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COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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Application of Stacia H. Grove, t/d/b/a :  
Central Pennsylvania Limousine Service :  
For the right to begin to transport, as :  
a common carrier, by motor vehicle, :  
persons, in limousine service, between :  
points in the Counties of York, Lancaster :  
and Dauphin, and from points in the said :  
territory, to points in Pennsylvania, :  
and return. :  
:  
Further Hearing :  
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DOCKETED  
MAR 05 1998

Pages 171 through 291

Hearing Room No. 3  
North Office Building  
Harrisburg, Pennsylvania

Tuesday, February 24, 1998

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

BEFORE:

WAYNE L. WEISMANDEL, Administrative Law Judge

APPEARANCES:

BENJAMIN C. DUNLAP, JR., Esquire  
Nauman, Smith, Shissler & Hall  
200 North Third Street  
Post Office Box 840  
Harrisburg, Pennsylvania 17108-0840  
(For the Applicant)

SCOTT W. POHLMAN, Esquire  
Robinson & Geraldo  
4407 North Front Street  
Post Office Box 5320  
Harrisburg, Pennsylvania 17110-5320  
(For the Protestants)

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C O N T E N T S

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E X H I B I T S

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## P R O C E E D I N G S

1  
2 ADMINISTRATIVE LAW JUDGE WAYNE L. WEISMANDEL: This  
3 is the date, time, and place set for the further hearing  
4 in the matter of the Application of Stacia H. Grove,  
5 trading and doing business as Central Pennsylvania  
6 Limousine Service. Pennsylvania Public Utility Commission  
7 docket number A-00114058.

8 I am Administrative Law Judge Wayne L. Weisman del  
9 assigned by the Commission to preside in this matter.

10 I would like to ask the parties or their  
11 representatives to enter their appearance on the record at  
12 this time. Mr. Dunlap?

13 MR. DUNLAP: Yes. Benjamin C. Dunlap, Jr.  
14 appearing on behalf of Stacia H. Grove.

15 JUDGE WEISMANDEL: Good morning, sir.

16 MR. DUNLAP: Good morning, Your Honor.

17 JUDGE WEISMANDEL: Mr. Pohlman?

18 MR. POHLMAN: Scott W. Pohlman on behalf of White  
19 Rose Limousine, Unique Limousine, Keystone Limousine, and  
20 Salgal trading as Villa Limousine Service.

21 JUDGE WEISMANDEL: Good morning, Mr. Pohlman.

22 MR. POHLMAN: Good morning, Your Honor.

23 JUDGE WEISMANDEL: A few preliminary matters we  
24 should get out of the way. I understand by way of a  
25 letter dated February 20, 1998 that the Applicant will

1 have two witnesses who are contemplated to offer their  
2 testimony by way of a conference telephone call. Is that  
3 correct, Mr. Dunlap?

4 MR. DUNLAP: That is correct, Your Honor.

5 JUDGE WEISMANDEL: Mr. Johns and Mr. King?

6 MR. DUNLAP: That is correct.

7 JUDGE WEISMANDEL: Where you aware of that, Mr.  
8 Pohlman?

9 MR. POHLMAN: I am aware that they were calling in;  
10 yes.

11 JUDGE WEISMANDEL: If I understand this correctly,  
12 Mr. King is available between 10:30 and noon local time,  
13 and Mr. Johns between 11:00 a.m. and 1:00 p.m. local time.

14 MR. DUNLAP: That is correct, Your Honor.

15 JUDGE WEISMANDEL: How many witnesses besides Mr.  
16 Johns and Mr. King do you intend to call, Mr. Dunlap?

17 MR. DUNLAP: About four others, Your Honor. Excuse  
18 me; five others, Your Honor.

19 JUDGE WEISMANDEL: Five others; all right. Are you  
20 planning on calling any witnesses before we do the  
21 telephonic, or shall we try to do those first? I do have  
22 some other preliminary matters that we need to go over,  
23 but it may be just as well to try at 10:30 and try to get  
24 Mr. King, and hopefully he will not have gotten caught up  
25 in the tornadoes in Florida.

1 MR. DUNLAP: Well, I actually called this morning,  
2 and although he was -- it hit two miles away, and he was  
3 fine, and I had no trouble getting through. We can do it  
4 that way, Your Honor. That is fine.

5 JUDGE WEISMANDEL: I think maybe if we can proceed  
6 that way, it might be best to see if we can get those two  
7 witnesses out of the way first.

8 Mr. Pohlman, is that acceptable to you?

9 MR. POHLMAN: It is. Would you do the normal  
10 swearing in, though, on the telephone, or do they need to  
11 present some sort of documentation for the swearing in?

12 JUDGE WEISMANDEL: We hold telephonic hearings all  
13 the time, and we are always operating under the assumption  
14 that the person who identifies themselves on the telephone  
15 line is, indeed, the person they purport to be. At some  
16 point if somebody finds out that they committed perjury,  
17 then there are appropriate ways of dealing with that. But  
18 we always operate on that assumption.

19 Yes, we do administer the oath, but we don't  
20 require any other kind of identification of them  
21 representing that that is who they are.

22 MR. POHLMAN: All right.

23 JUDGE WEISMANDEL: All right; a couple of other  
24 things. On February 4, 1998 Applicant filed what was  
25 filed a Motion for Sanctions regarding discovery requests,

1 and I interpreted that motion as a Motion to Compel, and  
2 issued an Order dated February 10, 1998 requiring that  
3 compliance be made with the Order by February 17, 1998  
4 insofar as providing the requested discovery.

5 On February the 20th, the Applicant filed a renewed  
6 Motion for Sanctions, in essence repeating the original  
7 Motion for Sanctions that was treated as a Motion to  
8 Compel, and adding the fact that the Order had not been  
9 complied with.

10 I received late yesterday afternoon, and I presume,  
11 Mr. Dunlap, you received a copy also, what is filed as the  
12 Protestant's Answer to the renewed Motion for Sanctions  
13 and new matter. The bottom line being that the remaining  
14 Protestants represent that they do not intend to offer any  
15 evidence or testimony as to their own financial status or  
16 condition, nor do they intend to offer any evidence or  
17 testimony as to any purported financial effect that the  
18 entry of Applicant into competition with them might  
19 entail.

20 In light of that, where does that leave you, Mr.  
21 Dunlap, with respect to your Motion for Sanctions?

22 MR. DUNLAP: Well, Applicant still contends that  
23 that does not go far enough, that Protestants brought the  
24 issue of Applicant's entry into the field endangering the  
25 ability for Protestants and other common carriers to

1 generate sufficient revenues to operate safely. Even  
2 though they will not be offering any testimony regarding  
3 their own finances, they still would have the ability, if  
4 a Motion for Sanctions were not granted, to argue that her  
5 entry into the market will harm common carriers and their  
6 ability to generate revenues to operate safely.

7           Applicant still contends that the fair response to  
8 their failure to respond to the discovery request would be  
9 to have it established as a designated fact that the  
10 Applicant's entry into the field would not endanger or  
11 impair the operations of existing common carriers to an  
12 extent that on balance the granting of authority would be  
13 contrary to the public interest, which is Protestant's  
14 burden under the Commission regulations.

15           JUDGE WEISMANDEL: What you are asking for is a  
16 directed verdict on the issue that they have to carry?

17           MR. DUNLAP: That is correct, Your Honor.

18           JUDGE WEISMANDEL: In essence, correct?

19           MR. DUNLAP: That is correct, Your Honor.

20           JUDGE WEISMANDEL: Mr. Pohlman?

21           MR. POHLMAN: Your Honor, we would have that  
22 opportunity to argue that. We don't intend to argue that,  
23 and we don't have any -- with the statements that we have  
24 made, we don't intend to present any evidence that would  
25 support our claim. It is our burden to establish that

1 there would be an impact upon us, and that is our burden.  
2 We had offered, back on January the 29th, to stipulate  
3 that we would not enter any evidence relating to any of  
4 the financial information on behalf of any of the  
5 Protestants, or any testimony on behalf of any of the  
6 Protestants.

7 So really, it is our burden. If we are failing to  
8 produce that by not entering any testimony to that extent,  
9 that is then what we are presenting. That is our  
10 position. We don't intend to enter any evidence related  
11 to any financial matters, questions, or concerns.

12 If I go outside that scope, I believe I would --

13 JUDGE WEISMANDEL: Do you intend to offer any  
14 evidence of any kind as to the issue that the entry of a  
15 new competitor would be detrimental to the public interest  
16 or the interests of existing carriers in the field?

17 MR. POHLMAN: At this time, we do not intend to  
18 present any of that evidence.

19 JUDGE WEISMANDEL: Essentially, if I understand  
20 then, you are relying on the Applicant not being able to  
21 bear the burden on the two issues that the Applicant has?

22 MR. POHLMAN: Correct.

23 JUDGE WEISMANDEL: There being three issues  
24 essentially in the broad scope.

25 MR. POHLMAN: Yes.

1 JUDGE WEISMANDEL: Two on the Applicant and one on  
2 the Protestants.

3 MR. POHLMAN: Correct.

4 JUDGE WEISMANDEL: And you are saying that your  
5 case will revolve solely on the Applicant failing to bear  
6 the burden on one or both the two issues that Applicant  
7 has; is that correct?

8 MR. POHLMAN: Yes, that is our position.

9 MR. DUNLAP: In that case, Your Honor, there is no  
10 harm to Protestants in entering a directed verdict as far  
11 as their burden goes. They are basically conceding it  
12 here on the record.

13 JUDGE WEISMANDEL: They are conceding that they are  
14 not going to enter in any evidence with respect to that.  
15 I think the fair ruling would be that if they attempt to  
16 do so, any objection thereto would be sustained rather  
17 than me entering a directed verdict, if you will, as to  
18 that issue. That may ultimately come to pass in the  
19 decision, but I do not want to do that at this time. But  
20 I think in light of their representations that have been  
21 made, it is fair to everybody to say that if they attempt  
22 to offer such evidence, than your objection will be looked  
23 upon favorably in light of counsel's representation. All  
24 right?

25 MR. DUNLAP: Thank you.

1 JUDGE WEISMANDEL: For everyone's edification, I  
2 will share with you, because I was somewhat interested in  
3 what the status was as to the annual reports and the  
4 assessment reports, and I will share with you what I was  
5 able to find out. It is my understanding that the annual  
6 reports that were and still are described at 52  
7 Pennsylvania Code Section 29.42 were discontinued as of  
8 January 1, 1995. So that although the regulations still  
9 calls for them, it is my understanding from speaking to  
10 the people to whom those reports were submitted, that  
11 those reports are no longer, in fact, required.

12 As to the assessment reports which are required by  
13 52 PA Code Section 29.43; those reports are still required  
14 to be submitted, and I was told that those reports are  
15 available for review by any member of the public, which  
16 presumably would include attorneys, as members of the  
17 public.

18 What I was told is that those reports are available  
19 for review by any member of the public, and when I asked  
20 further about copying, the answer the I was given was that  
21 the person I was speaking to wasn't sure what the office  
22 policy about copying, but they are certainly, at least it  
23 was represented to me, available for review. Now, that is  
24 all I was able to determine of that matter. Quite  
25 frankly, I didn't pursue it beyond that, but I thought I

1 would at least share that with you since I was able to  
2 find out that information.

3 MR. POHLMAN: Thank you.

4 MR. DUNLAP: Yes, thank you. My reading of the  
5 regulations was that they should be available. But when I  
6 attempted to get them from Carmen Bass, she --

7 JUDGE WEISMANDEL: That is who I spoke to.

8 MR. DUNLAP: Really?

9 JUDGE WEISMANDEL: Yes, sir. I spoke to Carmen and  
10 what she said was that yes, they could be reviewed. She  
11 wasn't sure what the office policy was on copying them.

12 MR. DUNLAP: That is very interesting, because she  
13 told me the opposite several months ago. Maybe somebody  
14 had a change of heart.

15 JUDGE WEISMANDEL: Maybe they had a discussion in  
16 the interim.

17 MR. DUNLAP: Maybe.

18 JUDGE WEISMANDEL: So I thought I would share that  
19 with you.

20 MR. DUNLAP: Thank you, Your Honor.

21 MR. POHLMAN: Thank you.

22 JUDGE WEISMANDEL: Do either of you have anything  
23 further that we need to care for at this time?

24 MR. DUNLAP: I don't, Your Honor.

25 MR. POHLMAN: I do not, either.

1 JUDGE WEISMANDEL: It is, give or take a minute or  
2 two, it is a quarter after 10:00. You indicated that Mr.  
3 King would be available beginning at 10:30.

4 MR. DUNLAP: I believe he would probably be  
5 available now, Your Honor.

6 JUDGE WEISMANDEL: Do you think so?

7 MR. DUNLAP: Yes.

8 JUDGE WEISMANDEL: All right; well, why don't we  
9 try to get a hold of Mr. King. What I am going to suggest  
10 for the sake of everyone being given a proper opportunity,  
11 I am going to ask Mr. and Mrs. Grove if they would slide  
12 down and let Mr. Dunlap and Mr. Pohlman sit in those  
13 seats, and I will come down there, and we can use the  
14 speaker phone and the court reporter ought to be able to  
15 hear satisfactorily.

16 (Whereupon, the witness was contacted by Judge  
17 Weismandel telephonically.)

18 JUDGE WEISMANDEL: May I speak to Frank King,  
19 please?

20 MR. KING: Frank King speaking.

21 JUDGE WEISMANDEL: Mr. King, this is Judge  
22 Weismandel from the Pennsylvania Public Utility  
23 Commission. How are you, sir?

24 MR. KING: Good, Judge.

25 JUDGE WEISMANDEL: I hope you didn't sustain any

1 damage in the recent storms that we have read about.

2 MR. KING: We are about two miles from here. We  
3 are very fortunate. There is a lot of activity close by.

4 JUDGE WEISMANDEL: Well, from what I saw in the  
5 paper this morning, it must have been a terrible thing.

6 MR. KING: Yes, it was real bad. This is the worst  
7 they've had in this area for a long time.

8 JUDGE WEISMANDEL: Mr. King, you have been called  
9 and I understand Mr. Dunlap has spoken to you; you have  
10 been called as a witness in a case that we are hearing  
11 here today in Harrisburg being the Application of Stacia  
12 H. Grove trading and doing business as Central  
13 Pennsylvania Limousine Service; is that correct, sir?

14 MR. KING: Yes, that is correct.

15 JUDGE WEISMANDEL: Are you prepared at this time?

16 MR. KING: Yes, I am.

17 JUDGE WEISMANDEL: All right; Mr. King, I am going  
18 to administer the oath to you at this time.

19 Whereupon,

20 FRANK E. KING

21 having been duly sworn, testified as follows:

22 JUDGE WEISMANDEL: All right, sir, the way we will  
23 proceed is Mr. Dunlap, who is representing the Applicant,  
24 Stacia Grove, will ask you some questions. When he is  
25 done I will afford an opportunity to Mr. Pohlman, who is

1 the attorney representing the Protestants, to ask you some  
2 questions on cross-examination. I may have some  
3 additional questions for you. I would indicate for your  
4 information that there is a court reporter present who  
5 will be taking down all of your statements, and that your  
6 telephone call is on a speaker phone so that both Mr.  
7 Dunlap, and Mr. Pohlman, and myself, and the court  
8 reporter, and those present here in the hearing room can  
9 hear you. All right?

10 THE WITNESS: Yes, that is fine.

11 JUDGE WEISMANDEL: All right, sir.

12 Mr. Dunlap, please proceed, sir.

13 **DIRECT EXAMINATION**

14 BY MR. DUNLAP:

15 Q Mr. King, would you please state for the record  
16 your full name?

17 A My full name is Frank E. King; K-i-n-g.

18 Q Good morning, again, by the way.

19 A Good morning.

20 Q Would you please state your business name?

21 A Frank King Photography and Video.

22 Q Was that Frank King Photography and Video?

23 A Yes, that is correct.

24 Q What is the address of your business, the main  
25 address?

1 A 4101 Carlisle Road, Dover, Pennsylvania, 17315.

2 Q Do you have branch offices?

3 A We actually operate our business by a remote  
4 phone forwarding from every major city in 50 miles.

5 Q What is the nature of your business, Mr. King?

6 A We specialize strictly in wedding photography,  
7 being on service at the wedding the day the bride gets  
8 married, and also specialize in videography.

9 Q Is that for weddings, also, Mr. King?

10 A That is strictly for weddings. We do other  
11 jobs, too, but 95 percent of our business is strictly the  
12 wedding business.

13 Q How many years have you been in the business,  
14 Mr. King?

15 A We have been in business for 32 years.

16 Q How many weddings would you estimate that you  
17 photograph or -- is the term videograph -- each year?

18 A Between the photography and the video it is  
19 between 700 and 900 depending on the year.

20 Q So that is at least 50 a month on average?

21 A Yes. A lot of weekends we do 30 to 50 a  
22 weekend.

23 Q So 30 to 50 a weekend?

24 A Per weekend; yes.

25 Q Do you know the number of weddings that occur

1 in Lancaster County each year?

2 A The approximate estimates that I have heard are  
3 in the 3,000 range in Lancaster.

4 Q What about Dauphin County?

5 A Dauphin, on the East Shore between Harrisburg  
6 and Hershey you are probably looking at a minimum of the  
7 3,000 to 5,000 range.

8 Q What about York County?

9 A York County last year was around 2,800. They  
10 usually run over 3,000; however, but the last year was a  
11 little slower. But around 3,000 is probably an average  
12 for York County.

13 Q What is the high demand period for weddings?

14 A The high demand period runs from about starting  
15 mid-March through mid-November.

16 Q Is there a period within that when the demand  
17 is especially high?

18 A The biggest demand period is probably the last  
19 week in April through the first week in November.

20 Q Have you, in your business, experienced brides  
21 having trouble getting limousines during the high demand  
22 period?

23 A Yes, I have on occasion people trying to get  
24 limos and had unavailability. Especially during the  
25 busier months of May, June, September and October.

1 Q How many brides-to-be or couples ask you for  
2 limousine recommendations in a year's time, if you could  
3 estimate that number?

4 A Well, quite a few do. I would probably say it  
5 is in the hundreds most likely. Because we interview  
6 probably well over 1,000 brides a year, and we have over  
7 approximately -- we probably have over 3,000 inquiries a  
8 year through all of our telephone numbers. We have eight  
9 phone incoming lines, so we do receive a lot of incoming  
10 inquiries about limos, and DJs, and bands, and things like  
11 that.

12 Q Your business operates in Lancaster, York, and  
13 Dauphin Counties; is that correct?

14 A Yes, we actually cover York, Lancaster,  
15 Harrisburg, and then we have an office in Baltimore as a  
16 secondary office.

17 Q All right; if Ms. Grove's application were  
18 granted, would you recommend her services to brides-to-be  
19 or couples that ask you for recommendations?

20 A Yes, we would. We definitely would recommend  
21 her.

22 Q Why is that?

23 A Over the years that I have known Stacia, she  
24 seems to be a good honest person, and I feel that she  
25 would run a good business, and I wouldn't have any

1 problems recommending Stacia.

2 Q How do you know Ms. Grove?

3 A Over the years my son had a car business and I  
4 know she had worked with my son, Mark, for quite a few  
5 years. That is the first time that I had actually met  
6 her, probably back ten years ago.

7 Q Do you know what she did with your son; what  
8 type of work?

9 A She worked with the cars. I think she worked  
10 mainly with the detailing of the cars, and making sure the  
11 cars were in proper running order, and also the clean up  
12 and making sure that it was spotless.

13 Q Do you know what kind of a job she did?

14 A Supposedly real well; yes. She was there for  
15 quite a few years.

16 Q How would you characterize Ms. Grove's  
17 personality?

18 A I think she is very nice to deal with, with  
19 people, and customers. I know she was nice when she had  
20 worked at the car lot, because I stopped down several  
21 times. I think she does have a good business sense.

22 Q Do you think she would be good at dealing with  
23 the public then? Is that what I am hearing?

24 A I think she is very courteous and very nice to  
25 people.

1 MR. DUNLAP: All right; I have nothing further,  
2 Your Honor.

3 JUDGE WEISMANDEL: Thank you, Mr. King. I am going  
4 to let Mr. Pohlman, the attorney representing the  
5 Protestants, ask you some questions now.

6 THE WITNESS: That will be fine.

7 JUDGE WEISMANDEL: Mr. Pohlman?

8 **CROSS-EXAMINATION**

9 BY MR. POHLMAN:

10 Q Hello, Mr. King. Can you hear me?

11 A Hello. Yes, I can hear you.

12 Q Thank you. Does your company, Frank King  
13 Photography and Video arrange for limousine service?

14 A No, we do not arrange for it.

15 Q Do you offer any photography and limousine  
16 packages?

17 A No, we don't.

18 MR. POHLMAN: I have no more questions.

19 THE WITNESS: Thank you.

20 JUDGE WEISMANDEL: Mr. King, this is Judge  
21 Weismandel. I have just a couple of questions, if I may?

22 THE WITNESS: Yes, Judge, go ahead.

23 JUDGE WEISMANDEL: Do you personally ever have  
24 occasion to use a limousine service?

25 THE WITNESS: A few times. Mainly for being -- you

1 know, getting to different areas, or going to different  
2 parties, or things like that on occasion.

3 JUDGE WEISMANDEL: If you can recall, when was the  
4 last time you might have used a limousine service in  
5 Pennsylvania?

6 THE WITNESS: I used one, I think, last year. We  
7 went up to Harrisburg for a river boat ride, and we used  
8 it as a birthday party gift for my sister and her husband.

9 JUDGE WEISMANDEL: Did you have any trouble  
10 obtaining limousine service?

11 THE WITNESS: Well, at the time, I know it is about  
12 a year back; I don't recall. I am sure I went down the  
13 list and made a couple calls on pricing and availability.

14 JUDGE WEISMANDEL: But you were ultimately  
15 successful in getting a limousine service for the trip?

16 THE WITNESS: Yes. That was a Friday night. I  
17 don't think -- Friday afternoon, there wasn't. Probably  
18 the high demand was Saturday.

19 JUDGE WEISMANDEL: Do you happen to recall who you  
20 used, Mr. King?

21 THE WITNESS: The actual name of the company I do  
22 not know. It was one in Hanover. I can't think of the  
23 name of it is now.

24 JUDGE WEISMANDEL: And that transportation  
25 originated in York County?

1 THE WITNESS: Yes.

2 JUDGE WEISMANDEL: If Ms. Grove's application was  
3 approved, and you had need for a limousine service for  
4 personal use, would you consider her service?

5 THE WITNESS: Yes, I would.

6 JUDGE WEISMANDEL: I presume that is because the  
7 reasons you already testified as to why her application  
8 ought to be approved?

9 THE WITNESS: Yes.

10 JUDGE WEISMANDEL: Do either counsel have any  
11 questions for Mr. King in light of what I asked him?

12 MR. DUNLAP: I have nothing further, Your Honor.

13 JUDGE WEISMANDEL: Mr. Pohlman?

14 MR. POHLMAN: Yes.

15 **CROSS-EXAMINATION (Continued.)**

16 BY MR. POHLMAN:

17 Q Mr. King, prior to a year ago had you used a  
18 limousine service ever?

19 A Pardon?

20 Q I am sorry; we have to turn the phone. This is  
21 Mr. Pohlman speaking. Prior to a year ago have you used a  
22 limousine service in the Pennsylvania area?

23 A The only time that we usually use them -- well,  
24 we have two daughters that got married, and we had  
25 secured, I think, three or four limos for my daughters

1 wedding, and that is all at the same time.

2 Q How long ago was that, sir?

3 A One was seven years ago, and one was about five  
4 years ago.

5 MR. POHLMAN: Thank you very much, sir.

6 THE WITNESS: All right.

7 MR. DUNLAP: Thank you, Mr. King.

8 THE WITNESS: Thank you.

9 JUDGE WEISMANDEL: Thank you very much, Mr. King.

10 THE WITNESS: All right; is that it?

11 JUDGE WEISMANDEL: Yes, sir.

12 THE WITNESS: All right; thank you very much.

13 JUDGE WEISMANDEL: Goodbye.

14 THE WITNESS: Goodbye.

15 (Witness excused.)

16 MR. DUNLAP: Mr. Johns may not be available. He  
17 was going to try to be in about 7:30. I said 8:00. Well,  
18 11:00 local time just to be sure he was in, but we can  
19 always try if you would like to.

20 JUDGE WEISMANDEL: We can go ahead and give it a  
21 try.

22 (Whereupon, attempts to contact witness  
23 telephonically were unsuccessful.)

24 JUDGE WEISMANDEL: Mr. Johns, this is Judge  
25 Weismandel from the Pennsylvania Public Utility

1 Commission. I realize we are calling earlier than you had  
2 been advised. We will try again later sometime between  
3 11:00 a.m. and 1:00 p.m. Eastern time to reach you. Thank  
4 you very much, sir.

5 Why don't we go ahead and take a witness and we  
6 will try Mr. Johns again.

7 MR. DUNLAP: Sure. In that case, if I could call  
8 Philip Wenger to the stand.

9 (Pause.)

10 JUDGE WEISMANDEL: I am sorry, sir. I didn't catch  
11 your name.

12 MR. WENGER: Philip Wenger.

13 JUDGE WEISMANDEL: Mr. Wenger, would you stand and  
14 raise your right hand, please?

15 Whereupon,

16 PHILIP R. WENGER

17 having been duly sworn, testified as follows:

18 JUDGE WEISMANDEL: Thank you. Please be seated.

19 Mr. Dunlap?

20 **DIRECT EXAMINATION**

21 BY MR. DUNLAP:

22 Q Mr. Wenger, would you please state your full  
23 name for the record?

24 A Philip with one "L", middle initial R, last  
25 name Wenger; W-e-n-g-e-r.

1 Q Do you own a business?

2 A I do.

3 Q What is the name of that business?

4 A Isaac's Restaurant and Deli.

5 Q And the corporate address?

6 A The corporate address is 354 North Prince  
7 Street, Lancaster, Pennsylvania, 17603.

8 Q Now, Isaac's, how many restaurants do you have?

9 A We currently operate 14 in Central  
10 Pennsylvania.

11 Q What counties do you operate in?

12 A We operate in Lancaster, Dauphin, Cumberland,  
13 York, and Berks Counties.

14 Q What are the yearly revenues of your company?

15 A Approximately \$10,000,000.

16 Q Have you used limousine/van services in the  
17 past, Mr. Wenger?

18 A I have a couple of times personally. Most  
19 recently I had the luxury of turning 40 years old on  
20 Christmas day in 1997. As part of that, rather than  
21 entertain in my home, I decided that I wanted to take a  
22 group of friends to Philadelphia.

23 Q Before we discuss the details of that  
24 experience, have you used limousine services at any other  
25 time?

1           A     Prior to that for some special occasions  
2 related to my company I was entertained in a limousine, I  
3 was the guest, but I did not make the arrangements.

4           Q     Did you use one for a company anniversary  
5 party?

6           A     That is correct; yes.

7           Q     How long ago was that?

8           A     That would have been 1992.

9           Q     All right; now, you were discussing your 40th  
10 birthday party. Would you please explain for the  
11 Commission your experiences in obtaining a van?

12          A     What I wanted to do was take a group of friends  
13 to Philadelphia --

14          MR. POHLMAN: Excuse me. What was the last word?  
15 Was it van?

16          MR. DUNLAP: Van.

17          MR. POHLMAN: Van. Thank you. I am sorry to  
18 interrupt you.

19          MR. DUNLAP: That is all right.

20          BY MR. DUNLAP:

21          Q     All right.

22          A     What I wanted to do was take a group of friends  
23 to Philadelphia. The approximate number was going to be  
24 based on the vehicle that we were able to select. The  
25 number I wanted to aim for was a target somewhere between

1 12 and 20 people. My goal was to have us all ride in the  
2 same vehicle.

3 So as a result, I had an image in my mind of a  
4 limousine bus. These are busses with untraditionally  
5 styled seating, they have a bar, they usually have a  
6 person who serves, a help person, and they have  
7 untraditional seating, sofa-type setting where people can  
8 drink, relax, and we would travel to Philadelphia in that  
9 manner.

10 I began by looking in my local Yellow Pages, and  
11 calling the local bus services and limo companies listed  
12 in the Lancaster papers, and was unable to find the  
13 vehicle that I was looking for. So then I went -- we have  
14 phone books for the Reading area, for the Harrisburg area,  
15 and York, and I began calling bus companies there.

16 Out of the Reading phone book I was able to find  
17 exactly the bus I wanted. It was operating out of  
18 Pottsville, Pennsylvania. It was able to seat 14 people.  
19 So I contracted it then to have this bus come to Lancaster  
20 and take a group of us to Philadelphia for dinner.

21 About 48 hours later they called back. They said  
22 that we are unable to pick up at Lancaster and drop off in  
23 Philadelphia. We are not licensed to be able to do that.  
24 I expressed surprise because I had already gotten my  
25 invitations out and I was ready to do this particular

1 party.

2           So they suggested that I start again by calling  
3 some of the other Lancaster companies. So I went back to  
4 the telephone book and began a search process again for  
5 the vehicle that I wanted, and I was unable to find a  
6 vehicle that was able to take me and my friends to  
7 Philadelphia, except from out of the area.

8           Q    You were ultimately successful in finding some  
9 sort of vehicle; is that correct?

10          A    Yes, I went ahead and rented a small minibus  
11 instead. It didn't have any of the comforts, the bar, the  
12 sofa seating, that I was looking for.

13          Q    Did you contact any of the Protestants in  
14 searching for this vehicle, the one that you were looking  
15 for?

16          A    I have a list of the different people that I  
17 called.

18          Q    Well, I will mention the names of the  
19 Protestants.

20          A    All right.

21          Q    It is Unique Limousine?

22          A    Yes, I called them.

23          Q    Villa Limousine?

24          A    Unique is the one that I called.

25          Q    Unique; all right, out of the four.

1           A     Yes.

2           Q     Now, I realize that what you were looking for,  
3 the party van, is not the exact service that Ms. Grove is  
4 proposing to operating in the beginning, anyway. But do  
5 your experiences cause you to have any thoughts regarding  
6 competition in limousine/van services?

7           A     Well, quite frankly, I was surprised that I had  
8 a party that I wanted to arrange. I found a vehicle that  
9 wanted to transport me, but I was unable to purchase that  
10 service that was available in the State of Pennsylvania.  
11 I was even more surprised to find out that they could pick  
12 me up in Lancaster, and they could take me to Wilmington,  
13 Delaware, or they could take me to New Jersey for dinner  
14 without any problem.

15           So as a result of that, I was feeling like, as a  
16 consumer, that I was not able to get access to the  
17 services that I wanted, and I felt pretty strongly about  
18 it. In fact, strong enough that I volunteered to come  
19 here today to sort of share that experience. Because for  
20 me, competition is good. The more products and services  
21 that we as consumers have to choose, the better off we  
22 are, and the better it is in the area of price and  
23 everything else.

24           In this particular circumstance, from Pottsville,  
25 they were more than willing to come to Lancaster. They

1 generally do runs even longer than that, go to  
2 Philadelphia and come back, and yet I was unable by the  
3 regulations to be able to purchase that service.

4 Q So did I hear you correctly that your thinking  
5 is that competition leads to greater variety, greater  
6 availability of services?

7 A Absolutely.

8 Q Now, what do you base that on?

9 A I base that on my own entrepreneur experience,  
10 my own business in opening and operating restaurants.  
11 Early on in my business I was quite concerned that if  
12 somebody would open a restaurant next to me it would end  
13 up harming my business. After years, 15 years being in  
14 business, I discovered that competition is good, and  
15 actually I like to operate a restaurant now where there  
16 are other restaurants that are operating, because out of  
17 that comes an awareness that this is a food destination,  
18 and so on and so forth.

19 Competition also improves the way that I do my  
20 business. It keeps me competitive on prices. It forces  
21 me to offer improved service, and it actually is better  
22 for our business and better for the consumer.

23 Q How do you know Ms. Grove? You touched on it  
24 just slightly. How do you know of Ms. Grove?

25 A Well, I had met Ms. Grove briefly, and I also

1 had an opportunity to read the newspaper article in York  
2 in mid-December. I was just absolutely surprised that a  
3 young entrepreneur, like herself, who wanted to start a  
4 business was unable to do that. Entrepreneurship is sort  
5 of what I live and breathe. I have done a number of  
6 presentations for Junior Achievement and young  
7 entrepreneurs with SCORE, and I am always encouraging  
8 people to achieve what I call true happiness for me, which  
9 is the ability to own and operate your own business.

10 I was very, very surprised that a small business  
11 start up, like what Ms. Grove wanted to do, was unable to  
12 happen, and that she was caught up in this hearing. As a  
13 result of that, I thought it would be appropriate for me  
14 to come and testify.

15 Q Great. How did Isaac's start out?

16 MR. POHLMAN: Objection, Your Honor, as to  
17 relevancy. We have been going on, on a dissertation here  
18 about his philosophy.

19 JUDGE WEISMANDEL: I think maybe the relevancy is  
20 limited, at best, Mr. Dunlap.

21 MR. DUNLAP: All right; one question, though, that  
22 I would like to follow up on that, that would be relevant  
23 later on.

24 BY MR. DUNLAP:

25 Q Did Isaac's, when it started out, did you have

1 a formal business plan?

2 A We did not.

3 Q You did not. What is your feeling on business  
4 plans?

5 MR. POHLMAN: Again, objection to relevancy.

6 JUDGE WEISMANDEL: I am going to overrule that.

7 There was discussion, if I recall, at the last hearing  
8 about whether or not Ms. Grove had a business plan, and  
9 how detailed it was, et cetera. So I am going to allow  
10 that.

11 MR. DUNLAP: Thank you.

12 BY MR. DUNLAP:

13 Q Go ahead, Mr. Wenger.

14 A We did not have a formal business plan.

15 Basically entrepreneurship is spirit, energy, and hard  
16 work. What we discovered, though, is that after years of  
17 opening several locations, we now are in the process of  
18 doing a fairly long-term strategic business plan. But  
19 starting out, I didn't have a business plan, and I was  
20 going on that energy and spirit.

21 Q If Ms. Grove's application were to be granted,  
22 would you consider using her services?

23 A Absolutely.

24 Q For what uses?

25 A Well, I think today we are moving closer and

1 closer to zero tolerance when it comes to drinking and  
2 driving. As a result of that, I and friends, we like to  
3 travel to various locations, and we don't like to have to  
4 set one person aside as a designated driver. As a result  
5 of that I feel like I would use her limousine service for  
6 those kind of dinner outings.

7 Q Now, you weren't at the last hearing, but Ms.  
8 Grove testified as to eventually having a van and a  
9 limousine. Do you find a need for either of those  
10 vehicles or both of those vehicles?

11 A Yes, both for company functions and for private  
12 entertainment.

13 Q Would the van come more into play for company  
14 functions?

15 A Possibly. We end up moving employees to  
16 different locations, sending them to sporting events,  
17 doing those kind of activities, and it is getting harder  
18 and harder to get them to volunteer to drive their own  
19 cars. So the idea of renting a van with a driver is quite  
20 appealing to me.

21 MR. DUNLAP: Thank you, Mr. Wenger. No further  
22 questions at this time.

23 JUDGE WEISMANDEL: Thank you.

24 Mr. Pohlman?

25

**CROSS-EXAMINATION**

1  
2 BY MR. POHLMAN:

3 Q Mr. Wenger, the vehicle that you originally  
4 were looking for, that was to roughly seat about 15  
5 people; is that correct?

6 A That is correct.

7 Q Did you know that that is considered a group  
8 and party type of vehicle?

9 A What kind?

10 Q It is classified under the PUC as a group and  
11 party vehicle?

12 A I wasn't aware of that.

13 Q Did you know that there is now one available in  
14 the Harrisburg, Lancaster, and York area?

15 A I became aware that there was one available in  
16 the Lancaster area, but that is converted over for  
17 traditional bus-style seating during the winter months.

18 Q I will inform you at this time that there is  
19 now one available --

20 MR. DUNLAP: I object, Your Honor, to Mr. Pohlman  
21 testifying.

22 JUDGE WEISMANDEL: I think -- you asked him if he  
23 was aware, and he said he was. You don't have to inform  
24 him.

25 THE WITNESS: It wasn't available in mid-December,

1 because I called everybody.

2 BY MR. POHLMAN:

3 Q Mr. Wenger, who do you currently use to  
4 transport your business people or employees for business-  
5 related functions?

6 A We tend to, at this point, still handle that  
7 transportation internally.

8 Q When you started your business, you testified  
9 you did not have a financial plan. Did you know what your  
10 cost of food would be?

11 A I went to college and graduated liberal arts,  
12 and I did not know what my cost of food would be. I just  
13 knew that -- the answer is no.

14 Q Did you know that you would need insurance?

15 A Yes.

16 Q Did you know what your cost of that was before  
17 you started your business? Let me rephrase my question.  
18 Before you opened the door to start business, did you know  
19 what your insurance cost would be?

20 A Yes.

21 MR. POHLMAN: I have no more questions.

22 JUDGE WEISMANDEL: Mr. Wenger, in response to a  
23 question that Mr. Pohlman asked you, you said that you are  
24 aware of the fact that there is now a vehicle such as the  
25 type that you originally sought serving the Lancaster

1 market, correct?

2 THE WITNESS: I think so. I am not quite  
3 understanding that.

4 JUDGE WEISMANDEL: All right; I understood your  
5 answer to Mr. Pohlman to be that you are now aware of the  
6 fact that there is a vehicle of the type that you were  
7 originally seeking for your birthday celebration available  
8 serving the Lancaster market.

9 THE WITNESS: That is incorrect. I do not know  
10 that. I heard it from him here today.

11 JUDGE WEISMANDEL: All right; I am glad I asked  
12 that, because I understood that differently.

13 THE WITNESS: I apologize, Your Honor.

14 JUDGE WEISMANDEL: No, that is not necessary.

15 I have no other questions. Mr. Dunlap?

16 MR. DUNLAP: I have nothing further.

17 JUDGE WEISMANDEL: Mr. Pohlman?

18 MR. POHLMAN: No more questions.

19 JUDGE WEISMANDEL: Thank you, sir.

20 MR. DUNLAP: Your Honor, I would ask that Mr.  
21 Wenger be excused when he feels the need to leave.

22 JUDGE WEISMANDEL: Certainly. Mr. Pohlman, do you  
23 have any objection to Mr. Wenger leaving to get back to  
24 his business?

25 MR. POHLMAN: No, not at all.

1 JUDGE WEISMANDEL: Thank you, sir.

2 (Witness excused.)

3 MR. DUNLAP: All right; did you want to go onto  
4 another witness, or did you want to try Mr. Johns again?

5 JUDGE WEISMANDEL: Yes, let's take witnesses until  
6 it gets to be sometime after the time that we indicated to  
7 Mr. Johns that he would be contacted.

8 MR. DUNLAP: Very good.

9 JUDGE WEISMANDEL: In fairness to him.

10 MR. DUNLAP: All right; in that case then I would  
11 call Kevin Deller.

12 JUDGE WEISMANDEL: Mr. Deller?

13 MR. DELLER: Deller; D-e-l-l-e-r.

14 JUDGE WEISMANDEL: Mr. Deller, would you raise your  
15 right hand, please?

16 Whereupon,

17 KEVIN M. DELLER

18 having been duly sworn, testified as follows:

19 JUDGE WEISMANDEL: Thank you. Please be seated,  
20 sir.

21 Mr. Dunlap?

22 MR. DUNLAP: Thank you.

23 **DIRECT EXAMINATION**

24 BY MR. DUNLAP:

25 Q Good morning, Mr. Deller.

1 A Good morning.

2 Q Would you please state for the record your full  
3 name?

4 A Kevin M., as in Michael, Deller; D-e-l-l-e-r.

5 Q Who is your employer, Mr. Deller?

6 A Lutheran Social Services.

7 Q What is the business address of your employer?

8 A 750 Kelly Drive, York, Pennsylvania, 17404.

9 Q If you could just keep your voice up a little  
10 bit, please, sir. What is your position with Lutheran  
11 Social Services?

12 A I am the Community Relations Coordinator for  
13 deaf services. We are a satellite of Lutheran Social  
14 Services. We are a non-profit United Way funded  
15 organization.

16 Q What does your job entail?

17 A I am an advocate for the deaf, and also an  
18 interpreter for the deaf. So I do public speaking on ASL;  
19 American Sign Language Deaf Culture, and I do advocacy,  
20 and I interpret in courtroom settings, hospital settings,  
21 emergency room settings, doctors and lawyers offices, and  
22 things like that. As the advent of the ADA law providers  
23 must provide this service to deaf individuals and that is  
24 what I do.

25 Q Do you also provide interpretation services for

1 entertainment events?

2 A Yes, I do.

3 Q What would be some examples of that?

4 A Mainline performances coming to town in the  
5 Strand Capitol Performing Arts Center; I am hired by them  
6 as an interpreter. York Fair and other forums as well;  
7 the Spectrum and things like that.

8 Q And if you could just think of a name or two?

9 A Alan Jackson, Vince Gil, Natalie Cole, Tanya  
10 Tucker, the gamut, you name it; Michael Bolton.

11 Q Have you used limousine services in the past,  
12 Mr. Deller?

13 A I haven't hired, but I have used; yes.

14 Q In what instances have you used them?

15 A Friends, gatherings, transportation because,  
16 like was said before, the zero tolerance on traveling from  
17 venue to venue, you know, concerts or restaurants, and the  
18 need to have someone else transport you because of  
19 drinking and driving ramifications.

20 Q That has been in this area, this general area,  
21 the Lancaster, Dauphin, York County area?

22 A Mainly in the South Florida area, but I have in  
23 this area, as well. Especially traveling with  
24 entertainment figures, especially if they are hearing  
25 impaired or deaf, because I must accompanying them.

1 Q Do you anticipate having the need to make  
2 arrangements for such services in the future, yourself?

3 A Definitely; yes.

4 Q For?

5 A The same thing; the transport -- especially a  
6 large group gatherings. People want to go and travel to  
7 Philadelphia or maybe to Baltimore, or even just from York  
8 to Harrisburg to do certain things. It is nice to stay in  
9 the group together.

10 Q This would be both personally and with your  
11 job; is that correct?

12 A Yes, probably, yes.

13 Q Would you consider using Ms. Grove's services  
14 if her application were to be granted?

15 A Definitely.

16 Q Why is that?

17 A Well, I am also employed by Ms. Grove's sister,  
18 Priscilla Hoffman, who is a dance instructor, and I am a  
19 dance instructor, as well. I have known Stacia for 18  
20 years. I believe in referring -- you know, calling people  
21 that you know, if they are entrepreneurs or in business, I  
22 believe in referring. I would expect the same thing out  
23 of her. If she would run into people who were interested  
24 in a jazz performance, or jazz dancing, or choreography,  
25 that she would refer them to me, as well.

1 Q How would you characterize Ms. Grove's  
2 character and personality?

3 A I would say she has a charismatic personality.  
4 She is very bubbly. I think those qualities relate to her  
5 family, as well. She is just a very social people person.

6 Q Going back a bit; would your job present other  
7 opportunities to recommend Ms. Grove's services to others?

8 A Definitely. The deaf center has, in itself, a  
9 relay service, so we make phone calls for people who come  
10 to our office, some do not read English and we read  
11 documents for them, and things like that. Also, being of  
12 a different culture, they come in sometimes and don't know  
13 how to do certain things, you know, like, what would I do  
14 to, ie. hiring a limousine, or whatever. And we would  
15 direct them to do certain things. If they would ask me:  
16 Would you have a recommendation? I would definitely  
17 recommend Stacia.

18 MR. DUNLAP: Thank you.

19 THE WITNESS: You are welcome.

20 MR. DUNLAP: Nothing further, Your Honor.

21 JUDGE WEISMANDEL: Mr. Pohlman?

22 **CROSS-EXAMINATION**

23 BY MR. POHLMAN:

24 Q Mr. Deller, would the group size that you are  
25 talking about be parties of 15 or more?

1 A Probably about 15.

2 MR. POHLMAN: All right; no more questions, Your  
3 Honor.

4 JUDGE WEISMANDEL: You said, Mr. Deller, that you  
5 have used limousine service, but you never hired one  
6 yourself; is that correct?

7 THE WITNESS: No, not in this area specifically.

8 JUDGE WEISMANDEL: All right; not in this area, not  
9 in Pennsylvania.

10 THE WITNESS: Not in Pennsylvania.

11 JUDGE WEISMANDEL: Thank you.

12 Counsel?

13 MR. DUNLAP: I have one question in response to  
14 each.

15 **REDIRECT EXAMINATION**

16 BY MR. DUNLAP:

17 Q Have you hired a limousine service yourself  
18 elsewhere?

19 A Yes.

20 Q Where is that?

21 A In South Florida.

22 Q You had mentioned in response to Mr. Pohlman's  
23 question that one party size would be 15. Could you  
24 foresee arranging services for smaller groups, also?

25 A Definitely. From 15 to below, I would say. I

1 would not say anything larger than 15.

2 Q So 15 would be the maximum?

3 A Yes, exactly.

4 Q But it could go as low as what? Do you have  
5 any estimation?

6 A A group of four or six.

7 MR. DUNLAP: Thank you. Nothing further.

8 JUDGE WEISMANDEL: Mr. Pohlman?

9 MR. POHLMAN: No questions.

10 JUDGE WEISMANDEL: Thank you, Mr. Deller.

11 MR. DUNLAP: The next witness will be Todd Shreve.

12 Would it be all right for Mr. Deller to be excused?

13 JUDGE WEISMANDEL: Mr. Pohlman?

14 MR. POHLMAN: Yes, I have no objection.

15 JUDGE WEISMANDEL: Certainly. Thank you, Mr.

16 Deller.

(Witness excused.)

18 JUDGE WEISMANDEL: Mr. Shreve, would you raise your  
19 right hand, please, sir?

20 Whereupon,

21 TODD J. SHREVE

22 having been duly sworn, testified as follows:

23 JUDGE WEISMANDEL: Thank you. Please be seated.

24 Mr. Dunlap?

25

FORM 2

12/97D

## DIRECT EXAMINATION

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BY MR. DUNLAP:

Q Mr. Shreve, would you please state your full name for the record?

A Todd J. Shreve; S-h-r-e-v-e.

Q If you could try to keep your voice up a little, please, sir.

A All right.

Q Who are you employed by?

A Monarch Products.

Q What is the business address of that company?

A 385 Sipe Road, York Haven, Pennsylvania, 17370.

Q What is your position with Monarch Products?

A Estimator.

Q What are your job duties?

A I estimate jobs, product, manage jobs.

Q By estimate do you mean the costs and so forth?

A Yes, the costs of the jobs, all through running the job after we get them.

Q Have you used limousine services in the past, Mr. Shreve?

A Yes, I have.

Q For what purposes?

A Twice that I can think of for bachelor parties, and some other times, friends going out, special

1 occasions.

2 Q Do you remember what size groups these were?

3 A About three to eight.

4 Q Three to eight?

5 A Yes, a couple of times there were two cars  
6 involved.

7 Q How do you know Stacia?

8 A I know Stacia through her husband, Todd.

9 Q How long have you known Mr. and Mrs. Grove?

10 A Probably three years.

11 Q How would you characterize Ms. Grove's  
12 personality?

13 A Ms. Grove is a very responsible person. She is  
14 just the type of person that would do the extra, go the  
15 extra to get the job done. Very responsible and very  
16 businesslike.

17 Q Excuse me; you were talking about Mrs. Grove  
18 there?

19 A Yes.

20 Q How would you characterize Mr. Grove?

21 A Mr. Grove, he is very responsible. He is very  
22 businesslike. I work with him daily. Very courteous to  
23 customers.

24 Q Do you have any specific thoughts on Mrs.  
25 Grove's personality traits? You talked about her

1 character in a business sense and responsibility, you  
2 know, as far as dealing with the public and so forth.

3 A As far as public she seems to be very courteous  
4 and very respectful towards the public. I have seen Mrs.  
5 Grove out at different functions through Monarch and  
6 everything.

7 Q If Ms. Grove's application to provide limousine  
8 services were to be granted, would you use her services?

9 A Yes, definitely.

10 Q For what sort of functions?

11 A Well, right at this point, friends of mine are  
12 getting married in the fall.

13 Q Your friends are getting married in the fall?

14 A Yes, so I know that that will be coming up and  
15 we are going to do something for that.

16 Q Do you know size group that might be?

17 A I am not real sure at this point.

18 MR. DUNLAP: All right; I have nothing further.

19 Thank you.

20 JUDGE WEISMANDEL: Mr. Pohlman?

21 **CROSS-EXAMINATION**

22 BY MR. POHLMAN:

23 Q Do you know when it is that they are getting  
24 married in the fall?

25 A I am not exactly sure. I think it is in

1 September sometime.

2 Q What would you be getting a limousine for?

3 A Well, right now we are talking about taking the  
4 bachelor out the night before, a bunch of people going  
5 out.

6 Q Have you tried contacting any limousine  
7 services yet at this point in time?

8 A Not at this point. It is still in the planning  
9 stages.

10 MR. POHLMAN: No further questions.

11 JUDGE WEISMANDEL: Mr. Shreve, you said that you  
12 have used limousine services in the past?

13 THE WITNESS: Yes.

14 JUDGE WEISMANDEL: Do you recall when the most  
15 recent time was?

16 THE WITNESS: Probably about five years ago.

17 JUDGE WEISMANDEL: About five years ago?

18 THE WITNESS: Yes.

19 JUDGE WEISMANDEL: Do you recall what the occasion  
20 was?

21 THE WITNESS: That was a wedding.

22 JUDGE WEISMANDEL: A wedding?

23 THE WITNESS: Yes.

24 JUDGE WEISMANDEL: Did you make the arrangements  
25 for the limousine service, or were you merely a passenger?

1 THE WITNESS: I was a passenger in that, sir.

2 JUDGE WEISMANDEL: You didn't make the  
3 arrangements?

4 THE WITNESS: No.

5 JUDGE WEISMANDEL: Have you ever had occasion where  
6 you have made the arrangements for limousine service?

7 THE WITNESS: I have always been involved as a  
8 passenger and help planning, but never the one to --

9 JUDGE WEISMANDEL: Never the one to book it?

10 THE WITNESS: Yes.

11 JUDGE WEISMANDEL: Counsel, any questions?

12 MR. DUNLAP: Just one or two.

13 **REDIRECT EXAMINATION**

14 BY MR. DUNLAP:

15 Q Mr. Shreve, do you anticipate making  
16 arrangements for limousine services at some point in the  
17 future?

18 A Like I said, with this wedding coming up I can  
19 see something coming out of there for sure in the fall.  
20 But other than that, probably getting some friends  
21 together going out on special occasions and stuff; yes.

22 Q And that would be --

23 A Personal.

24 Q And that could be after that time, after the  
25 wedding, into the future?

1 A Yes, into the future, whatever.

2 MR. DUNLAP: Nothing further, Your Honor.

3 MR. POHLMAN: No more questions.

4 JUDGE WEISMANDEL: Thank you, Mr. Shreve.

5 MR. DUNLAP: Thank you, Mr. Shreve. Would it be  
6 all right for Mr. Shreve to be excused?

7 MR. POHLMAN: Yes, from my part.

8 JUDGE WEISMANDEL: Thank you, Mr. Shreve.

9 (Witness excused.)

10 MR. DUNLAP: All right; we have one more witness  
11 here in the hearing room. I would like to call E. William  
12 Emswiler to the stand.

13 (Pause.)

14 JUDGE WEISMANDEL: Sir, would you raise your right  
15 hand, please?

16 Whereupon,

17 EDWARD W. EMSWILER

18 having been duly sworn, testified as follows:

19 JUDGE WEISMANDEL: Thank you. Please be seated. I  
20 will ask you to try to speak up so we can hear you, sir.

21 THE WITNESS: All right.

22 JUDGE WEISMANDEL: Thank you.

23 **DIRECT EXAMINATION**

24 BY MR. DUNLAP:

25 Q Mr. Emswiler, would you please state your full

1 name for the record and spell your last name? You may sit  
2 down, sir.

3 A Edward W. Emswiler; E-m-s-w-i-l-e-r.

4 Q Do you own a business, Mr. Emswiler?

5 A Yes, I do.

6 Q What is the name of that business?

7 A Primetime Auto.

8 Q What is your business address?

9 A Pardon?

10 Q What is your business address?

11 A 2311 South Queen Street, York, Pennsylvania.

12 Q What is the nature of your business, Mr.

13 Emswiler?

14 A Buying and selling used cars.

15 Q Do you deal in used limousines?

16 A No, I don't, but I have one for my personal  
17 use.

18 MR. POHLMAN: Could you please speak up? You said  
19 you have one -- could you repeat what you just said?

20 THE WITNESS: I have a limousine for my personal  
21 use.

22 MR. POHLMAN: Thank you.

23 BY MR. DUNLAP:

24 Q Do you deal in buying and selling these  
25 limousines?

1 A Yes.

2 Q Did you mis-hear me before? Do you provide  
3 limousine services?

4 A I don't provide any service. I have one for my  
5 own personal use.

6 Q You have a limousine for you own personal use?

7 A Right.

8 Q Before we get into that, though, the details of  
9 that; I just want to make clear for the record, I am sorry  
10 if I am asking the same question, because there seems to  
11 be some confusion. Is it correct that you buy and sell  
12 used limousines?

13 A Yes.

14 Q Do you know Stacia and Todd Grove?

15 A I met Stacia when she came in to look at a used  
16 limousine that I had there; yes.

17 Q And have you discussed with the Groves about  
18 buying a used limousine?

19 A Yes.

20 MR. DUNLAP: At this time I would like to have  
21 marked for the record Grove Exhibit No. 26.

22 JUDGE WEISMANDEL: Thank you.

23 MR. DUNLAP: May I approach the witness?

24 JUDGE WEISMANDEL: Yes. So marked for  
25 identification.

(Whereupon, the document was marked as Grove Exhibit No. 26 for identification.)

(Document handed to witness.)

BY MR. DUNLAP:

Q Mr. Emswiler, do you recognize what has just been handed to you and has been marked for identification as Grove Exhibit No. 26?

A Yes.

Q Would you please identify what that is?

A That is an auction report from January the 8th.

Q An auction report from what auction, sir?

A Manheim Auto Auction.

Q And you said January the 8th. What year?

A 1998.

Q What does this show in general? I will ask you some specific questions, but in general?

A Well, the Lincolns here were all stretch limos that they had sold that day on January the 8th.

Q Well, just as a generality, does this show that on that date -- and we will just focus on the Lincolns right now -- Lincolns that were available for sale?

A Yes.

Q Now, I would just like to get into some specifics. We are looking at the first column, the part

FORM 2

12/97D

1 that is circled. The first column where it has 95 and 96,  
2 what is that, sir?

3 A Pardon?

4 Q In the first column where it has 95 and 96, is  
5 that the year of the vehicle?

6 A Yes.

7 Q Then the next column, Towncar; is that the  
8 make?

9 A Yes.

10 Q The next column where it has 62, 89, 165; what  
11 is that, sir?

12 A That is the mileage.

13 Q Then there are various other letters. We will  
14 go over that. They each have "4D". What does that mean,  
15 sir?

16 A Four door.

17 Q Then they all have an "A". What does that  
18 mean, sir?

19 A Air.

20 Q And they all have a "W".

21 A Windows.

22 Q Windows; what does that mean? Power windows?

23 A Power windows.

24 Q Then all except the first one have an "L".

25 What does that mean?

1 A That is power locks.

2 Q And then all but the first one has a "C". What  
3 does that mean?

4 A That is cruise control.

5 Q Four of them have "SR." What does that mean?

6 A Sunroofs.

7 Q The next column it says "8A" for all of them.  
8 What does that mean?

9 A Eight cylinder automatic.

10 Q Then the next column it has various numbers;  
11 28700, 28700, 16700. What is that?

12 A That is the price they brought.

13 Q That is the price they brought?

14 A Right. All these vehicles were all sold.

15 Q Do you deal with Manheim Auto Auction?

16 A Yes.

17 Q You are a licensed dealer?

18 A Yes.

19 Q Do these vehicles have other luxury features  
20 sometimes that are not shown here?

21 A Yes, they all have VCRs and TVs.

22 Q So all the ones listed here also have VCRs and  
23 TVs?

24 A Yes, they were all stretch limos.

25 Q Have you seen the Grove's finances, Mr.

1 Emswiler? Their assets, their salaries, Mr. Grove's  
2 salary, their debts?

3 A Yes.

4 Q You have?

5 A Yes.

6 Q Do you foresee the Groves having any trouble  
7 getting a loan to buy a used limousine?

8 A No.

9 Q Would you consider even co-making a loan with  
10 them?

11 A Yes.

12 Q Why is that?

13 A Because there is enough service around to  
14 handle it. I mean, I had so many people call that wanted  
15 to rent my limousine, which I couldn't do.

16 Q All right; let's stop, please. You mentioned  
17 before that you owned or had owned a limousine, yourself?

18 A Yes.

19 Q Do you still own it?

20 A Yes.

21 Q You do? What is that? What kind of a  
22 limousine is that?

23 A It is a 1987 Lincoln.

24 Q Pardon me?

25 A A Lincoln Towncar, 1987.

1 Q A 1987?

2 A Yes.

3 Q Is that a stretch limousine?

4 A Yes.

5 Q Where do you keep that limousine?

6 A Well, I used to keep it at my car lot, but now

7 I have been keeping it down at the house.

8 Q What did you use that for?

9 A For my own personal use.

10 Q Do you have a limousine license?

11 A No.

12 Q So you didn't offer these services for anyone  
13 else; is that correct?

14 A No, I did not.

15 Q Now, when you kept it on the lot, did you have  
16 people come up and ask you to rent this?

17 A Yes.

18 Q How often did that happen?

19 A I would say I would get four or five people in  
20 a month.

21 Q What did they tell you when they came up to  
22 rent this limousine?

23 A That they could not find one to rent at the  
24 time.

25 Q So with you having your own limousine, you

1 don't use the limousine services of others; is that  
2 correct?

3 A No.

4 MR. DUNLAP: At this time, I would like to move  
5 Grove Exhibit No. 26 into evidence subject to cross-  
6 examination. I have no further questions.

7 JUDGE WEISMANDEL: Grove Exhibit No. 26 is admitted  
8 subject to cross-examination and objection at that time.

9 Mr. Pohlman?

10 **CROSS-EXAMINATION**

11 BY MR. POHLMAN:

12 Q Mr. Emswiler, how do we know that these were  
13 all stretch limousines based upon Exhibit 26?

14 A Because I was there.

15 Q So you witnessed all the vehicles?

16 A Yes.

17 Q All right; thank you. What would the cost be  
18 for a limousine with less than 10,000 miles on it?

19 A I would say probably in the \$40,000 to \$50,000  
20 range.

21 Q What type of limousine did you just price us  
22 that is in the \$40,000 to \$50,000 range?

23 A I would say that would be about a 1997.

24 Q A 1997 vehicle?

25 A Yes.

1 Q What does that have in it? What type of  
2 vehicle? What stretch length? What type of amenities?

3 A I would say that would be about a 72 inch  
4 stretch, TV, VCR, and a bar.

5 Q I am sorry?

6 A And with a bar.

7 Q And a bar; thank you. If Ms. Grove were to  
8 have \$18,000 in debt per year, would you be willing to  
9 co-sign a loan with her?

10 A Yes.

11 Q And you testified that based upon your looking  
12 at her finances, you don't foresee her having trouble  
13 obtaining the loan; is that correct?

14 A No, I don't.

15 Q What experience do you have with granting loans  
16 to people?

17 A Well, we do a lot of loans. I mean, I do deal  
18 through the bank, the people at the bank.

19 Q But do you make the ultimate loan decision?

20 A Well, on certain things. On something like  
21 that I would; yes.

22 Q If you are loaning your personal finances you  
23 make the decision?

24 A Right.

25 Q But typically when you are doing a transaction

1 and the bank is making the loan, do you make the loan  
2 decision?

3 A If I have to co-make the loan; yes.

4 Q But you don't make the decision as to whether  
5 or not the bank loans money, do you?

6 A Well, basically yes. If I co-make a loan, I  
7 make the loan.

8 Q Right, but what I am asking is; if you are not  
9 involved in the loan, and you are not co-making the loan,  
10 would the bank loan the money?

11 A Then the bank has it; yes, that is their  
12 decision.

13 Q So the only way people would get one is if you  
14 sign on to guarantee it?

15 MR. DUNLAP: I object, Your Honor. He is putting  
16 words into --

17 JUDGE WEISMANDEL: I think maybe you want to  
18 rephrase that, Mr. Pohlman.

19 BY MR. POHLMAN:

20 Q Will you guarantee the loan that Stacia Grove  
21 will need to get to purchase a vehicle?

22 A Will I?

23 Q Yes.

24 A Yes.

25 Q Will you profit from her purchasing a vehicle?

1 A Well, I will profit; yes.

2 MR. POHLMAN: No more questions, Your Honor.

3 JUDGE WEISMANDEL: In what manner will you profit  
4 from the Applicant getting a vehicle, Mr. Emswiler?

5 THE WITNESS: Well, if I bought a vehicle for her,  
6 I would actually make a few dollars on it. I mean, I  
7 would charge her a little more than I paid, because I am  
8 buying it wholesale and selling it to her.

9 JUDGE WEISMANDEL: But you have no intention on  
10 being involved in the running of her business, do you?

11 THE WITNESS: No.

12 JUDGE WEISMANDEL: So what you are talking about  
13 making a profit is your normal profit as an automobile  
14 dealer?

15 THE WITNESS: Exactly.

16 JUDGE WEISMANDEL: Counsel, questions?

17 MR. POHLMAN: No questions, and I have no objection  
18 to No. 26.

19 JUDGE WEISMANDEL: All right; what has been marked  
20 for identification as Grove Exhibit No. 26 is admitted.

21 **(Whereupon, the document marked**  
22 **as Grove Exhibit No. 26 was**  
23 **received in evidence.)**

24 JUDGE WEISMANDEL: Did you have another question?

25 MR. DUNLAP: I had just one, Your Honor.

1 JUDGE WEISMANDEL: All right.

2 **REDIRECT EXAMINATION**

3 BY MR. DUNLAP:

4 Q Mr. Emswiler, going back to Exhibit No. 26, the  
5 vehicles which myself and Mr. Pohlman were asking you  
6 about, the vehicles there; how would you characterize  
7 their condition?

8 A They were all in excellent condition.

9 Q Ready to drive?

10 A Right, ready to use.

11 MR. DUNLAP: Thank you. Nothing further.

12 JUDGE WEISMANDEL: Mr. Pohlman?

13 **RECROSS-EXAMINATION**

14 BY MR. POHLMAN:

15 Q These aren't the new model year for 1998 are  
16 they?

17 A Pardon?

18 Q Are these 1998 model year vehicles?

19 A No, 1995 model year vehicles.

20 Q And Lincoln changed their model year in 1998?

21 A Yes.

22 MR. POHLMAN: Thank you.

23 JUDGE WEISMANDEL: Thank you, sir.

24 (Witness excused.)

25 MR. DUNLAP: Would it be all right, Your Honor, to

1 take a five minute recess before we try Mr. Johns?

2 JUDGE WEISMANDEL: That is fine. Why don't we plan  
3 -- it is almost ten after, why don't we come back at 20  
4 after.

5 MR. DUNLAP: Thank you.

6 JUDGE WEISMANDEL: Thank you.

7 (Brief recess.)

8 (Whereupon, the witness was contacted by Judge  
9 Weisman del telephonically.)

10 JUDGE WEISMANDEL: Good morning, Mr. Johns. This  
11 is Judge Weisman del from the Pennsylvania Public Utility  
12 Commission.

13 MR. JOHNS: Good morning. If you could excuse me  
14 just one second to get off another line, I will come right  
15 back.

16 JUDGE WEISMANDEL: Certainly, sir.

17 MR. JOHNS: Just a minute.

18 (Pause.)

19 MR. JOHNS: I am sorry; excuse me. Good morning.

20 JUDGE WEISMANDEL: That is quite all right. Good  
21 morning.

22 MR. JOHNS: I missed you by one minute earlier.

23 JUDGE WEISMANDEL: We were calling earlier than you  
24 had been advised, so no problem.

25 MR. JOHNS: All right; I will be happy to help you

1 today, if I can. I am here and ready to proceed if you  
2 are.

3 JUDGE WEISMANDEL: What I want to tell you; I will  
4 administer the oath to you, Mr. Johns. I will then allow  
5 Mr. Dunlap, who represents Stacia Grove, the Applicant, to  
6 ask you questions. When Mr. Dunlap is finished, Mr.  
7 Pohlman, who represents the Protestants, will ask you some  
8 questions on cross-examination. I may then have a  
9 question or two for you. Your remarks will all be taken  
10 down by a court reporter, who is present here in the  
11 hearing room in Harrisburg. You are on a speaker phone,  
12 and all of those present including the Applicant and the  
13 Protestants can hear you.

14 So if you are ready, I will administer the oath at  
15 this time; all right?

16 MR. JOHNS: I am ready.

17 Whereupon,

18 JOHN EDWARD JOHNS, JR.  
19 having been duly sworn, testified as follows:

20 JUDGE WEISMANDEL: Thank you.

21 Mr. Dunlap?

22 **DIRECT EXAMINATION**

23 BY MR. DUNLAP:

24 Q Good morning, Mr. Johns.

25 A Good morning, Mr. Dunlap.

1 Q Mr. Johns, would you please state your full  
2 name for the record?

3 A John Edward Johns, Jr.

4 Q Do you own a business, Mr. Johns?

5 A I do.

6 Q What is the name of that business?

7 A New West Tour Products, Incorporated.

8 Q What is the address of your business, sir?

9 A The address is 653 Bair; B-a-i-r, Island Road,  
10 Suite 106, Redwood City, California, 94025. There is a  
11 Southern California office where I am now. That address  
12 is 1000 Arroyo; A-r-r-o-y-o, Drive, South Pasadena, 91106.

13 Q What is the nature of New West, Mr. Johns?

14 A New West Products manufactures home storage  
15 products, and exports it internationally and sells it  
16 domestically by companies like QVC on television. We have  
17 a national infomercial out right now, and we sell to  
18 retailers like -- container store, et cetera.

19 Q All right.

20 A Excuse me; and we also supply to QVC personal  
21 care products like therapy massagers and others.

22 Q What is the size of your company, Mr. Johns?

23 A I think right now we have 28 employees and we  
24 are growing everyday. Sales last year were somewhere in  
25 excess of \$12,000,000 and this year we are tracking to

1 annual revenues exceeding \$23,000,000.

2 Q Do you have occasion to come into Pennsylvania,  
3 Mr. Johns?

4 A Yes.

5 Q How many times a year would that be?

6 A Well, over the past couple of years, I am going  
7 to estimate anywhere from three, four; two, three, four,  
8 five. It sort of varies from year to year.

9 Q Why do you come into Pennsylvania?

10 A Well, one of our prime customers is QVC, they  
11 are located in West Chester right outside of Philadelphia.  
12 I also have a -- my mother lives in York, and I generally  
13 try to combine any East Coast trips, especially  
14 Pennsylvania trips with a visit to her, and I have a  
15 sister who lives outside of Baltimore, and I try to as  
16 best I can to maintain contact with all of them personally  
17 on these trips.

18 Q Do you come into Harrisburg International  
19 Airport when you come into Pennsylvania?

20 A I have. I have a couple of times, like, maybe  
21 three times.

22 Q Do you continue to do so, or do you now?

23 A I haven't been to Harrisburg, I bet it has been  
24 over a year. Yes, probably over a year.

25 Q Do you come into other airports instead?

1           A    I do. I come into Baltimore. Baltimore is  
2 probably my airport, my most frequently used airport.  
3 Occasionally, Philadelphia, but usually Baltimore.

4           Q    Why did you stop coming into HIA, or Harrisburg  
5 International, Mr. Johns?

6           A    I would say in part because I didn't want my  
7 mother, who lives in York, to have to come pick me up.  
8 She is -- close your ears everybody -- she is 78 years  
9 old. She is a terrific driver, but she is not thrilled  
10 about driving back and forth there. My sister up by  
11 Baltimore can pick me up on occasion, or I can rent a car  
12 in Baltimore and drive myself around.

13           I travel to and from the airport in Los Angeles  
14 usually by limousine service or car service, and I have  
15 used them in other cities. I really have not been very  
16 successful in the York area getting the transportation to  
17 and from that I am accustomed to.

18           Q    Mr. Johns, specifically, have you tried to get  
19 limousine or transportation services?

20           A    Yes. I have looked in the York Yellow Pages,  
21 and I have scanned through there, and I have tried to set  
22 things up, and I just really haven't been successful. I  
23 kind of wrote it up. I gave up on it, to tell you the  
24 truth.

25           Q    Could you please explain what you mean by you

1 have not been successful?

2 A A, I found the car service there, the limo  
3 service, to be expensive. It is certainly out of line  
4 with what I pay in Los Angeles. And when I have tried to  
5 even bite the bullet and arrange for service I found that  
6 I can't get it without considerable notice, and because I  
7 am dealing with family back there, my plans change. They  
8 can change quickly. One person can take me, another  
9 person can't, and so forth. So I just found it has not  
10 been reliable for me to count on a car service to and from  
11 the airport when I need it.

12 When I have called, I have been told A, we are not  
13 available, or B, we need 24 hours, or 48 hours, or some  
14 such thing. So I really just don't try it anymore.

15 Q Have you had any experience with any of the  
16 Protestants, Mr. Johns?

17 A I am not sure by name who the Protestants are.

18 Q Well, why don't I --

19 A I can tell you that --

20 Q Mr. Johns, excuse me; one of them is Unique  
21 Limousine, another is White Rose.

22 A Well, White Rose I remember, because that is a  
23 common name around York. But I remember specifically  
24 calling White Rose and being unable to come to some  
25 satisfactory transportation arrangement. I have called

1 other companies and actually found that -- it seems to me  
2 that when I called on another occasion or two occasions  
3 that one of the numbers was really the same company under  
4 a different number. But I couldn't tell you who that was.  
5 I don't know who it was.

6 Q You had mentioned, Mr. Johns, you do use  
7 limousine services elsewhere?

8 A Right.

9 Q If Ms. Grove's application were to be granted,  
10 would you consider flying to Harrisburg International more  
11 often and using her services?

12 A I definitely would. Yes, I have had to impose  
13 on a cousin, who lives somewhere out there. Like I said,  
14 my mother in a pinch will take me if I don't get a ride,  
15 and basically, I rent cars. I rent cars, and I drop them  
16 at different airports, or I pick them up, or I have to  
17 specifically return, say for example, down to Baltimore  
18 when I would really rather leave from my mother's house in  
19 York and head to Harrisburg. So I would find it quite a  
20 convenience to do that, and I would tend to use Harrisburg  
21 more often without question.

22 Q How do you know Ms. Grove, Mr. Johns?

23 A I have known her -- I wouldn't say I know her  
24 real, real well. I surely met her on several occasions.  
25 I know she works occasionally at my mother's house, and my

1 mother speaks very highly of her. The times that I have  
2 spoken with her I have been impressed with her ambition  
3 and her integrity.

4 Q Do you have any other thoughts regarding  
5 assessments of her character?

6 A I do as speaking as an entrepreneur. The  
7 companies that I have started, I have started from the  
8 back of an envelope, basically. We started with nothing  
9 and built it up. I know how difficult it is to put your  
10 resources on the line and to pursue an idea, and to really  
11 pursue something that you believe in. As this particular  
12 drama has unfolded I must say I really quite impressed and  
13 surprised that somebody would hang in there and continue  
14 to battle the odds like that.

15 I have a great deal of respect for anybody that  
16 does that, and in this case I just happen to know Stacia.  
17 By association, I have a great deal of respect for her and  
18 what she is trying to do. I think that anybody that has  
19 ever tried to start a business, and you get out there and  
20 compete, really merits some respect, as a class.

21 Q Do you have any thoughts regarding her  
22 personality and ability to deal with the public?

23 A Well, like I said, I haven't spent hours, and  
24 hours, and hours with Stacia. But those occasions when I  
25 have talked to her, they have been lively conversations

1 and I can surely see that she would be personable. She,  
2 herself, is driving, or if she, herself, isn't driving, I  
3 can see her being personable on the telephone.

4 Q Going back to your experiences at HIA, do you  
5 have any thoughts regarding how competition might affect  
6 your experiences in that situation?

7 MR. POHLMAN: Your Honor, objection.

8 THE WITNESS: Well, I --

9 JUDGE WEISMANDEL: Mr. Johns, wait a second. There  
10 has been an objection made to that question.

11 THE WITNESS: All right.

12 JUDGE WEISMANDEL: Mr. Pohlman?

13 MR. POHLMAN: His response as to relevancy as to  
14 competition are not relevant to this case.

15 MR. DUNLAP: I disagree, Your Honor. I mean, this  
16 whole case is about competition at its core, and about how  
17 an entry of a new applicant of Ms. Grove in the market  
18 will either be beneficial to the marketplace or hurt the  
19 marketplace, so it is entirely relevant.

20 MR. POHLMAN: I would disagree. Again, Your Honor,  
21 this case is about safety.

22 JUDGE WEISMANDEL: Well, I think -- Mr. Dunlap, I  
23 think you are right in the sense that the entry of a new  
24 carrier is a consideration that the Commission has to  
25 evaluate. On the other hand, I am not sure that the

1 general inquisition on merits or demerits of competition  
2 without some specific relationship to this case would be  
3 all that relevant. If Mr. Johns can confine his answer to  
4 the Harrisburg, York, Lancaster community, then I think it  
5 would be appropriate.

6 THE WITNESS: Could I ask a question without  
7 getting into any sensitive areas?

8 JUDGE WEISMANDEL: Go ahead.

9 THE WITNESS: I have had experience at the New York  
10 airports and Los Angeles, and I can make an observation on  
11 what competition seems to do here.

12 BY MR. DUNLAP:

13 Q Based on your experiences elsewhere?

14 A Yes, absolutely.

15 JUDGE WEISMANDEL: I will allow that.

16 THE WITNESS: All right; well, first of all, in New  
17 York you can pay for a stretch limousine \$160.00 round  
18 trip to LaGuardia, which is not that far out, or you can  
19 pay -- gosh, you can pay \$40.00 or \$50.00 for one way to  
20 LaGuardia. That, to me, is evidence of competition. If  
21 you look through the Yellow Pages in New York you will see  
22 scores of limousine services.

23 In Los Angeles, my round trip to the airport by a  
24 dedicated car -- it is not necessarily a stretch limo, but  
25 it is anything from a van to a Cadillac, I pay \$45.00 one

1 way, include the tip, to Los Angeles International, or I  
2 can pay for a stretch limousine that could cost me \$120.00  
3 one way. It is just a matter of choosing the class of car  
4 I want, and the airport, and everything else. We have a  
5 lot of choices over here, and I don't have to take the  
6 first one that comes along.

7 But that is what I have observed in terms of what  
8 competition of a limousine service here does.

9 Q Mr. Johns, would you relate to that HIA,  
10 please?

11 A Only in a sense that I don't seem to have a lot  
12 of choices there. When I have called the price has just  
13 been repulsive to me. I have just found that with  
14 comparable distances in other cities, that I feel that I  
15 am being gouged in that area, and I just can't imagine  
16 that a competing service wouldn't have a beneficial  
17 benefit for the consumer. Beyond that I really can't  
18 comment.

19 MR. DUNLAP: Thank you, sir.

20 I have no further questions, Your Honor.

21 JUDGE WEISMANDEL: Mr. Johns, Mr. Pohlman, the  
22 attorney representing the Protestants is going to cross-  
23 examine you now.

24 THE WITNESS: Sure.

25 JUDGE WEISMANDEL: Mr. Pohlman?

## CROSS-EXAMINATION

1  
2 BY MR. POHLMAN:

3 Q Mr. Johns, if you were flying into Harrisburg  
4 Airport, how much advance notice would you be able to  
5 provide?

6 A Anywhere from two days to a month.

7 Q So the fact that you testified earlier that  
8 sometimes your plans change, you never need one on an  
9 immediate call?

10 A Well, when I am out here, I am not in  
11 possession of a York phone book. When I go to leave I  
12 have a number where I can get to the airport. Like I  
13 said, I can ask my mother, I can ask a cousin to drive  
14 down from Harrisburg to pick me up, I can get my sister.  
15 There are a lot of ways to do it, but I just have not had  
16 a good experience in trying to get out of town. I don't  
17 seem to have last minute flexibility leaving. So it is  
18 really not the so much the matter of inbound as outbound.  
19 I just tend to avoid it, because getting out of there is  
20 harder.

21 MR. POHLMAN: I have no more questions.

22 JUDGE WEISMANDEL: Mr. Dunlap, anything further?

23 MR. DUNLAP: No.

24 JUDGE WEISMANDEL: Mr. Johns, thank you very much.  
25 We appreciate you taking the time.

1 THE WITNESS: I am happy to help out. I hope I was  
2 helpful.

3 JUDGE WEISMANDEL: Yes, sir, thank you.

4 THE WITNESS: Thank you.

5 JUDGE WEISMANDEL: Bye.

6 MR. DUNLAP: Thank you.

7 (Witness excused.)

8 (Pause.)

9 MR. DUNLAP: Thank you, Your Honor, for arranging  
10 that.

11 JUDGE WEISMANDEL: That seems to work  
12 satisfactorily for those kinds of situations.

13 All right, Mr. Dunlap?

14 MR. DUNLAP: At this time I would like to call Gena  
15 Dwyer to the stand.

16 JUDGE WEISMANDEL: Ms. Dwyer, good morning. Would  
17 you raise your right hand, please?  
18 Whereupon,

19 GENA LIANE DWYER

20 having been duly sworn, testified as follows:

21 JUDGE WEISMANDEL: Thank you. Please be seated.

22 Mr. Dunlap?

23 **DIRECT EXAMINATION**

24 BY MR. DUNLAP:

25 Q Ms. Dwyer, would you please, for the record,

1 state your full name and spell it, please?

2 A It is Gena; G-e-n-a, Liane; L-i-a-n-e, Dwyer;  
3 D-w-y-e-r.

4 Q Who is your employer, Ms. Dwyer?

5 A I am employed by Cherry Lane Realty.

6 Q What is your business address, ma'am?

7 A It is 540 West Market Street, and that is York,  
8 Pennsylvania, 17404.

9 Q What is your position at Cherry Lane Realty?

10 A I actually have two positions; I am the  
11 financial controller, I am also a licensed real estate  
12 agent.

13 Q Could you try to speak up just a little bit?

14 A Sure.

15 Q What are your duties as controller and as a  
16 real estate agent?

17 A As the controller I take care of all of the  
18 finances for the company. We manage approximately 650  
19 rental units, collect rents on a monthly basis, send out  
20 statements. We do some sales. I also do some showings.  
21 I am licensed to sell in Pennsylvania, but that is not  
22 what I am geared towards. We gear more towards the  
23 rentals.

24 Q Do you arrange the entertainment of clients?

25 A On occasion; yes.

1 Q Have you used limousine services in the past,  
2 Ms. Dwyer?

3 A We have used them for office personnel before.

4 Q Pardon me? For office --

5 A For office personnel.

6 Q What does that mean, for office personnel?

7 A We have used them for transportation to and  
8 from Christmas parties. We are also in the process of  
9 hiring one for a benefit dinner.

10 Q Do you anticipate using limousine services in  
11 the future?

12 A It is a very good possibility if the price is  
13 right.

14 Q If the price is right?

15 A Right.

16 Q What sort of things might that be for?

17 A It would be for entertaining potential  
18 clientele. We had someone this past weekend fly into an  
19 airport, they were coming in to look at rental units.  
20 They ended up getting their own transportation. I would  
21 have liked to have been able to offer them transportation.

22 Q Through Ms. Grove?

23 A Most likely; yes.

24 Q If Ms. Grove's application were to be granted,  
25 would you use her services?

1 A Yes, I would.

2 Q Would that be for the sort of functions that  
3 you mentioned?

4 A Yes.

5 Q How do you know Ms. Grove, and for how long?

6 A The association is, my husband works with Todd  
7 Grove. I have known Todd for probably 12 years, and I  
8 have known Stacia for probably five years.

9 Q What is your assessment of Ms. Grove's  
10 character and personality?

11 A I think she is a very down to earth person.  
12 She is energetic. She is courteous, considerate, and she  
13 is very friendly.

14 Q Do you think she would be good at dealing with  
15 the public?

16 A Yes, I do.

17 Q How do you see the potential for Ms. Grove  
18 operating her own business? Do you think that is a good  
19 opportunity for her?

20 A I think it is an excellent opportunity. I have  
21 been in the position before where I have thought about  
22 doing that myself, and would actually love to do it. I  
23 think it is very enterprising, commendable, and there is a  
24 great opportunity for her to do something for herself, for  
25 her family, and give her the flexibility she can decide

1 when she wants to do what she wants to do.

2 Q By flexibility do you mean that if she has  
3 somebody calling up for services that she would be able to  
4 offer services at different times and so forth?

5 A That is correct.

6 Q She would have that flexibility?

7 A Yes.

8 MR. DUNLAP: Thank you. Nothing further, Your  
9 Honor.

10 JUDGE WEISMANDEL: Mr. Pohlman?

11 MR. POHLMAN: I have no questions, Your Honor.

12 JUDGE WEISMANDEL: Ms. Dwyer, did I understand you  
13 correctly that you are engaged now in a search for a  
14 limousine for some type of a benefit dinner; is that  
15 correct?

16 THE WITNESS: I would like to hire Stacia to drive  
17 a limousine for this benefit dinner.

18 JUDGE WEISMANDEL: When is the dinner?

19 THE WITNESS: It is the weekend of March the 20th.  
20 It would be on the 21st of March.

21 JUDGE WEISMANDEL: Have you made any inquiries  
22 among currently certificated services?

23 THE WITNESS: Not at this point.

24 JUDGE WEISMANDEL: If Ms. Grove did not have a  
25 certificate by that time, and we are talking about less

1 than a month away, would you still use a limousine service  
2 or attempt to?

3 THE WITNESS: It would depend on what the price is.

4 JUDGE WEISMANDEL: But you haven't made any  
5 inquiries yet?

6 THE WITNESS: Not at this time.

7 JUDGE WEISMANDEL: Does counsel have any questions  
8 in light of what I asked?

9 MR. DUNLAP: No.

10 MR. POHLMAN: No.

11 JUDGE WEISMANDEL: Thank you, ma'am.

12 MR. DUNLAP: Thank you. Would it be all right if  
13 Ms. Dwyer were excused?

14 JUDGE WEISMANDEL: Mr. Pohlman?

15 MR. POHLMAN: I have no objection.

16 JUDGE WEISMANDEL: That is fine. If you have to  
17 leave, Ms. Dwyer, that is fine.

18 (Witness excused.)

19 MR. DUNLAP: At this time I would like to recall  
20 Stacia Grove to the stand.

21 JUDGE WEISMANDEL: The purpose?

22 MR. DUNLAP: To testify as to some matters that  
23 were left open from the last hearing.

24 JUDGE WEISMANDEL: All right; could you be just a  
25 tad more specific?

1 MR. DUNLAP: All right; I am sorry. Last time  
2 there seemed to be -- she had been searching for a  
3 limousine at that time, and had not been able to do so at  
4 that point. She has had some success with Mr. Emswiler.  
5 First, have her testify to about how this would change her  
6 plans from the first hearing. There was some information  
7 that she did not have at the last hearing.

8 JUDGE WEISMANDEL: Very good. Thank you.

9 MR. DUNLAP: Thank you.

10 MR. POHLMAN: Your Honor, I would request that her  
11 testimony be specifically limited to those two issues.  
12 When, in fact, her testimony at the time of the hearing  
13 should have been what she was planning to do, and she  
14 hadn't thought about that. And then as a result, she is  
15 now planning on presenting new testimony based on all of  
16 this, so I would just like to reiterate that it purely be  
17 based on the limousine acquisition that she intends to  
18 acquire, and that her plans, if we could have a little bit  
19 greater definition of what that testimony is going to be.

20 I mean, I am willing to stipulate that Mr. Emswiler  
21 would provide a limousine and would be able to provide one  
22 for her.

23 MR. DUNLAP: Well, it goes beyond that. It is  
24 about how this will affect her plans for providing  
25 services. I mean, she testified last time that she was

1 planning on getting a van first because she had not been  
2 able to at that time to locate used limousines. She  
3 looked into that, and now she has, and how that will  
4 affect her plans, and about how this has helped her to  
5 develop a little bit more of a sense of how the business  
6 will operate financially and so forth.

7 JUDGE WEISMANDEL: I think that is legitimate, Mr.  
8 Pohlman. If you have a problem with anything, or if you  
9 believe that it is getting too broad, I am sure you will  
10 bring it to my attention.

11 MR. POHLMAN: Thank you, Your Honor.

12 MR. DUNLAP: Excuse me one moment, please, Your  
13 Honor.

14 (Pause.)

15 JUDGE WEISMANDEL: Ms. Grove, at the risk of  
16 gilding the lily, I am going to administer the oath again.  
17 Whereupon,

18 STACIA H. GROVE

19 having been duly sworn, testified as follows:

20 JUDGE WEISMANDEL: Thank you. Please be seated.

21 Mr. Dunlap?

22 MR. DUNLAP: Thank you.

23 **DIRECT EXAMINATION**

24 BY MR. DUNLAP:

25 Q Ms. Grove, at the last hearing you had

1 testified that you were planning on buying a van first and  
2 then down the road getting a limousine; is that correct?

3 A Right.

4 Q Have your plans changed in that regard?

5 A Yes, they have.

6 Q In what way have they changed?

7 A Well, with everything being backed up with all  
8 the proceedings, I don't plan to start my operations until  
9 April of next year, 1999, at which that time I think --  
10 well, I know a limousine is going to be requested more  
11 than a van at that time of the year.

12 Q What kind of limousine are you considering  
13 purchasing? Now, I realize you have not located one  
14 exactly, and it is depending upon -- your purchase of a  
15 limousine is depending upon your application being  
16 granted; is that correct?

17 A Right. I am going to look for a Lincoln  
18 Towncar, one that seats approximately six people.

19 Q How much are you planning to spend on that?

20 A It is hard to say.

21 Q Well, give just a range.

22 A Probably around \$20,000.

23 Q You were preauthorized, as far as leasing a  
24 van, for higher amounts; is that correct?

25 A Right, that was \$27,000, almost \$28,000.

1 Q And that was for two vehicles; is that correct?

2 A Yes, the other one was a preapproval for  
3 \$36,000.

4 Q Why did you not receive a preapproval for a  
5 used limousine?

6 A You have to give them the make, the model, the  
7 mileage of the car.

8 Q So in other words, you have to have the  
9 limousine, the exact limousine?

10 A You have to have exactly the one to get it  
11 preapproval.

12 Q Have you talked to the bank, however, about  
13 getting preapproval for a limousine?

14 A Yes, I did. I spoke to the lady last week.

15 Q What were you told?

16 A There was not going to be a problem.

17 Q How does a van enter into your plans that you  
18 talked about before? Does it still enter into it?

19 A Yes, at a later date.

20 Q What kind of a personal vehicle do you have  
21 now?

22 A Pardon me?

23 Q Do you have a van currently?

24 A I have a 1996 Chevy Tahoe.

25 Q Would that qualify as a luxury vehicle?

1 A Yes, it does.

2 Q If you needed to then, before you purchase this  
3 other van, you could use that, also?

4 A Yes, I could.

5 Q Have you, as a result of these developments of  
6 your being able to locate someone you could purchase a  
7 used limousine from, and your consideration of the court  
8 proceedings pushing things back and starting later, have  
9 you developed any kind of a preliminary operating plan  
10 forecast?

11 A Yes, I have.

12 Q How did you do that?

13 A I spoke with a gentleman, Michael Uronovich,  
14 here in Harrisburg from the Small Business Development  
15 Center. I had an appointment set up with him to get a  
16 business plan started, and it was one of the days when it  
17 was icy, and he had cancelled, and he had rescheduled for  
18 this Thursday, which didn't help me out.

19 I also met with a man from SCORE, which is Service  
20 Corps of Retired Executives in York. His name was Jack  
21 Gingrich, and he also gave me an outline to get a business  
22 plan started, plus the operating plan, just to get  
23 started.

24 Q So what you have been considering in light of  
25 the developments is a rough plan or preliminary plan; is

1 that how it would be fair to characterize it in that way?

2 A Right, pretty rough.

3 Q Pretty rough?

4 A Pretty rough for now.

5 Q But you are planning on developing a more  
6 formal plan down the road; is that correct?

7 A Yes. On average it takes about three months to  
8 get a formal business plan in order.

9 Q What period did you look at for just these  
10 rough preliminary figures?

11 A April of 1999 to and through I think October of  
12 1999, maybe November.

13 Q The expenses in making this plan, did you  
14 consider such things as supplies?

15 A Yes.

16 Q Repairs and maintenance?

17 A Yes.

18 Q Advertising?

19 A Yes.

20 Q Where would your advertising be?

21 A In the Yellow Pages to start.

22 Q Did you figure the car payments based on the  
23 anticipated amount you would have to pay for the vehicle?

24 A Yes.

25 Q Did you look into rent?

1 A Yes.

2 Q And that would be rent for what?

3 A For a garage to keep the vehicles in.

4 Q How did you research that?

5 A I went garage shopping. How else can I put it?

6 JUDGE WEISMANDEL: Don't call it garage sales.

7 THE WITNESS: Warehouse shopping?

8 BY MR. DUNLAP:

9 Q Did you consider telephone charges, pager,  
10 cellular charges?

11 A Yes, that is pretty much all in there. It is a  
12 rough estimate.

13 Q Did you contact the telephone company or  
14 cellular company to find out what those might be?

15 A Yes, I did.

16 Q Did you consider insurance?

17 A Yes.

18 Q How did you get that?

19 A Through Insurance Brokers of York.

20 Q For an estimated cost?

21 A Right.

22 Q Did you consider other items such as fuel cost?

23 A Yes.

24 Q Then did you make forecasts based on number of  
25 weddings or proms that you think you might be able to get?

1           A    Yes.  It is an estimate.  It is a little hard  
2 to predict that kind of thing.

3           Q    Right, that is understandable.

4           A    But yes, they are estimates.

5           Q    Did you consider airport corporate business?

6           A    Yes, that is all in there.

7           Q    And miscellaneous business?

8           A    Yes.

9           Q    What might that entail, miscellaneous?

10          A    If somebody wants picked up for a comedy club.  
11 If somebody wants to take somebody out for a birthday  
12 party, a bachelor party.

13          Q    How would you characterize your estimates?  I  
14 mean, were you really looking --

15          A    I would say they are very -- what is the word I  
16 want to use here -- conservative, very conservative.

17          Q    About how many hours of operating time did you  
18 look at, do you recall, in order to reach your estimates?

19          A    To break even or to make money?

20          Q    Well, both.  To break even; let's start with  
21 that.

22          A    I think it was maybe around 25 hours or 30  
23 hours a month.

24          Q    Of operating time?

25          A    Yes.

1 Q Are you planning on drawing a salary in the  
2 beginning?

3 A No.

4 Q The money you make, what will you do with that  
5 profit?

6 A It will be put back into the business.

7 Q The rates that you came up with to charge, how  
8 did you come up with those?

9 A From everybody else's rates, mainly the  
10 Protestant's rates.

11 Q How would you compare your rates to theirs?

12 A I would say they are competitive.

13 MR. DUNLAP: I have no further questions, Your  
14 Honor.

15 JUDGE WEISMANDEL: Mr. Pohlman?

16 **CROSS-EXAMINATION**

17 BY MR. POHLMAN:

18 Q Ms. Grove, have you told any of the lenders  
19 that you have gone to that have approved your preapproval  
20 on the leases, and when you are talking to the bank that  
21 you are also contemplating getting two other vehicles?

22 A The lender was the same for the \$36,000 and for  
23 the \$27,000.

24 Q When you went for the second \$36,000, did you  
25 ask him or her to calculate that with the prior existing

1 debt from the first vehicle?

2 A I really can't say yes or no on that. It has  
3 been quite a while since I did that.

4 Q The Towncar that you propose to purchase as a  
5 used Lincoln limousine for approximately \$20,000; based  
6 upon Grove Exhibit No. 26, do you realize that would be a  
7 car that has approximately 160,000 miles on it?

8 A Yes, I do.

9 Q And that would also be, and I am going to  
10 estimate now since your plan is for 1999, a 1995 or a 1996  
11 model car?

12 A Yes.

13 Q Have you ever looked into what is required to  
14 register a limousine with Penn DOT?

15 A No, I haven't.

16 Q Do you know if there is any special  
17 requirements for registering a limousine?

18 A Not specifically.

19 Q Have you ever read the regulations that apply  
20 to limousine company owners?

21 A Briefly.

22 Q In their entirety have you read them?

23 A No.

24 JUDGE WEISMANDEL: May I ask for some clarification  
25 as to whose regulations you were referring to. Perhaps

1 you two understood each other, but perhaps not.

2 MR. DUNLAP: I was assuming Penn DOT.

3 JUDGE WEISMANDEL: Do you mean the Commissions?

4 MR. POHLMAN: The Commissions' regulations.

5 JUDGE WEISMANDEL: Because you were just talking  
6 about Penn DOT.

7 MR. DUNLAP: That is what I was assuming.

8 JUDGE WEISMANDEL: I just want to make sure the  
9 witness understood the question.

10 Did you understand the question?

11 THE WITNESS: I assumed it was the Commissions;  
12 yes.

13 JUDGE WEISMANDEL: All right; you both were way  
14 ahead of me.

15 BY MR. POHLMAN:

16 Q Do you know approximately how many hours a  
17 limousine typically industry standard-wise sits idle?

18 A Can you rephrase that?

19 Q Yes, I can. There are typically industry  
20 standards in any business. In your business forecast, did  
21 you calculate how often a limousine sits idle?

22 A No, I did not.

23 MR. POHLMAN: No more questions, Your Honor.

24 JUDGE WEISMANDEL: Ms. Grove, did I understand you  
25 correctly, do you still have an appointment this Thursday

FORM 2

12/97D

1 with the small business advisor?

2 THE WITNESS: No. I cancelled it because I had met  
3 with the gentleman at SCORE. It is in York, it is a lot  
4 closer.

5 JUDGE WEISMANDEL: Let us assume for the moment  
6 that your application would be approved, and let us  
7 further assume that that approval might come in June or  
8 July of this year. Would it still be your intention not  
9 to commence operations until April of 1999?

10 THE WITNESS: Yes, it would.

11 JUDGE WEISMANDEL: If the approval Order required  
12 that you commence operations within 90 days, would you be  
13 in a position to do so?

14 THE WITNESS: I would make myself in a position to  
15 do so.

16 JUDGE WEISMANDEL: Counsel, any questions?

17 MR. DUNLAP: Just a few, Your Honor.

18 **REDIRECT EXAMINATION**

19 BY MR. DUNLAP:

20 Q Your projection of next April, is that based on  
21 what you perceive to be the length that these proceedings  
22 are taking. Is that why you picked that?

23 A Yes.

24 Q But if the Order required you to start business  
25 earlier, just to reiterate, you would do so?

FORM 2

12/97D

1 A Sure.

2 Q And you would be able to do so?

3 A Yes.

4 Q You had testified as to hoping to spend  
5 \$20,000. If you found a limousine that really fit your  
6 needs, would you be willing and able financially to go up  
7 to the amounts that you were preapproved for loans?

8 A Sure.

9 Q And you would do so if you needed to?

10 A Sure.

11 Q So just to reiterate; you are thinking about  
12 next April was a time frame that you pulled out based on  
13 the anticipated or potential length of these proceedings;  
14 is that correct?

15 A Yes.

16 MR. DUNLAP: Nothing further, Your Honor.

17 JUDGE WEISMANDEL: Mr. Pohlman?

18 MR. POHLMAN: No more questions.

19 JUDGE WEISMANDEL: Thank you.

20 (Witness excused.)

21 MR. DUNLAP: Let me confer with my clients for just  
22 one moment?

23 (Pause.)

24 MR. DUNLAP: Thank you for your indulgence, Your  
25 Honor. We rest our case.

1 JUDGE WEISMANDEL: All right; Mr. Pohlman, do you  
2 want to have the witnesses called?

3 MR. POHLMAN: Yes, but before I do that, Your  
4 Honor, I would like to make a motion to dismiss this case  
5 for the Applicants have failed to prove their burden of  
6 any need. She just was on the stand and testified that in  
7 April of 1999 she would be starting. She has nobody that  
8 she is ready to serve, there is nobody that has testified  
9 to an existing need. Beyond that, the financial presence  
10 does not exist for this company. They testified that a  
11 rough draft plan is in existence; however, we and the  
12 Commission have not seen any numbers that would allow you  
13 to grant this application.

14 JUDGE WEISMANDEL: Denied.

15 It is five after 12:00, do you want to start again  
16 at 1:00? Do you want to take lunch now, or do you want to  
17 go straight through?

18 MR. POHLMAN: I would prefer to go straight  
19 through. Mr. Salinger will not be on the stand for me any  
20 longer than three minutes.

21 JUDGE WEISMANDEL: Mr. Dunlap?

22 MR. DUNLAP: If that is all it is going to be, that  
23 is fine.

24 (Pause.)

25 JUDGE WEISMANDEL: Mr. Salinger, would you raise

1 your right hand, please?

2 Whereupon,

3 JAMES J. SALINGER

4 having been duly sworn, testified as follows:

5 JUDGE WEISMANDEL: Thank you. Please be seated,  
6 sir.

7 Mr. Pohlman?

8 **DIRECT EXAMINATION**

9 BY MR. POHLMAN:

10 Q Mr. Salinger, could you please state your full  
11 name and address?

12 A James J. Salinger; 3803 Crooked Hill Road,  
13 Harrisburg, Pennsylvania, 17110.

14 Q That was your residence, correct?

15 A Yes, sir.

16 Q How many years have you been in the limousine  
17 operating business?

18 A Since 1982.

19 Q And in the transportation business in general?

20 A Close to 38 years.

21 Q Have you ever purchased a limousine, or  
22 currently if you went out to purchase a limousine today,  
23 how much would a 68 inch stretch limousine cost?

24 A A 68 to 70 inch, six passenger would run about  
25 \$60,000 to \$62,500.

1 Q As a person in the business, are you aware of  
2 any vehicles available used with less than 10,000 miles?

3 A That is going to be a hard item to find.

4 Q Mr. Salinger, are you familiar with Unique  
5 Limousine Service, Inc?

6 A Yes, I am.

7 Q Does it have operating authority A-00104709?

8 A Yes, it does.

9 Q With the authority to operate in Dauphin and  
10 Cumberland County from points in said counties to points  
11 in Pennsylvania and visa versa?

12 A That is correct.

13 Q What is your affiliation with Unique Limousine  
14 Services?

15 A I am the President of that corporation.

16 Q Are you familiar with Salgals, Inc., trading  
17 and doing business as Villa Limousine Service?

18 A Yes.

19 Q Does it have operating authority A-00110608?

20 A Yes.

21 Q Could you give us a general description of the  
22 operating authority?

23 A That is basically from points in York County to  
24 points in Pennsylvania and visa versa. It has some  
25 limitations on it.

1 Q And your affiliation with Salgals, Inc?

2 A That is my wife's company. I have no monetary  
3 investment or say in her company except as management.

4 Q Keystone Limousine, Inc., are you affiliated  
5 with Keystone Limousine, Inc?

6 A Yes, I am.

7 Q Does that have operating authority A-00110279;  
8 that is identified as Folder 2?

9 A Yes, it does.

10 Q In addition, it also has A-00110279?

11 A Correct.

12 Q Could you give a general description of their  
13 operating authority?

14 A From points in Dauphin, Cumberland, York,  
15 Lebanon, Lancaster, Franklin Counties to points in  
16 Pennsylvania and return. On another Folder it is from  
17 points in York County and Lancaster County, para-transit  
18 authority. We also have van service from Lancaster and  
19 York Counties to Philadelphia airport.

20 Q And your affiliation with Keystone Limousine,  
21 Inc?

22 A It would be a management contract at this point  
23 until the transfer is completed.

24 Q Are you familiar with White Rose Limousine,  
25 Inc?

1 A Yes.

2 Q Does that have operating authority A-00114058?

3 A Yes, it does.

4 Q Could you give us a general description of that  
5 operating authority?

6 A That is from points in York and Adams County,  
7 not limited to, and there are two other counties on there,  
8 to points in return, but it is limited to certain boroughs  
9 of York County.

10 Q And your affiliation with White Rose Limousine,  
11 Inc?

12 A I am Vice President.

13 Q Based on your experience, does the  
14 introduction of new limousine service create new  
15 customers?

16 A No.

17 MR. POHLMAN: I have no more questions.

18 JUDGE WEISMANDEL: Mr. Dunlap?

19 **CROSS-EXAMINATION**

20 BY MR. DUNLAP:

21 Q Mr. Salinger, good morning, by the way.

22 A Good afternoon to you, too.

23 Q You are correct, it is afternoon. Is it not  
24 true that you and your wife jointly own Keystone?

25 A Should I go into the details of it or just

1 briefly?

2 Q Well, just yes or no.

3 A No, we do not jointly own Keystone Limousine.

4 Q Are you familiar with the Protestants' amended  
5 responses to the interrogatories and document requests of  
6 Applicant which were served on the Applicant on --

7 A To save you from looking; I am aware of what  
8 you are looking for. We do not own Keystone Limousine,  
9 nor are we buying Keystone Limousine. We are only  
10 purchasing the operating authority that it has. At this  
11 point in time it is a management contract, as any other  
12 transfer is until the transfer is completed. That is  
13 where we are at with Keystone Limousine.

14 Q But just to reiterate; is it not true that on  
15 your response to interrogatory number 1a that you  
16 responded that Salgals is owned completely by Josie  
17 Salinger, and that Unique, Keystone, and White Rose are  
18 each owned by 50/50 your wife Josie Salinger and yourself?

19 A Yes, I did. I put it that way for convenience  
20 rather than being before the Commission here taking hours  
21 trying to explain it. I thought that you wanted the  
22 association with them, and that is what I gave you. But  
23 we are not buying the Keystone name.

24 Q You are not buying the Keystone name, you are  
25 buying their operating authority?

1 A That is correct.

2 Q Just to be absolutely clear; you are about to  
3 own all four operating authorities, all the Protestants?

4 A Correct.

5 Q Is it not true that you own three other  
6 affiliated companies operating in the area in which Ms.  
7 Grove seeks authority; Lancaster Limousine, AF Reymer  
8 Limited, and James J. Salinger trading and doing business  
9 as Mid-Atlantic Transit?

10 A That is correct.

11 MR. POHLMAN: Objection, Your Honor. He has now  
12 moved outside the scope. I only asked him about the  
13 operating authorities of those four organizations and his  
14 affiliations with them, not what he owned and operated.

15 JUDGE WEISMANDEL: I think it is a legitimate  
16 question, and your client has answered it.

17 BY MR. DUNLAP:

18 Q Mr. Salinger, is it not true that Unique  
19 Limousine operates both in York, Lancaster and Dauphin  
20 Counties under that name?

21 A That is correct.

22 MR. POHLMAN: Objection, Your Honor. He has  
23 testified only to their authority, not the regions that  
24 they operate in.

25 JUDGE WEISMANDEL: What is the objection to the

1 question?

2 MR. POHLMAN: Well, he is asking if they operate in  
3 those other counties, if Unique Limousine operates in  
4 those other counties.

5 JUDGE WEISMANDEL: Right.

6 MR. POHLMAN: In our case here, I have only asked  
7 him about the authority of those operations, not where  
8 they operate or what they do.

9 JUDGE WEISMANDEL: Well, my recollection is two  
10 things, Mr. Pohlman. One, my recollection is that there  
11 was already evidence introduced at the initial hearing  
12 regarding the operation at least in Lancaster County.  
13 Secondly, perhaps ultimately more important; if Mr. Dunlap  
14 didn't ask it, I was going to.

15 MR. POHLMAN: All right.

16 JUDGE WEISMANDEL: So the question was going to get  
17 asked.

18 MR. POHLMAN: No problem.

19 BY MR. DUNLAP:

20 Q Do you remember the question, Mr. Salinger?

21 A No.

22 Q All right; is it not true that Unique Limousine  
23 operates in York, Lancaster, and Dauphin Counties under  
24 that name?

25 A That is correct.

1 Q Mr. Salinger, is it not true that you started  
2 your own business in 1982 with just one limousine, which  
3 your wife has described as "Looked like a funeral car"?

4 A That is 100 percent correct, sir.

5 Q Is it not true that your businesses have now  
6 grown to 28 vehicles?

7 A Yes, or more.

8 Q Is it not true that at least 13 of those  
9 vehicles are 1995 or earlier vehicles?

10 A That is incorrect.

11 Q Well, sir, I would like to show you --

12 A They are 1995 or newer.

13 Q I would like to show you then what you supplied  
14 as a vehicle list in response to -- it is entitled  
15 "Protestant's Amended Responses to the Interrogatories and  
16 Document Request of Applicant," which was served on  
17 Applicant on December 31, 1997 in which there is a  
18 verification you signed.

19 MR. DUNLAP: May I approach the witness, Your  
20 Honor?

21 JUDGE WEISMANDEL: Yes.

22 (Document handed to witness.)

23 BY MR. DUNLAP:

24 Q Is that not a car list which you supplied to  
25 Applicant in a response to an interrogatory which asks for

1 the vehicles which are owned by Protestants?

2 A Yes, it is.

3 Q Would you please count on there the number of  
4 vehicles that are 1995 or earlier?

5 (Witness perusing document.)

6 A I see 11. At this point in time the vehicle  
7 list is 8/11/97. It was probably in effect when you had  
8 got it, but I can go down and pick the vehicles out that  
9 are no longer here.

10 Q Well, this is what you supplied to Applicant.

11 A Well, I couldn't supply you with 1998s because  
12 I didn't have them yet.

13 Q Well, please refrain -- keep your answers to  
14 the questions asked please.

15 MR. POHLMAN: You can sit down.

16 THE WITNESS: Pardon me?

17 MR. POHLMAN: You can sit down.

18 BY MR. DUNLAP:

19 Q I count on there, sir, one 1995 vehicle --

20 A To save time; yes, there are 11 on here.

21 Q Well, I counted more than that. Are there not  
22 seven 1994s?

23 A There are 13 cars prior to 1995.

24 Q And that includes one as old as 1985 and one  
25 1987, correct?

1 A Yes, these are both speciality vehicles.

2 Q Is it not true that of the vehicles, that 26  
3 are owned by Unique, two by Villa, and that Keystone and  
4 White Rose own no vehicles?

5 A That is correct.

6 Q Sir, is it not true that in response to an  
7 interrogatory by the Applicant that you responded that the  
8 Protestants have no business plan studies, projections, or  
9 forecasts?

10 A For 1998; that is correct. At that point in  
11 time we did not.

12 Q You did not?

13 A No.

14 MR. POHLMAN: Your Honor, I am going to object as  
15 to where this is going again. We never talked about  
16 anything of this nature for this individual for business  
17 forecasts or plans.

18 JUDGE WEISMANDEL: Mr. Dunlap?

19 MR. DUNLAP: Well, he has been talking about his  
20 authorities and operations, and so forth, and I think it  
21 enters into that.

22 JUDGE WEISMANDEL: It may go to the extent that Mr.  
23 Salinger is being offered not merely as a Protestant, but  
24 as an expert in the limousine business and the limousine  
25 market in this area. I am not sure he has been offered

1 for that purpose, however. Let's cut it short.

2 MR. DUNLAP: All right.

3 BY MR. DUNLAP:

4 Q Is it not true, sir, that in response to a  
5 question to describe in detail and furnish copies of all  
6 studies, analyses, projections, and forecasts that  
7 Salgals, Unique, Keystone, White Rose have prepared with  
8 respect to expected traffic revenues and expenses to be  
9 generated in the future by its service with or without the  
10 granting of the Applicant, which is the subject of this  
11 proceeding, that you responded that the Protestant does  
12 not have any studies, analyses, projections or forecasts  
13 for the future?

14 MR. POHLMAN: Objection, Your Honor. Again, this  
15 goes beyond what I put in evidence.

16 JUDGE WEISMANDEL: Well, perhaps more fundamentally  
17 -- I mean, we are getting now into areas that we agreed at  
18 the outset of today's proceeding that they have waived  
19 that issue.

20 MR. DUNLAP: My purpose was, sir, that the  
21 Protestants seem to be putting a lot of questions to  
22 Applicant regarding her having such forecasts, business  
23 plans, and so forth. My only purpose was that here is an  
24 established business which does not have any.

25 JUDGE WEISMANDEL: Conversely, she has the burden

1 to show fitness. They apparently are already so  
2 established.

3 MR. DUNLAP: All right; I have nothing further,  
4 Your Honor.

5 MR. POHLMAN: I have no questions.

6 JUDGE WEISMANDEL: Mr. Salinger and counsel, I want  
7 to tell you so that this does not come to a surprise to  
8 anyone, and again, I may be gilding the lily slightly, but  
9 this is just a matter of coincidence. At the last hearing  
10 there was evidence introduced to the effect that Unique  
11 Limousine Service is rendering service beyond its  
12 currently certificated territory in that it is operating  
13 in Lancaster County. I believe Mr. Salinger even agreed  
14 to that a few moments ago.

15 As fate would have it, I live in Lancaster County  
16 and drive by, both every morning and every evening to my  
17 home and this office, the property located at 988 Stoney  
18 Battery Road, which is the ostensible home of Keystone  
19 Limousine, Inc. I have had occasion before I even knew  
20 anything about this hearing, and certainly being a human  
21 being and whose interests are peaked by things like that,  
22 since the last hearing, of taking a look at that building  
23 and the vehicles, equipment, and the markings on the  
24 doors, et cetera.

25 I am telling you all that in addition to the

1 testimonial evidence that was presented at the first  
2 hearing, I am going to take notice of the fact that that  
3 operation seems to be being run by Unique Limousine. I  
4 have seen it with my own eyes. I go by there, like I  
5 said, literally twice a day every day, and the door  
6 markings are clearly Unique Limousine. The vehicles that  
7 require markings, vans, et cetera, in the parking lot are  
8 all marked as Unique vehicles, et cetera.

9 By Mr. Salinger's own testimony, Unique has no  
10 operating authority in Lancaster County. So I am putting  
11 everybody on notice that that is going to be a part of  
12 this decision.

13 MR. POHLMAN: Your Honor, I would like to respond  
14 to that.

15 JUDGE WEISMANDEL: You may certainly respond. I am  
16 not sure what your response is other than --

17 MR. POHLMAN: Well, my response would be that in  
18 this case, the people that have the burden are Stacia  
19 Grove and her attorney. Salgals and White Rose, Unique  
20 Limousine, and Keystone are Protestants that protested  
21 this protest. Under that position; yes, Unique does  
22 operate in Lancaster. But Mr. Salinger works thoroughly  
23 and has worked continually with the PUC in any decision,  
24 and we know that anything that he is doing there has the  
25 approval of the PUC and the people that would be

1 regulating that.

2 JUDGE WEISMANDEL: Well, Mr. Pohlman, that is a  
3 very serious representation to make. Are you absolutely  
4 sure that you want make that representation at this time?

5 MR. POHLMAN: I feel as though I am comfortable in  
6 saying that we have always been continually in contact  
7 with the PUC as we have made any decision. That being  
8 said, again, I would like to bring the focus as to who has  
9 the burden to establish what the burden has to be  
10 established in this case.

11 JUDGE WEISMANDEL: I am well aware of what this  
12 case is. In fact, if you recall, I chastised Mr. Dunlap  
13 at the initial hearing that this was neither a Commission  
14 enforcement proceeding nor a Commission investigation.

15 However, I did feel that it was necessary so that  
16 it was all spread on the record that I don't walk through  
17 that door and sit down in this chair and my mind hopefully  
18 become a total blank. I mean, there are certain daily  
19 life experiences that I bring with me, just as we all do.  
20 I didn't want anyone to feel that I was trying to conceal  
21 something from anyone. I drive by that location everyday,  
22 and I have seen it with my own baby blues. I know what  
23 the situation is there as far as we use the word know for  
24 any eyewitness for any factual event. That was really my  
25 purpose in saying that.

1 MR. POHLMAN: All right.

2 JUDGE WEISMANDEL: On the other hand, given the  
3 fact that this is an application proceeding, and Ms. Grove  
4 has the burden of proof as to public need and as to her  
5 fitness to operate the service, I am also an employee of  
6 the Commission, and I also have an oath to uphold the law  
7 of the Commonwealth. If that comes out as part of the  
8 case, again, I am not going to turn a blind eye to it.

9 Now, the representation that you've made troubles  
10 me somewhat in that Mr. Salinger just testified under oath  
11 that Unique operates both in York and Lancaster under the  
12 name Unique, that it does not have operating authority  
13 there.

14 And I can tell you that as of recently as  
15 yesterday, given the fallibilities of our mainframe  
16 computer system, which I am well aware, but as late as  
17 yesterday I checked each and every one of the docket  
18 numbers for the Protestants, both stock numbers and folder  
19 numbers that were applicable, and there is nothing, at  
20 least, yet been entered on the mainframe of the  
21 Commission's records, to indicate that there was any  
22 transfer application viable in this Commission at this  
23 time involving any of those Applicants.

24 So quite frankly, where I am at now is that Unique  
25 has no authority to protest the granting of authority with

1 respect to York and Lancaster Counties, because it does  
2 have operating authority in Dauphin County.

3 MR. POHLMAN: Right.

4 JUDGE WEISMANDEL: Going down the list, if Keystone  
5 and White Rose are not really operating, and not viable  
6 entities, and are actually being used as a sham for  
7 operations by some other entity that doesn't have a  
8 certificate, then on that basis they have no right to  
9 protest.

10 We may be well down to the situation where Unique  
11 has a legitimate standing to protest as to its authority  
12 in Dauphin County, and Salgals the right to protest with  
13 respect to its operating authority in York and Dauphin  
14 Counties, which is, I believe Mr. Salinger indicated, is  
15 at least limited somewhat in York County, if my memory  
16 serves me.

17 But I don't know that we have anybody that has a  
18 legitimate protest going here today with respect to  
19 Lancaster County. I am being perfectly candid with you  
20 based upon what I know about the situation and what Mr.  
21 Salinger has testified to.

22 Now, you are representing that this is somehow  
23 being done with the authority of the Commission, all I can  
24 say to you, Mr. Pohlman, is I have no reason to believe  
25 that you are anything but an honorable man, and an officer

1 of the Court to take those responsibilities seriously. I  
2 am just not aware of anything to buttress that.

3 Whether you want to present something, I will leave  
4 that entirely up to you. But that is what I have been  
5 able to determine as of today. Again, I am not a  
6 believer, and never have been, and hope I never will be in  
7 saying to people: I will tell you what I think. You may  
8 not like it. You may even think it is stupid. But I am  
9 going to tell you, because I am not going to surprise you  
10 after the fact.

11 MR. POHLMAN: Your Honor, would it be all right if  
12 I took a minute to talk to my client?

13 JUDGE WEISMANDEL: Certainly.

14 (Pause.)

15 MR. POHLMAN: Based on your conversation with the  
16 Court and my conversation with Mr. Salinger, if you will  
17 permit, I would ask him a couple of additional questions  
18 which will hopefully clarify some of the issues that you  
19 are looking at; if that is all right with counsel.

20 MR. DUNLAP: I would object in that he had his  
21 opportunity to do this.

22 JUDGE WEISMANDEL: Well --

23 MR. POHLMAN: To that end, if you would like to ask  
24 any questions of my client, feel free.

25 JUDGE WEISMANDEL: I don't care to pursue it any

1 further. If you do, I will give you an opportunity to do  
2 so.

3 MR. POHLMAN: All right; thank you.

4 **REDIRECT EXAMINATION**

5 BY MR. POHLMAN:

6 Q Mr. Salinger, when you protested based on  
7 Keystone's authority, why did you use Keystone versus  
8 Unique?

9 A Because at that point in time Keystone was  
10 still an entity and it had operating authority. Whereas  
11 Unique Limousine could not protest someone from Lancaster  
12 County. The same way with White Rose; instead of saying  
13 Unique Limousine protests them, I used White Rose  
14 Limousine as the protest because that is the name that is  
15 holding the authority. That is why it was done in that  
16 fashion.

17 Q And those are valid operating authorities?

18 A Yes, they are.

19 Q And you could purchase a car tomorrow under  
20 those authorities and be driving a limousine?

21 A I can get license plates under Keystone, under  
22 White Rose and I can do it today. I can go there and get  
23 them.

24 Q Who were you talking to at the Public Utility  
25 Commission with regard to these transactions?

1           A     I spoke to Mr. Monroe Dove maybe even a year  
2 ago at the onset of all of this. He was aware that we  
3 have Mid-Atlantic, White Rose, so on and so forth. I  
4 explained to him what we were doing was rather than doing  
5 all of these different annual reports and have all of  
6 these docket numbers, that what we were doing was going to  
7 put everything under the Unique 104709 docket number.

8           I asked him, I said: When we are purchasing these,  
9 how would we go about putting this all together and at the  
10 same time. He said: You can use your Unique name, you  
11 can start using it, because when all of these applications  
12 are approved, it is going to be Unique Limousine. As far  
13 as the Keystone name, I don't know what I would have done  
14 if I wasn't told that, because the name had such a  
15 negative effect on the public from the previous service  
16 that it was running, I don't know what I would have done  
17 in that case. But this is the way it is being done.

18           Now, as we were attempting to take all of the  
19 transfer papers to the PUC to be transferred, we find out  
20 that there are, like, \$20,000 in gross receipts tax owed  
21 by the principals, Mr. and Mrs. Reymmer, on the Keystone  
22 operating authority.

23           Now, they have ten more days to pay it, or we will  
24 have to cease operations in Lancaster County.

25           Q     But you do have a valid management contract for

1 Keystone?

2 A Yes, I do.

3 Q And Keystone has a valid operating authority?

4 A Yes, it does, even though it has back gross  
5 receipts taxes of \$20,000, the operating authority is  
6 still valid.

7 Q And that goes the same with White Rose in York  
8 County?

9 A White Rose owes no back taxes or anything, but  
10 it is a valid operating authority; yes, it is.

11 MR. POHLMAN: Thank you.

12 MR. DUNLAP: Your Honor, I would --

13 JUDGE WEISMANDEL: Well, I have a couple of  
14 questions.

15 MR. DUNLAP: All right; I am sorry.

16 JUDGE WEISMANDEL: Have there been any  
17 documentation filed with the Commission to transfer the  
18 operating authority which you very accurately stated as  
19 presently being held by Keystone to Unique? Has anything  
20 been filed with the Commission?

21 THE WITNESS: With the Commission; no, Your Honor.

22 JUDGE WEISMANDEL: Has anything been filed with the  
23 Commission to transfer the operating authority presently  
24 held by White Rose to Unique?

25 THE WITNESS: No, Your Honor. Not to my knowledge.

1 JUDGE WEISMANDEL: What was the gentleman's name  
2 that you said -- I am sorry; I didn't catch the name.

3 THE WITNESS: Mr. and Mrs. Reymmer.

4 JUDGE WEISMANDEL: No, no. That you --

5 THE WITNESS: Monroe Dove.

6 JUDGE WEISMANDEL: Dove?

7 THE WITNESS: Dove.

8 JUDGE WEISMANDEL: D-o-v-e?

9 THE WITNESS: Yes.

10 JUDGE WEISMANDEL: In which office of the  
11 Commission does Mr. Dove work?

12 THE WITNESS: He works right at the corner of Third  
13 and State Street.

14 JUDGE WEISMANDEL: In the Barto Building?

15 THE WITNESS: Yes, the Tariff Section.

16 JUDGE WEISMANDEL: Do you have anything in writing  
17 from Mr. Dove?

18 THE WITNESS: No.

19 JUDGE WEISMANDEL: In respect to the things you  
20 testified about?

21 THE WITNESS: No.

22 JUDGE WEISMANDEL: I really think you pursued this  
23 as far as it needs to be pursued.

24 MR. DUNLAP: If I may just make one comment, Your  
25 Honor, just in addition to what you had said. I don't

1 think that Mr. Salinger's testimony changes what you said  
2 before, because it still comes down to that the only  
3 company operating, the only Protestant actually operating  
4 in Lancaster County is Unique, and it doesn't hold a  
5 certificate of authority there. So in other words, this  
6 is being protested -- as far as a public need, the public  
7 need there goes right to the public need that is currently  
8 being filled by a company which does not hold a  
9 certificate of authority.

10 They are protesting that there is not a public  
11 need, but the public is being served by a company that  
12 doesn't hold that authority.

13 JUDGE WEISMANDEL: Well, I might phrase it a little  
14 differently, Mr. Dunlap. What I am getting at goes more  
15 to standing to protest as opposed to establishing public  
16 need. They may be two sides to the same coin, but they  
17 are at least nominally different. I think both my own  
18 research and the testimony that has been given leads me to  
19 conclude -- well, it doesn't change my conclusion that I  
20 said early; that it appears to me that we don't have a  
21 valid protest in the Lancaster service area at all.

22 I am not sure, I will have to look again, but as to  
23 York, Salgals has authority in some portions but not all  
24 of York County. And both Unique and Salgals have some  
25 authority in Dauphin County.

1           So I think you have Salgals, who are in legitimate  
2 standing -- right now all we are talking about is standing  
3 to protest -- Salgals having standing to protest as to  
4 Dauphin County and the portion of York County that it has  
5 authority. Unique as to Dauphin County. And White Rose  
6 and Keystone no standing because they are not operating.

7           MR. POHLMAN: So it is your position at this point  
8 in time to remove them, or should this motion should have  
9 been made by counsel --

10          JUDGE WEISMANDEL: Well, I think it is going to be  
11 handled in the Decision. It will be handled in the  
12 Decision. I am not going to say, well, therefore they are  
13 out today.

14          MR. POHLMAN: Thank you.

15          JUDGE WEISMANDEL: Any further than I already have.  
16 I just wanted to make clear to you how I see it. I  
17 haven't heard anything to change my mind about it.

18          Do you have anything further, or does that conclude  
19 this hearing?

20          MR. POHLMAN: I would like to make a closing  
21 statement, if that is permissible.

22          JUDGE WEISMANDEL: Well, are we going to get briefs  
23 on this case?

24          Mr. Salinger, I guess you are excused. You may  
25 step down.

(Witness excused.)

1  
2 MR. DUNLAP: I would prefer these matters to be  
3 handled in briefs, myself.

4 MR. POHLMAN: Briefing is fine, Judge, if you don't  
5 want any closing statements today.

6 JUDGE WEISMANDEL: I certainly will afford you the  
7 opportunity if you want to make a brief closing statement,  
8 certainly.

9 MR. POHLMAN: All right.

10 JUDGE WEISMANDEL: As to the briefing schedule, I  
11 will tell you what I came up with -- I gather we cancel  
12 tomorrow's hearing.

13 MR. DUNLAP: Yes.

14 JUDGE WEISMANDEL: So the court reporter doesn't  
15 needlessly travel. How about main briefs April the 24th  
16 and reply briefs May the 8th.

17 MR. DUNLAP: That sounds good, Your Honor. That  
18 was May the 8th for reply; is that correct?

19 JUDGE WEISMANDEL: Yes, and I will get an Order  
20 out. At least, initially, does that sound workable? That  
21 should give you enough time to get transcripts and so  
22 forth.

23 Mr. Pohlman, do you want to make some brief  
24 remarks?

25 MR. POHLMAN: I guess I would reiterate at this

1 time; thank you for your patience through this hearing,  
2 and I would like to reiterate what I made in my motion to  
3 dismiss. That is, that according to the regulations,  
4 Section 41.14, they are required to prove and to  
5 demonstrate the useful public purpose which is responsive  
6 to the demand or need.

7 Second, they have to demonstrate a technical and  
8 financial ability to provide a service which is going to  
9 be safe and benefit the public.

10 Third, is our burden to demonstrate that if you  
11 grant the authority, if the Commission grants the  
12 authority, that would endanger the existing carriers.

13 The Applicant has not met its burden would be what  
14 I present to you today. They have not established one  
15 witness that has identified, at least as I can recollect,  
16 a destination, a point of origin, or a future use on a  
17 specific day that they would serve.

18 They testified that they are going to be starting  
19 in April of 1999 with the argument that the Commission  
20 wouldn't be granting it for another year and three months,  
21 their approval. I would put forward that the Commission  
22 comes forward with answers much faster than that.

23 JUDGE WEISMANDEL: Sometimes.

24 MR. POHLMAN: They have not provided a cross  
25 section or representation of the community that they have

1 applied to serve. Not one witness has been provided for  
2 Dauphin County. One witness from Lancaster only, and he  
3 testified to the use of a group and party service. Then  
4 we have the remainder which came from York, and they were  
5 all arguably individuals and services that may need it.  
6 They all have used the service in the past and had no  
7 problems obtaining service; some minor difficulties, but  
8 always were able to obtain service.

9 They have used those authorities sporadically at  
10 best, and there is no demonstration about a need that they  
11 have put forward, or claim to have put forward, that that  
12 would in any way provide 30 hours of work which they  
13 provide in their rough estimate of what their forecast  
14 would be.

15 They just have not provided the need, the need does  
16 not exist, and the addition of that type of service is not  
17 going to benefit the public at large.

18 The Commission is designed to protect. The  
19 Commission was put in place for these industries and  
20 similar industries that provide service to the public,  
21 rules and regulations so that the public is protected.  
22 That is why we are here today, to protect the public.

23 With that, I conclude my statement.

24 JUDGE WEISMANDEL: Thank you.

25 Mr. Dunlap?

1 MR. DUNLAP: I will just state very briefly, we, of  
2 course, disagree with Mr. Pohlman's representations and we  
3 will be addressing them in detail in our brief.

4 But just very briefly, the evidence presented does  
5 show a public need in all three counties in which  
6 Applicant proposes to provide her service. The evidence  
7 also shows that Applicant has the fitness; technical and  
8 financial, to operate the proposed service. There has  
9 been absolute no evidence, in fact, basically a concession  
10 by the Protestants that her entry into the market will not  
11 endanger existing common carriers to an extent that it is  
12 against the public interest.

13 Again, all the details; we have shown a need in all  
14 three service areas, and the need for the service and the  
15 people use it, and we will be addressing these matters in  
16 detail based on the testimony of record in our brief.

17 JUDGE WEISMANDEL: Thank you, Mr. Dunlap.

18 All right; that will conclude the hearing. I will  
19 see that tomorrow's scheduled hearing date is cancelled.  
20 I will get a briefing Order out probably tomorrow if  
21 everything goes well. I will try to get it out tomorrow,  
22 but you have the dates; the main briefs April the 24th,  
23 reply briefs May the 8th. Then I will try to get a  
24 Decision out in due course after receipt of the reply  
25 briefs.

1 I would appreciate that if after April the 24th  
2 either or both of you decide that you are going to forego  
3 the reply brief, if you could just get off a short note to  
4 me to that effect, I would appreciate it so that I am not  
5 looking for something that is not going to come.

6 MR. DUNLAP: Your Honor, do you have any special  
7 requirements regarding the briefs as far as the findings  
8 of facts?

9 JUDGE WEISMANDEL: They will be set forth in the  
10 briefing Order.

11 MR. DUNLAP: All right; thank you.

12 JUDGE WEISMANDEL: Thank you all.

13 MR. DUNLAP: Thank you.

14 MR. POHLMAN: Thank you.

15 (Whereupon, at 12:44 p.m., the hearing was  
16 adjourned.)

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FORM 2

12/97D

C E R T I F I C A T E

I hereby certify, as the stenographic reporter,  
that the foregoing proceedings were reported  
stenographically by me, and thereafter reduced to  
typewriting by me or under my direction; and that this  
transcript is a true and accurate record to the best of my  
ability.

COMMONWEALTH REPORTING COMPANY, INC.

By: Valorie H. Rosi

Valorie H. Rosi

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