said any time you need off,  
9 just let me know, and take it. As for the limousine runs,  
10 I'm not in business yet; so there's no need for me to discuss  
11 that with her at this time. When I do get in business, if I  
12 -- depending on what I decide to do with the -- my drivers, I  
13 may not need to take off work. I'll just have them take care  
14 of the trips.

15 Q So your direct supervisor hasn't taken a position  
16 with regard to giving you time off to make certain trips,  
17 assuming you get the license?

18 A We really haven't discussed it.

19 Q So you don't know if you can get time off?

20 A I most likely can. I know any time I've needed  
21 off before, like a day's notice even I've given her, she lets  
22 me have off. I don't foresee it being that big of a problem.

23 Q Have you discussed any frequency of time off or  
24 anything like that with her?

25 A Like I said, we haven't really discussed anything

1 about taking time off.

2 Q Are you salaried or hourly?

3 A Salaried.

4 Q I believe Counsel asked you this question, but I'm  
5 not sure if it was answered. What type of investigation did  
6 you undertake to determine existing limousine service for  
7 Lancaster County?

8 A (No response.)

9 Q I know you indicated that you were aware of one  
10 license?

11 A Yeah, I can't remember the guy's name.

12 Q I'm not asking what the results of your  
13 investigation were. I'm asking what -- how did you  
14 investigate existing service in Lancaster County? Did you  
15 use phone books, did you call the PUC?

16 A I think I took a phone book out. It was like a  
17 year ago. I don't remember the exact dates when I did it. I  
18 know there was one -- either that or somebody told me there  
19 was one up there that ran.

20 Q Would it be safe to say that you didn't do a  
21 detailed investigation of existing service?

22 A Not in Lancaster County, no. Again, in my  
23 opinion, I believe that it will develop. That's why I felt  
24 Lancaster County would be a good county to have. Hopefully,  
25 it will grow with my business, and --

1 Q What's the basis of that opinion?

2 A As I told Mr. Thomas, I live in Chester County --

3 Q The growth, the growth, you believe, will occur?

4 A Yes, I've seen it. It's starting now, actually.

5 You can see it out by the Chester County Airport, they're  
6 putting up more and more houses, more and more shopping  
7 centers, more gas stations. You can just see the progress is  
8 going right on out.

9 Q Apart from that observation, now, you have not  
10 done any other research to determine service in Lancaster  
11 County?

12 A No. And I could have went, I'm sure, to the  
13 Lancaster County Courthouse, and they could have told me  
14 where housing developments are going up; but I don't think  
15 they're admissible in court.

16 Q But you didn't do that?

17 A No.

18 Q Okay. You testified that you intend to use an  
19 answering service during the day or when your mother is not  
20 going to cover the phones for you. Have you researched what  
21 the cost of that is?

22 A Again, no, it's part -- I'm not really concerned  
23 with things I might not even have to do. I don't even know  
24 if I'm going to get this license. I mean, this is the most  
25 important thing right now for me. This is what I've

1 concentrated on. I have -- like I said, I looked at credit  
2 card machines. I did that. I looked for a limo --

3 Q I think you answered that.

4 With regard to the possibility of storing your car at  
5 your aunt's house, where does she -- what's your aunt's name?

6 A Rose -- I'm sorry, Mary Capado (Phonetic.).

7 Q Where does she live?

8 A In Coatesville. I'm not sure of the exact street  
9 name.

10 Q Do you know what -- let me rephrase that.

11 Do you know what Coatesville is zoned for a particular  
12 address for in terms of business uses?

13 A It really wouldn't be used for business. It's  
14 just for storage.

15 Q The question is, do you know what --

16 A No, I'm assuming it's residential. I know my  
17 house is zoned commercial, because I called City Hall up and  
18 asked them. I didn't ask for where she's at.

19 Q With regard to your résumé, you indicated that for  
20 Town Motors, you performed minor mechanical work/service on  
21 cars. What type of minor mechanical services did you  
22 perform?

23 A I repaired flat tires, took tires off. I think I  
24 did a few oil changes for them. I installed radios. I took  
25 the interior out of a car once and put it all back together.

1 I installed batteries.

2 Q I'm sorry, can you go back up to that last one  
3 where you took out what?

4 A The interior of a car and put it back in. The oil  
5 -- it got soaked by the water, so we had to dry it out; so we  
6 took it all out.

7 Q Do you mean -- you took the seats --

8 A Seats, carpeting, yeah, all that stuff.

9 Q I'm sorry. I interrupted you. Is there anything  
10 further?

11 A Batteries. That's about it. I mean I used to  
12 watch mechanics work on the engines. I wasn't allowed to  
13 work on them, obviously, I wasn't a mechanic; but I did watch  
14 them. I'm sure after a few refresher courses, I could  
15 probably change the timing belt on a T-2 Turbo without a  
16 problem.

17 Q Apart from watching these mechanics work, have you  
18 received any formal training with regard to maintaining or  
19 repairing car engines?

20 A Well, maintaining an engine, that's --

21 Q The question is, have you received any -- the  
22 question is, have you received any formal training?

23 A No.

24 Q Have you ever done any work for Tyrone Hartley?

25 A No.

1 Q You've indicated, though, that you're a friend of  
2 his?

3 A Yes, he's a friend. If you mean like running to  
4 get parts at a parts store, if you consider that work, I  
5 don't consider that work.

6 Q Have you ever driven a car for him?

7 A No, I'm sorry.

8 Q Did you place a call to Lazer Limousine on June  
9 4th of 1996, with regard to Mr. Hartley's application before  
10 the PUC?

11 A It was probably the same day that I told Mr.  
12 O'Donnell, because I was helping him out that day.

13 Q What was the purpose of your call?

14 A To -- because I wanted to ask him if he could --  
15 see if there was any restrictive amendments he could file on  
16 his application.

17 Q Apart from that call, have you ever assisted Mr.  
18 Hartley regarding the operation of his business?

19 MR. MULCAHEY: Your Honor, I've been really patient  
20 about not objecting to these lines of questioning. I think  
21 it's been asked and answered. He hasn't been employed by  
22 this gentleman, whoever he is. He did a favor by making some  
23 calls, and that's about it. I think it's way beyond the --

24 JUDGE SMOLEN: What was the question?

25 MR. SPANG: I don't recall. Oh, apart from that phone

1 call on June 4th, have you performed any other services for  
2 Mr. Hartley with regard to his business? I don't believe  
3 that's the question.

4 JUDGE SMOLEN: You can answer it.

5 THE WITNESS: No.

6 BY MR. SPANG:

7 Q You're not still employed by Town Motors, are you?

8 A No, I terminated in February of 1994. It was kind  
9 of a mutual thing. Part time got old when I was working six  
10 days a week and not getting paid anything.

11 MR. SPANG: Thank you. I have nothing further.

12 JUDGE SMOLEN: All right. Do you have redirect?

13 MR. MULCAHEY: No, Your Honor. I'd just like to move  
14 into evidence Exhibit A-1 through Exhibit A-8.

15 JUDGE SMOLEN: All right. Hearing no objection, I  
16 will receive those exhibits; and the Witness is excused.  
17 Thank you very much for appearing.

18 (Witness excused.)

19 (Whereupon, the documents marked  
20 Applicant's Exhibits Nos. A-8  
21 through A-8 were received in  
22 evidence.)

23 JUDGE SMOLEN: Before we conclude today's session,  
24 let's find out if you have any feel for how long it will take  
25 to get these copies of receipts?

1 MR. MULCAHEY: I actually talked to each of the  
2 Witnesses, and I think between 10 and 15 days --

3 JUDGE SMOLEN: All right.

4 MR. MULCAHEY: -- at the very most; a number said they  
5 believe within the next two or three days.

6 JUDGE SMOLEN: We look for them within two weeks, 15  
7 days.

8 MR. MULCAHEY: Do you want to set a date, then?

9 JUDGE SMOLEN: Now, wait, let me ask the Protestants.  
10 Are they planning on putting testimony on?

11 MR. SPANG: I have to consult with my client.

12 JUDGE SMOLEN: Well, we're going to be here tomorrow.

13 MR. SPANG: I can let you know in the morning.

14 JUDGE SMOLEN: Your clients have to give me an idea  
15 whether tomorrow will conclude or whether we have to have a  
16 further hearing beyond tomorrow.

17 MR. MULCAHEY: Your Honor, we're not going to take up  
18 the whole day tomorrow. We'll probably take up a good part  
19 of the morning with the idea that the afternoon would be  
20 available for Protestants.

21 JUDGE SMOLEN: Mr. Thomas, were you going to say  
22 something?

23 MR. THOMAS: No, I just told Mr. Fullerton we have to  
24 consult with our clients to be able to let you know if --

25 JUDGE SMOLEN: If Protestants are going to put on a

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case and it appears you will need another day, because they haven't determined that.

MR. FULLERTON: We can't until he rests.

JUDGE SMOLEN: I understand that.

MR. MULCAHEY: I may rest tomorrow.

MR. FULLERTON: Well, fine.

MR. MULCAHEY: You can go on then, right?

MR. FULLERTON: No, how can we proceed immediately?

JUDGE SMOLEN: Let's not waste time. We're going to adjourn today's session. We'll see everybody tomorrow at 10:00.

(Whereupon, at 5:00 p.m., the hearing was adjourned, to reconvene at 10:00 a.m. on Friday, January 3, 1997, in Philadelphia, Pennsylvania.)

\* \* \*

FORM 2

C E R T I F I C A T E

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

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BY: Leigh Anne Feeney (mm)  
Leigh Anne Feeney

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