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COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

-----x DOCKET NO.
Application of Earl Bierman : A-00114754
:

For the right to begin to transport, :
as a common carrier, by motor vehicle, :
persons in airport transfer service :
from points in the borough of New Hope, :
Bucks County, and points within an :
airline distance of twenty (20) statute :
miles of the limits of said borough, to :
the Philadelphia International Airport :
in the city and county of Philadelphia, :
and the township of Tinicum, Delaware :
County, and the Allentown-Bethlehem- :
Easton Airport in the county of Lehigh. :
Initial hearing. :

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Pages 1 through 6

Hearing Room 1
State Office Building
Broad & Spring Garden Streets
Philadelphia, Pennsylvania

DOCKETED

AUG 25 1998

Friday, July 31, 1998
Commencing at 10:00 a.m.

BEFORE:

ALLISON K. TURNER, Administrative Law Judge

APPEARANCES:

HENRI MARCEL, ESQUIRE
1760 Market Street
Philadelphia, Pennsylvania 19103
(For Lehigh Valley Taxicab Company)

KEENAN REPORTING SERVICE
87 SOUTH GRANT STREET
MANHEIM, PENNSYLVANIA 17545
(717) 665-1060

SECRETARY'S BUREAU
PA.U.C.
JUL 31 1998
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I N D E X

WITNESS

PAGE

(NONE CALLED)

E X H I B I T S

NUMBER

DESCRIPTION

MK'D

(NONE MARKED)

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1 ADMINISTRATIVE LAW JUDGE ALLISON K. TURNER: Now
 2 is the time and place for the hearing in the matter of
 3 the Application of Earl Bierman for the right to begin
 4 to transport, as a common carrier, by motor vehicle,
 5 persons in airport transfer service and various points
 6 in Pennsylvania. I won't read the whole title. It is
 7 docketed at A-00114754.

8 In the hearing room, in addition to myself and
 9 the court reporter, is Mr. Marcel who represents Lehigh
 10 Valley Taxicab Company; is that correct?

11 MR. MARCEL: That's correct, Your Honor.

12 JUDGE TURNER: I received a call from Mr. William
 13 Barns, who represents Tropiano Airport Shuttle,
 14 Incorporated, and he informed me that he would not be
 15 coming. It was a courtesy call. I don't think that
 16 Tropiano intends to be active further in this
 17 proceeding.

18 In any event, Mr. Bierman is not here, who is
 19 the Applicant, and I will wait 15 minutes to half an
 20 hour to see if he arrives. If he does not arrive, I
 21 will dismiss the Application. If he does arrive, we
 22 will go to the hearing, so thank you very much.

23 - - - - -

24 (Recess taken at this time.)

25 - - - - -

1 JUDGE TURNER: On the record again, please.

2 It is now 10:35 by my watch. The Applicant is
3 still not here. I called the number that we have for
4 him on our service list, the phone number, and got an
5 answering machine; left a message identifying myself and
6 why I was calling, and asked him to call me within the
7 next 15 minutes, if possible. I did not receive any
8 call; therefore, I am going to have to consider this
9 Application unsupported.

10 Mr. Marcel, would you like to make any statement
11 on behalf of your client or any Motion?

12 MR. MARCEL: I'd like to make a Motion to Dismiss
13 the Application at this point, Your Honor.

14 JUDGE TURNER: Okay. I certainly think that's
15 fully justified. The Applicant has the burden of proof
16 to support the Application and since he's not here, he
17 can't support his Application, so clearly has not met
18 the burden of proof and I will dismiss the Application
19 and I will prepare a short initial decision to do that.

20 The only thing that might give me pause is if
21 Mr. Bierman calls today with a valid explanation, he has
22 some very good cause why he didn't appear, in which case
23 I would contact you immediately, Mr. Marcel, and let you
24 know.

25 MR. MARCEL: Understood, Your Honor.

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JUDGE TURNER: Okay, so thank you very much for your patience and thank you, too, Madam Court Reporter, and we are adjourned.

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(Hearing concluded at 10:35 a.m.)

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 the transcript is a true and accurate record to the best of my ability.

KEENAN REPORTING SERVICE

BY: Margaret E. Bartuska
MARGARET E. BARTUSKA

NOTARIAL SEAL
MARGARET E. BARTUSKA, Notary Public
Bristol Borough, Bucks County
My Commission Expires June 13, 2002

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Margaret E. Bartuska
Keenan Reporting Service
87 South Grant Street
Manheim, Pennsylvania 17545