

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ORIGINAL

A00121541F0002

In the Matter of:
Application of Delauter's
A-1 Services, Inc, a
Corporation of The Commonwealth
Of Pennsylvania.

:Docket No.A-00122443

For the right to transport, as :
a common carrier, by motor :
vehicle, household goods in use, :
from points in York County to :
points in Lancaster, Dauphin, :
Cumberland and Adams Counties :
and vice versa. Initial hearing.

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Pages 1 through 143 Hearing Room No. 2
 Commonwealth Keystone Building
 Harrisburg, Pennsylvania
 Thursday, November 16, 2006
Met, pursuant to notice at 10:00 a.m.

BEFORE: DAVID A. SALAPA,
 Administrative Law Judge

APPEARANCES:

EDWARD PASKEY, ESQUIRE
2675 Eastern Boulevard
York, Pennsylvania 17402
(For - Applicant - Delauter's A-1 Service)

DOCKETED
DEC 13 2006

JAMES CAMPBELL, JR, ESQUIRE
3631 North Front Street
Harrisburg, Pennsylvania 17110
(For Protestants - Shelly Moving & Storage
Inc, Gastley's Moving & Storage Inc;
M.F. Rockey Moving Co, Inc; Zeigler's
Storage & Transfer, Inc; Warner's
Moving & Storage, Inc.)

Commonwealth Reporting Company, Inc.

700 Lisburn Road
Camp Hill, Pennsylvania 17011

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1 P-R-O-C-E-E-D-I-N-G-S

2 ADMINISTRATIVE LAW JUDGE DAVID SALAPA:

3 This is the time and the place the Pennsylvania Public
4 Utility Commission has set for a hearing in the case
5 captioned, Application of Delauter's A-1 Services Inc.
6 to transport household goods, from points in York
7 County, to points in Lancaster, Dauphin, Cumberland
8 and Adams County and vice versa, at Docket A-00122443.

9 I'm Administrative Law Judge David
10 Salapa. The Commission has assigned me to preside over
11 this case and to render a decision for the Commission
12 to consider.

13 Appearing this morning is counsel for
14 Delauter's A-1 Services Inc, Mr. Edward A. Paskey.
15 Good morning, Mr. Paskey.

16 MR. PASKEY: Good morning, Your Honor.

17 JUDGE SALAPA: And appearing on behalf of
18 the various Protestants is Mr. James D. Campbell,
19 Junior. Good morning, Mr. Campbell.

20 MR. CAMPBELL: Good morning, Your Honor.

21 JUDGE SALAPA: And as I have reviewed the
22 pleadings, I believe this is an application for
23 household goods authority that is being protested by
24 several household group carriers.

25 In this proceeding, the applicant has the

1 burden of going forward. So, Mr. Paskey, if you would
2 like to call your first witness.

3 MR. PASKEY: I'd like to call Mr. Scott
4 Grube to the stand.

5 JUDGE SALAPA: Could you please raise
6 yours right hand?

7 **Whereupon, SCOTT GRUBE,** having been duly
8 sworn, testified as follows.

9 JUDGE SALAPA: Please be seated. Before
10 we go any further, as a housekeeping matter, I would
11 request that the witness and counsel use the
12 microphones. The acoustics in this room are not
13 particularly good. And the microphones makes it a
14 little easier for the court reporter to pick up your
15 statement. State your name for the record.

16 THE WITNESS: Scoot Grube. G-r-u-b-e.

17 **DIRECT EXAMINATION**

18 BY MR. PASKEY:

19 Q. Could you tell the Court how are you employed?

20 A. I'm a realtor from Morgan Colins in York
21 Pennsylvania.

22 Q. Could you please spell Morgan Colins for the
23 record?

24 A. M-o-r-g-a-n, C-o-l-i-n-s.

25 Q. And what is your professional address?

1 A. Professional address, 908 South George Street,
2 York, PA 17403.

3 Q. And how long have you been a realtor, Mr.
4 Grube?

5 A. December will be 24 years.

6 Q. And are you currently licensed to practice as a
7 realtor in the Commonwealth of Pennsylvania?

8 A. Yes, I am.

9 Q. Do you have any particular focus in terms of
10 county, as far as your realtor services are concerned?

11 A. Yes, York County.

12 Q. How long have you been residing in York County?

13 A. My entire life, 44 years.

14 Q. So, the 20 years that you have served as a
15 realtor for York County has primarily focused on York
16 County, correct?

17 A. Yes.

18 Q. Do you know Mr. Delauter sitting next to my
19 right?

20 A. Yes, I do.

21 Q. Are you familiar with his business?

22 A. Yes, I am.

23 Q. How long have you known Mr. Delauter?

24 A. I would say approximately 15 to 17 years.

25 Q. And how long have you been familiar with his

1 business?

2 A. The same amount of time.

3 Q. I understand, in the past, prior to this
4 hearing, you have utilized the services of Mr.
5 Delauter's business for moving of goods?

6 A. Yes, I have.

7 Q. And that moving has been to move thing into and
8 out of storage, correct?

9 A. Absolutely.

10 Q. Okay. And were you satisfied with the services
11 that Delauter rendered to you?

12 A. Completely satisfied, sir.

13 Q. Did you have any items that were broken or
14 damaged during this move?

15 A. Through my moves, I have not had any items
16 damaged at all.

17 Q. And are you aware that Mr. Delauter has filed
18 this application before the Commission today, that's
19 why --

20 A. Yes, I am.

21 Q. -- you volunteered willingly to testify on
22 behalf of Delauter's?

23 A. Yes, I have.

24 Q. Based upon the experience you've had with
25 Delauter's, if this application were to be granted,

1 would you recommend Mr. Delauter to your friends,
2 relative or acquaintances who would need moving
3 services?

4 A. Without question.

5 Q. And as a realtor -- this may sound as a silly
6 question. As a realtor, are you familiar with
7 individuals in or about York County who would be in the
8 need of movers?

9 A. Yes. At the end of the month, we're always in
10 need of movers. There's no question about that.
11 That's not even debateable.

12 Q. Okay. Based on your experience with Delauter's
13 business, if this application were to be granted, would
14 you recommend Delauter's to those individuals who would
15 be consummating a real estate transaction and moving?

16 A. Yes.

17 Q. And if you were to move household goods to
18 household to household, sometime in the next immediate
19 future, would you consider requesting a quote from
20 Delauter's for that purpose?

21 A. Yes.

22 Q. Now, being a realtor, and working and residing
23 in York County, have you had the opportunity to observe
24 the residential development that has occurred in York
25 County in the past, say, five years?

1 A. Believe me, I have, yeah.

2 Q. Could you indicate for the record and the Court
3 your observations about the amount of residential
4 development in York County for about the last five
5 years?

6 A. In the last five years, it has skyrocketed.
7 The new home communities, not just with that, but with
8 the residential communities, you may have read in the
9 papers and hear in the news, but the real estate market
10 has not slowed down in York County.

11 It's steady but it's still very, very
12 active market, especially the southern part of the
13 county and leading into the northern part of York
14 County. There has been a small drought but nothing by
15 any means that has not taken place.

16 Q. I know that we've all been reading it in the
17 newspaper and hearing it on the news, there is a
18 drought or slowdown of the residential market?
19 Based on your experience, would you consider that a
20 drought or a stabilization of the market?

21 A. A stabilizing, as far as prices go, but the
22 activity is still out there.

23 Q. Do you have, based on your knowledge, your
24 experience, I guess I should ask this question first,
25 on a regular basis, do you have the opportunity to

1 review any publications in York County that would have
2 disseminated to the public advertising for new
3 residential development?

4 A. I read the Real Estate Weekly on a weekly basis
5 and the Home Source every Sunday. I scour it. That's
6 my Bible, to keep a pulse on what's going on in the
7 real estate market in York County, even more so in the
8 multiple listing service in the internet.

9 Q. Based on the observations and reading of those
10 publications and scouring of the multi-listing service,
11 do you have an idea, at this point, as to the
12 approximate number of new residential developments that
13 are currently ongoing in York County?

14 A. That are currently ongoing, I would say at
15 least 50, maybe up to 60 new home communities that are
16 being represented throughout York County. Meaning,
17 when I say new home, residential communities.

18 Q. Have you been involved, until the last year, in
19 real estate transactions involving individuals moving
20 from surrounding counties of York, relocating into York
21 County?

22 A. I have.

23 Q. And have those been to establish residents, new
24 construction residence or both?

25 A. New construction.

1 Q. Based on your observations and your experience
2 in the real estate field, do you foresee any slowdown
3 or lack of development for new housing construction in
4 York County in the foreseeable future?

5 A. No, not at all. In fact, I think it's going to
6 stabilize. But I think York County is one of the
7 things they'll make it through, And because of their
8 stable market and the influx of Maryland people that
9 are still coming up to the York County area.

10 Q. Based on your experience and your practice as a
11 real estate agent, did you have the opportunity to
12 witness or observe any commercial development in York
13 County?

14 A. Yes, a lot of the commercial development.
15 However, that's not my -- I'm a residential realtor. I
16 only take a commercial transaction if it's pretty much
17 a no -- if it's pretty much -- if it's a no-brainer.
18 With a past client, I may handle a commercial
19 transaction. But, for the most part, I'm a hundred
20 percent residential realtor.

21 Q. Based on the amount of growth that you have
22 seen in York County, particularly development of
23 residential real estate, do you believe that there is a
24 need or public demand for any additional carriers to
25 supplement or to assist individuals that are moving

1 into those residences?

2 A. Yes, I do.

3 Q. And what do you base that upon?

4 A. Base it upon the -- as a residential realtor,
5 many times, we get to -- we get saddled with referring
6 out people to make a move.

7 And just in the last six or eight months,
8 I've known two or three people that I had to refer Mr.
9 Delauter to. And all three of them have been vastly
10 impressed with him.

11 All three, very, very looked upon
12 business executives in York County. And they needed
13 somebody and they didn't want to go with one of the
14 bigger movers and wanted somebody local. Local people
15 in York, like working with local people. And that's
16 what Mr. Delauter has.

17 Q. Based on your recommendation from individuals
18 for Mr. Delauter's services in and out of storage,
19 have you heard, not going into the details, of
20 complaints? Have you heard any complaints that has
21 caused you any concern about referring Delauter's
22 services to any other individuals?

23 A. No.

24 MR. PASKEY: Thank you, Mr. Grube. I
25 have no further questions, Your Honor. I tender the

1 witness for cross examination.

2 JUDGE SALAPA: Mr. Campbell. Cross.

3 **CROSS EXAMINATION**

4 BY MR. CAMPBELL:

5 Q. Mr. Grube, I gathered, from your testimony,
6 that York County is your area of expertise?

7 A. Yes.

8 Q. And most of the properties that you develop are
9 located in York County?

10 A. Yes.

11 Q. And you stated that you felt there were people
12 moving in from surrounding counties into York County
13 and buying into the new developments and so on, is that
14 correct?

15 A. Yes.

16 Q. And, now, are there also people moving from
17 place to place within York County?

18 A. Oh, yes.

19 Q. And many of your moving situations involving
20 transportation between points in York County?

21 A. There are some, yes, sir.

22 Q. And percentage-wise, is that 10 percent of your
23 buyers or --

24 A. I think a larger amount of that.

25 Q. 50 percent?

1 A. I would say 50 percent. I don't know the exact
2 numbers. But it's more than 10, but not as great as
3 70, let's put it that way. I don't know the exact
4 numbers, sir.

5 Q. Do you understand that this application does
6 not seek authority to render transportation between
7 points in York County?

8 A. I'm not aware -- I'm not aware of that, no.

9 Q. Were you under the impression that this
10 applicant was seeking the right to move household goods
11 between points in York County?

12 A. I was -- I just knew he was trying to get a
13 license.

14 Q. It was not explained to you what the
15 geographical territory of that license would
16 comprehend?

17 A. I just assumed it was throughout the area. I
18 didn't know exactly.

19 Q. Would it affect your support for this
20 application if it did not permit the applicant to
21 render household goods service between points in York
22 County?

23 A. Could you repeat the question?

24 Q. Would you still be here supporting this
25 application if it turned out that the application did

1 not result in authority between points in York County?

2 A. I would support the application, sir.

3 Q. You would still support the application?

4 A. Absolutely.

5 Q. You said that, in the past, you had referred
6 customers of yours to Mr. Delauter as an alternative to
7 larger carriers that are presently in the York market.

8 are you aware that Mr. Delauter has no
9 authority to transport household goods at the present
10 time?

11 A. I was not aware of that.

12 Q. How many of your -- strike that. I believe you
13 said, on direct examination, that some of your
14 customers had used Mr. Delauter's service and had been
15 very satisfied of the moving of their household goods,
16 is that correct?

17 A. That's correct.

18 Q. Were these people that you referred to Mr.
19 Delauter and received service from Mr. Delauter, were
20 they moving household goods between points in York
21 County?

22 A. Some of them, yes.

23 MR. CAMPBELL: That's all I have, Your
24 Honor.

25 JUDGE SALAPA: Redirect.

REDIRECT EXAMINATION1
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BY MR. PASKEY:

Q. You did testify that you have referred Mr. Delauter's services to other individuals, correct?

A. Yes.

Q. And you were not present for those moves, to actually witness what was moved from what place to what place, were you?

A. No, I was not.

Q. So you didn't actually observe those moves?

A. No, I did not.

Q. You have no firsthand knowledge as to whether those moves were from a residential facility to a storage facility?

MR. CAMPBELL: I'm going to object to the leading nature. I think it's getting a little far.

JUDGE SALAPA: I'm going to allow it. I think it's getting a little leading though. You may answer the question.

THE WITNESS: Could you repeat the question?

BY MR. PASKEY:

Q. Yes. Do you have specific knowledge as to whether those moves were from storage to residence or from residence to residence?

1 A. I do not know exactly where, you know, I --
2 where they came from. I don't know exactly where they
3 were moved, no.

4 MR. PASKEY: I have no other questions.

5 JUDGE SALAPA: Any recross?

6 MR. CAMPBELL: No, Your Honor.

7 JUDGE SALAPA: All right. Mr. Grube, you
8 may step down.

9 (witness left the stand.)

10 MR. PASKEY: Your Honor, this witness has
11 not been subpoenaed. I ask he be excused at this
12 point.

13 JUDGE SALAPA: Very well. Mr. Campbell
14 has no problem with that. Sir, you are excused. Next
15 witness.

16 MR. PASKEY: Thank you, Your Honor. I'd
17 like to call Mr. John Slatky to the stand.

18 **Whereupon, JOHN SLATKY**, having been duly
19 sworn, testified as follows.

20 JUDGE SALAPA: Please be seated. Could
21 you please state and spell your name for the record?

22 THE WITNESS: John Slatky, S-l-a-t-k-y.

23 **DIRECT EXAMINATION**

24 BY MR. PASKEY:

25 Q. Mr. Slatky, would you tell us how you're

1 employed?

2 A. Self-employed, I have a self-service car wash
3 and a small self-storage facility.

4 Q. Could you tell us your address of your storage
5 facility?

6 A. 610 Chambers Road, York, Pennsylvania 17402.

7 Q. And what township in York County?

8 A. York Township.

9 Q. How long have you owned or operated this
10 storage facility?

11 A. I built the car wash about 18 years ago, and I
12 had the storage units about five years ago.

13 Q. How long have you been a resident of York
14 County?

15 A. I moved to York County in 1972 from North New
16 Jersey.

17 Q. Do you know Mr. Delauter?

18 A. Yes, I do.

19 Q. How long have you known him?

20 A. When I built the car wash, he worked for the
21 contractor that put the roof on the building. I know
22 him over years from washing his car and storage
23 facility.

24 Q. Now, I understand that your profession of
25 running the storage facility, there have been occasions

1 where you have suggested Mr. Delauter's services to
2 individuals who were storing the goods in your
3 facility, is that correct?

4 A. Yes.

5 Q. And have you heard, without going into the
6 content of any objections or comments, has anyone
7 registered any dissatisfaction to you about the
8 services that the Delauter's has provided?

9 A. Never.

10 Q. Based on your recommendations to other
11 individuals, if this application were to be granted,
12 would you recommend Delauter's services to your
13 friends, relatives and acquaintances --

14 A. Yes.

15 Q. -- who need moving services?

16 A. I'm sorry?

17 Q. If this application was granted, would you
18 recommend Mr. Delauter's services to friends, relatives
19 and acquaintances who would need moving services?

20 A. Yes.

21 Q. Would you have any reservations about doing
22 that?

23 A. No.

24 Q. What did you indicate -- I can't recall if I
25 asked you this question. Have you been a lifelong

1 resident of York County?

2 A. No.

3 Q. How long have you lived in York County?

4 A. 1972.

5 Q. From 1972 to the present?

6 A. Correct.

7 Q. Have you had the opportunity to view the
8 residential development that's occurred in York County,
9 say, in the last five years?

10 A. Yes.

11 Q. And could you describe to the Court what you
12 have observed in terms of the residential development
13 in York County?

14 A. I think York County and Lancaster County,
15 tremendous growth. A lot of the people coming over
16 from Maryland, in addition to the regular natural
17 expansion of the market.

18 Q. I understand that right up the road from your
19 facility on Chambers Road there's currently an ongoing
20 construction project, isn't that correct?

21 A. Yes. And I'm sorry I didn't buy property.

22 Q. I'm sure you are. Based on your -- the running
23 of your business and your observations, do you foresee
24 or anticipate any decline in residential development in
25 York County? Do you see a slowdown in the next 2 to 3

1 years?

2 A. No. The reason for that would be because I
3 think we're still getting a lot of influx from
4 Maryland. People tell me, buy a house in Pennsylvania
5 for 200,000. Same home costs 600,000 in Maryland.

6 Q. Mr. Slatky, I understand you volunteered, upon
7 being asked, you volunteered to testify here on behalf
8 of this application?

9 A. Yes.

10 Q. Do you have any reservations about support of
11 this application?

12 A. No.

13 MR. PASKEY: I have no further questions.
14 Thank you, Your Honor.

15 JUDGE SALAPA: Cross examination.

16 **CROSS EXAMINATION**

17 BY MR. CAMPBELL:

18 Q. Mr. Slatky, you indicated that your business
19 location is in York Township, York County?

20 A. Yes.

21 Q. And do you also reside in that township?

22 A. No. I reside in Springettsbury Township, about
23 a mile away from the location.

24 Q. How long have you resided in Springettsbury
25 Township?

1 A. I moved to York. I lived in York City, I
2 guess. And approximately a year, I bought a home in
3 Windsor Township and moved out of there in 1992 to my
4 present home. 1992 until today, I guess, 14 years.

5 Q. Do you have any present plans to move to
6 another --

7 A. No.

8 Q. -- home? When you moved in 1992, did you move
9 yourself or did you hire a moving company to provide
10 that service?

11 A. Both.

12 Q. And which?

13 A. Only a mile down the road.

14 Q. I'm sorry?

15 A. I only moved a mile down the road. And I owned
16 two homes at the same time. So, when I sold my house,
17 when I bought my new home, I had plenty of time to move
18 it in and moved myself.

19 Q. When you said both?

20 A. I had to hire some people to move the big
21 stuff.

22 Q. And did you use a regulated PUC moving company?

23 A. I don't recall who it was.

24 Q. Okay.

25 A. I used to be in the gas station business. I

1 might have used -- I don't know. I don't remember. I
2 don't recall who it was.

3 Q. And the service of Mr. Delauter that you're
4 familiar with at the present time is moving property to
5 and from storage units that are located at your place
6 of business?

7 A. Yes. People come in with U-Hauls and looking
8 for people to help them unload it. And I'm just --

9 Q. I'm sorry. Speak up.

10 A. If people come in with U-Hauls or moving their
11 own stuff and looking for help, I give them John's
12 name.

13 MR. CAMPBELL: That's all, Your Honor.
14 Thank you.

15 JUDGE SALAPA: Redirect.

16 **REDIRECT EXAMINATION**

17 BY MR. PASKEY:

18 Q. Mr. Slatky, if you were to move in the
19 foreseeable future in the next two years or so, would
20 you consider obtaining a quote from Delauter's if this
21 application was granted?

22 MR. CAMPBELL: Objection, he said he had
23 no plans to move.

24 JUDGE SALAPA: Sustain the objection.

25 MR. PASKEY: Very well. I have no

1 further questions.

2 JUDGE SALAPA: You may step down, sir.

3 THE WITNESS: I can leave?

4 MR. PASKEY: Your Honor, he's not
5 subpoenaed, but I ask for permission for him to be
6 excused.

7 JUDGE SALAPA: Mr. Campbell.

8 MR. CAMPBELL: Sure.

9 JUDGE SALAPA: You are excused, sir.

10 (witness left the stand.)

11 JUDGE SALAPA: Next witness, Mr. Paskey.

12 MR. PASKEY: Thank you, Your Honor.

13 Call Scott Dietz to the stand.

14 JUDGE SALAPA: Scott Dietz.

15 **Whereupon, SCOTT DIETZ**, having been duly
16 sworn, testified as follows.

17 JUDGE SALAPA: Please be seated. Please
18 state and spell your name for the record.

19 THE WITNESS: My name is Scott Dietz,
20 S-c-o-t-t, D-i-e-t-z.

21 JUDGE SALAPA: Mr. Paskey.

22 **DIRECT EXAMINATION**

23 BY MR. PASKEY:

24 Q. Mr. Dietz, how are you employed?

25 A. I'm the owner of a construction company in York

1 County, CC Dietz Incorporated.

2 Q. And how long have you been the owner of CC
3 Dietz?

4 A. Actually been a family-owned corporation for
5 many years. I have personally owned it for the last 22
6 years.

7 Q. How long has this family business been in
8 existence?

9 A. The family business has been in existence 85
10 years.

11 Q. And could you please give us your professional
12 address?

13 A. Yes. 1890 Mount Zion road.

14 Q. Is that in York County?

15 A. York County, yes.

16 Q. Is that in Springettsbury Township?

17 A. It is.

18 Q. And could you describe the responsibilities of
19 your company, what type of construction you engage in?

20 A. We do a vast type of construction. But,
21 generally, custom residential work, including any type
22 of remodeling, new homes, new additions, as well as a
23 small amount of commercial work.

24 Q. How long has CC Dietz been involved in custom
25 residential home building?

1 A. Probably 85 years.

2 Q. Okay. And how long have you resided in York
3 County, Mr. Dietz?

4 A. Other than three years, I've lived in York
5 County all my life.

6 Q. The three years that you did not reside in York
7 County, approximately, when were they?

8 A. 1973 through 1976.

9 Q. So, from 1976 until today, you've been
10 continuously residing in York County?

11 A. That is correct.

12 Q. How long have you known Mr. Delauter?

13 A. Many, many years. I guess all of John's life,
14 actually. From the time he's been born, I've known
15 him.

16 Q. Were you childhood friends?

17 A. We're actually related.

18 Q. Could you explain for the Court and Mr.
19 Campbell, how is your relation related?

20 A. What the relation is?

21 Q. Yes.

22 A. We are actually second cousins.

23 Q. Are you familiar with Mr. Delauter's business?

24 A. I am.

25 Q. And I understand that, in the past, you had the

1 opportunity to refer Mr. Delauter's business in one
2 particular occasion to assist with the move of
3 commercial items from the York International facility,
4 is that correct?

5 A. That's correct.

6 Q. Approximately, when was that?

7 A. I'm guessing a little a bit here. I would say
8 that the last time may have been three or four years
9 ago.

10 Q. And were you involved at all in that particular
11 move or -- let me rephrase. Could you describe for the
12 record and the Court, how it was that you were involved
13 in that particular move?

14 A. I really was not personally involved in the
15 move itself. I was the general contractor of that
16 project. And we needed to move office equipment from
17 one area of the construction site to another area of
18 the construction site.

19 Q. So your corporation served as general
20 contractor for that particular project?

21 A. That's correct.

22 Q. As general contractor, in that particular
23 project, did you have any opportunity to witness Mr.
24 Delauter's company perform parts of the move?

25 A. I did.

1 Q. And, to your knowledge, were any items damaged
2 or broken during that move?

3 A. No. No.

4 Q. The entity, with general contractor, without
5 going into any detail of any complaints, did you
6 receive any complaints about the quality of the
7 services that Delauter's provided?

8 A. I did not.

9 Q. Based on that experience, if this application
10 were to be granted, would you be willing to recommend
11 Delauter's to friends, relatives or acquaintances who
12 would be in need of a moving service?

13 A. Absolutely.

14 Q. Would you have any reservations about doing so?

15 A. None at all.

16 Q. If -- do you have any intentions of moving or
17 planning a move in the foreseeable future?

18 A. Personally?

19 Q. Yes.

20 A. I hope not. No, I do not.

21 Q. Do you know any individuals who are in or would
22 be in need of moves in the near future, if you do --

23 A. From a personal standpoint, I don't know
24 anybody right off the top of my head.

25 Q. Okay. Having been in this business for quite a

1 while, particularly in the commercial residential
2 development, have you had the opportunity to observe
3 the amount of residential development that's occurred
4 in York County over the last five years?

5 A. Yes.

6 Q. Could you describe for the Court your
7 observations?

8 A. I think most people have seen the explosion of
9 the housing market in our whole general region. I am
10 not a track-type builder. So, I'm not personally
11 involved in track-style building.

12 However, all you have to do, anywhere in
13 the York County area, drive a one-mile radius and see
14 some sort of new development going on. So, it's
15 exploded and particularly has exploded in the last five
16 to seven years.

17 Q. Based on your observations in real estate,
18 residential development in York County, do you foresee
19 any slowdown of residential development in the
20 foreseeable future in York County?

21 A. I really don't see a tremendous slowdown. I
22 think we'll see a stabilization because of the
23 explosion that we have seen over the five recent years,
24 I think it will settle down somewhat.

25 But we have a very large influx in York

1 County of Maryland folks who are moving into the York
2 County area. And that has certainly helped the York
3 County economy from a construction standpoint. So, no,
4 I don't see any slowdown.

5 Q. Is your business a member of the York County
6 Builders Association? I'm sorry?

7 A. Yes, we are. We're one of the founders of the
8 York County Builders Association.

9 Q. Are you familiar with other companies or
10 developers that are currently developing residential
11 lots in York County?

12 A. Yes.

13 Q. Could you name a few of the developers that you
14 could think of, as we sit here today, that are involved
15 in either small scale or large scale residential
16 developments in York County?

17 A. Pasche Construction, P-a-s-c-h-e. I don't know
18 if you want York County. B. J. Stolfoltz has been a
19 large builder in the area.

20 Q. Are you familiar with Charter Homes?

21 A. I am.

22 Q. Is charter Homes currently developing any
23 residential facilities?

24 A. They are, yes.

25 MR. PASKEY: I have no further questions,

1 Your Honor, for this witness.

2 JUDGE SALAPA: Cross examination, Mr.
3 Campbell.

4 **CROSS EXAMINATION**

5 BY MR. CAMPBELL:

6 Q. Mr. Dietz, I just wanted to ask you about the
7 commercial move that you mentioned that you were
8 involved in, you said, three or four years ago. Did I
9 hear correct?

10 A. I'm guessing at that, sir. It's been within
11 the last five years.

12 Q. Was that an office complex or office building
13 that you built as a custom builder and you were --

14 A. It's a pre-existing office that we renovated.

15 Q. I see. And Mr. Delauter moved the owner's or
16 their tenant's commercial property into that building,
17 things that you would use in a commercial office
18 building?

19 A. It was actually a horizontal move. It was a
20 rather large square footage space area. What Mr.
21 Delauter did is move people and equipment, office
22 equipment from one side of the building, basically, to
23 the other side of the building.

24 Q. I understand.

25 A. So we can renovate that side and moving things

1 back.

2 MR. CAMPBELL: I understand. Thank you
3 very much. That's all I have.

4 JUDGE SALAPA: Redirect.

5 **REDIRECT EXAMINATION**

6 BY MR. PASKEY:

7 Q. Just to clarify that particular project, Mr.
8 Delauter's company did not provide any transportation
9 from one location to another, correct?

10 A. No. There's no reason. Everything stayed
11 within the building itself.

12 Q. Mr. Delauter's company actually provided the
13 labor for that move, correct?

14 A. That is correct.

15 MR. PASKEY: I have no further questions.
16 Thank you, Your Honor.

17 MR. CAMPBELL: Nothing. Nothing further,
18 Your Honor.

19 JUDGE SALAPA: You may step down, sir.
20 (Witness left the stand.)

21 MR. PASKEY: May this witness be excused,
22 although he's not been subpoenaed?

23 MR. CAMPBELL: Sure.

24 JUDGE SALAPA: You are excused. Sir,
25 thank you for testifying.

1 MR. PASKEY: Like to call Mr. Sandy
2 Korman to the stand.

3 JUDGE SALAPA: Mr. Korman. Raise your
4 right hand.

5 **Whereupon, SANDY KORMAN,** having been duly
6 sworn, testified as follows:

7 JUDGE SALAPA: Please state your full
8 name and spell your name.

9 THE WITNESS: Sandy Korman, S-a-n-d-y,
10 K-o-r-m-a-n.

11 **DIRECT EXAMINATION**

12 BY MR. PASKEY:

13 Q. Mr. Korman, how are you employed?

14 A. Senior vice president of the mortgage division
15 for Community Bank in Blue Ball, Lancaster.

16 Q. And what is your professional address, sir?

17 A. 4185 West Market Street, York, PA 17404.

18 Q. How long have you served in that particular
19 capacity?

20 A. Can I give you have a little history to this?

21 Q. Please do.

22 A. I founded a company called Erie Financial,
23 which was the largest mortgage broker company in
24 Central Pennsylvania. And almost three years ago,
25 Community Bank bought us out and I stayed on as

1 president of the company when we were a subsidiary, and
2 now we're part of the bank. Now I'm senior vice
3 president of the mortgage division, along with Dawn
4 Korman.

5 Q. All told, Mr. Korman, how long have you been in
6 this particular profession?

7 A. 12 years.

8 Q. And are you currently a resident of York
9 County?

10 A. Yes.

11 Q. And how long have you been a resident of York
12 County?

13 A. 20 years.

14 Q. And in your professional capacity, have you --
15 has your focus been primarily in York County or has it
16 been in surrounding counties as well?

17 A. It's been in surrounding states, actually, more
18 than surrounding counties. I held a position of the
19 state board as the State Mortgage Bankers, and, of
20 course, the Community Bank has branches all over the
21 state.

22 So, but, locally, York, Harrisburg,
23 Lancaster, Chambersburg, in those areas.

24 Q. What about in Adams County?

25 A. Adams County as well.

1 Q. And based upon living in York County in the
2 last 20 years, also in your professional capacity, have
3 you had an opportunity to observe the amount of
4 residential development that's occurred in York County?

5 A. Firsthand, yes.

6 Q. And in addition to the residential development
7 in York County, have you had the opportunity to observe
8 the amount of residential development that's happened
9 in the surrounding counties that surround --

10 A. Yes.

11 Q. Would these counties include Adams County?

12 A. Yes.

13 Q. Cumberland County?

14 A. Yes, but not as much.

15 Q. Okay. Dauphin County?

16 A. Yes. But, once again, not as much.

17 Q. How about Lancaster County?

18 A. Oh, yes.

19 Q. Okay. First, based on your 20 years of
20 residency in York County and also your professional
21 capacity, would you please describe for the record and
22 the Court the residential development that's occurred
23 in York County in the last five years?

24 A. Well, one of the things that I think everybody
25 keeps making comments about, Maryland, about traffic

1 moving from Maryland. They've neglected the corridor
2 between Philadelphia and New Jersey and New York is
3 just as big in terms of people moving here as well.

4 And housing, I can tell you, in answer to
5 the question asked sort of ties into mine, Charter
6 Homes, we do financing for Charter Homes. And Charter
7 Homes has, I think, three developments in York, two of
8 which are over 500,000. One is \$700,000.00 in the cost
9 of houses.

10 And they also have developments in
11 Harrisburg, and also Lancaster, as the Stolfoltz and
12 Ryan Homes which moved in from York. And two or three,
13 divisions, Ryan Homes and Patriot, and forth, along
14 with Meyers, Joe Meyers and a whole slew of other
15 builders that are both from Harrisburg area moving
16 down.

17 And from the Lancaster area, moving
18 across the building in York County into Adams County.

19 Q. As a result of your observations or as a result
20 of the residential development that's occurred in York
21 County, has Community Bank taken any particular focus
22 in terms of conducting business in York County?

23 A. Well, we tried to develop more builder
24 relationships, tried to do residential. On one side of
25 the bank, we've given money for builder developments

1 that we actually put up the money for Charter Homes
2 development and for Joe Meyers development. And
3 probably give it more thought, probably 2 or 3 or more
4 developments.

5 Donco up in Harrisburg, we're putting
6 together a plan for them to be able to sell their
7 houses as well. And they're a major builder in this
8 area. I think the former president or vice president
9 of Donco is the former president of the State President
10 of the Builders Association, and, in Harrisburg, State
11 Builders Association of Harrisburg.

12 Q. Does your bank, do you individually share
13 vision that the amounts of residential development in
14 York County and those surrounding counties will
15 experience a significant decrease or slowdown in the
16 near immediate future?

17 A. Not anywhere in the next three to four,
18 possibly five years. I think land will be a key. If
19 builders can continue to acquire land, at least just
20 for the present inventory alone and land is owned, I
21 would say there's no slowdown for at least three years,
22 possibly as much as five.

23 Q. We've heard a little bit today. I'm sure you
24 also read about some media indications that there's
25 presently a slowdown in the residential real estate

1 market in York County. Do you share that opinion?

2 A. No. Actually, what's happened is, it's going
3 back to normal. An example is, probably four to five
4 months ago, put a house on the market, would have sold
5 in one day, Two days. And now, they're selling in
6 probably 60 days, 45, sixty, 70 days, which, prior to
7 this, was actually the norm. So, I just think it's
8 going back to the norm.

9 Q. Have you had the occasion to utilize Delauter's
10 Moving Services as a commercial and business contacts
11 in the past?

12 A. Yes. Possibly five times when he moved our
13 offices into bigger sites, as we grew. And also as we
14 became under Community Banks, he moved us to a bigger
15 building that we're in now.

16 Moved furniture from Community Bank
17 branches to our existing building.

18 Q. Based on your observation of the services, do
19 you have any satisfaction or expression of satisfaction
20 or dissatisfaction?

21 A. Oh, no dissatisfaction whatsoever.

22 Q. Were there any items that were damaged or
23 broken?

24 A. No.

25 Q. Based on this experience with Delauter's, if

1 this application was granted, would you recommend
2 Delauter's to friends, relatives and acquaintances who
3 would need residential moving services?

4 A. Friends, relatives, acquaintances, yes.

5 MR. PASKEY: No further questions.

6 JUDGE SALAPA: Cross examination.

7 **CROSS EXAMINATION**

8 BY MR. CAMPBELL:

9 Q. Mr. Korman, did I understand you presently
10 reside in York County?

11 A. Yes, I do.

12 Q. And did you say for 20 years?

13 A. Yes, approximately 20 years. I think it's 20
14 years.

15 Q. And do you have any present plans to move from
16 your home where you reside?

17 A. No. I have a young daughter, 12 years old in
18 school, so.

19 Q. So, when you moved to York County, where did
20 you move from?

21 A. I actually moved from Manhattan.

22 MR. CAMPBELL: Okay. That's all the
23 questions I have.

24 JUDGE SALAPA: Redirect.

25 MR. PASKEY: No, Your Honor.

1 JUDGE SALAPA: You're excused, sir.

2 THE WITNESS: Thank you, Your Honor.

3 MR. PASKEY: Again, not been subpoenaed.

4 May he be excused?

5 JUDGE SALAPA: Mr. Campbell.

6 MR. CAMPBELL: Certainly may be excused.

7 JUDGE SALAPA: Sir, you are excused.

8 Thank you for testifying.

9 MR. PASKEY: Our next witness will be Mr.

10 John Delauter.

11 **Whereupon, JOHN DELAUTER,** having been

12 duly sworn, testified as follows.

13 JUDGE HARRIS: Please be seated.

14 Please state and spell your name for the record.

15 THE WITNESS: John Delauter.

16 D-e-l-a-u-t-e-r.

17 **DIRECT EXAMINATION**

18 BY MR. PASKEY:

19 Q. Thank you, Your Honor. Mr. Delauter, how are
20 you employed?

21 A. Self-employed.

22 Q. In what capacity?

23 A. As a moving helper.

24 Q. Okay. What is the name of your business?

25 A. Delauter's A-1 Moving Helpers.

1 Q. At the time this application was filed, how was
2 your business structured? Was is it a corporation,
3 LLC?

4 A. We were a corporation. We have since then
5 dissolved that. We have gone back to sole
6 proprietorship.

7 Q. When did you incorporate the business?

8 A. Just over a year ago.

9 Q. When did you dissolve?

10 A. At the end of business 2005.

11 Q. At the time this application was filed with the
12 Commission, your business was, in fact, incorporated?

13 A. We were at that time.

14 Q. Could you indicate to the Court the reason for
15 the change from corporation -- from incorporation back
16 to a sole proprietorship?

17 A. It just entailed a lot more stuff than we were
18 prepared to handle. And things seemed to run smoother
19 as a sole proprietorship as compared to being
20 incorporated. We went back to that. I am a sole
21 proprietor of it. There was no need for the
22 corporation.

23 Q. Prior to Delauter's being incorporated, what
24 was the structure of the business?

25 A. I was the owner operator, solely.

1 Q. And it was a sole proprietorship?

2 A. Yes.

3 Q. And how long was a sole proprietorship?

4 A. Since I established the business.

5 Q. Which was when?

6 A. 1993. I was in law enforcement and started it
7 then. And then retired from law enforcement and
8 started doing this full-time.

9 Q. You indicated that you were in law enforcement,
10 in what capacity?

11 A. I was in corrections, York County prison.

12 Q. And how long did you serve in that capacity?

13 A. Three and a half years.

14 Q. What was your professional address?

15 A. Our professional address, 388 Newcomer,
16 Windsor, PA 17366.

17 Q. And does Delauter Moving Helpers currently
18 possess any licenses through the Pennsylvania Utilities
19 Commission?

20 A. Through the Pennsylvania Utility Commission, we
21 are licensed as a common carrier, since recently,
22 established our U.S. DOT as well.

23 Q. And, Your Honor, excuse me for this question
24 being terribly leading. I think it may help Mr.
25 Delauter. The license number through the Pennsylvania

1 Public Utility Commission, is that A-00121541?

2 A. I believe so.

3 Q. Okay. And is that license also posted on the
4 side of one of your vehicles, both vehicles that we'll
5 get into in a second?

6 A. Both of our vehicles, in accordance with the
7 PUC officer.

8 Q. What type of business is Delauter's Moving
9 Helpers currently undertake?

10 A. We do a variety of things. We offer a helper's
11 service to anybody that is needing residential help.
12 And any kind of commercial help, we can provide the
13 trucking for, as well as just helper service, to load,
14 unload pods, storage units.

15 We try to be a full-service company in
16 all aspects, as small as something as one item, as
17 large as a company, if that's what needs to be done.

18 Q. Currently, how many employees are there for
19 Delauter's Moving Helpers?

20 A. Currently, we have five full-timers and several
21 part-timers to help out on weekends.

22 Q. When you say several part-time that help out on
23 weekends, approximately how many is several?

24 A. Two to three.

25 Q. Do you hire any additional helpers based on

1 season?

2 A. We do. If there's a show of need, but I'm very
3 particular, I will not use labor hall. So, I try not
4 to bring people in unless I can give them an adequate
5 amount of work. If our influx is too high, a lot of
6 times, I will assist with the moves myself. But for
7 the most part, I have a group of men that can handle
8 about anything that comes our way.

9 Q. Who are the managers of the business?

10 A. I am. I am the sole manager. And I run the
11 show.

12 Q. You have any assistance in this endeavor?

13 A. I do have men that I would consider like a
14 group leader, when they go out and I'm not with them.
15 They're in touch with me on every aspect of any job.
16 They're not allowed to make any financial decisions or
17 anything they're not well versed in.

18 Q. Are you married?

19 A. Yes, I am.

20 Q. What's your wife name?

21 A. Patricia Ann Delauter.

22 Q. Does Patricia maintain any roles with the
23 business?

24 A. Patricia takes care of all the paperwork. She
25 takes care of payroll. She takes care of licensing,

1 insurances, all the legal aspects. My wife is fully
2 capable of handling that from her prior experiences.

3 Q. Let's turn now to the type of equipment that
4 Delauter's Moving Helpers currently owns. Does
5 Delauter's own any vehicles currently?

6 A. Yes. We currently own two business vehicles.

7 Q. And could you describe those vehicles, please?

8 A. We have a small 24-foot box truck. And we have
9 a F-550 with a 32-foot cargo trailer, which, obviously,
10 we have pictures of here today. Both vehicles are
11 maintained on a daily basis.

12 They are kept clean and up to in
13 accordance with the laws that have been set upon me.

14 Q. The vehicles that Delauter's currently owns,
15 where are they stored when they're not in use?

16 A. Stored on site, 388 Newcomer Road.

17 Q. Is there a facility or garage?

18 A. Yes, there is.

19 Q. Okay. Besides the vehicles that you've listed,
20 does Delauter's possess or own any other equipment?

21 A. We supply all the pertinent equipment for any
22 kind of move; dollies, hand trucks, pads, supplies,
23 whatever is needed. We try to provide for the full
24 service to the customers.

25 Q. Is there an office that's maintained for

1 purposes of your business?

2 A. Yes, there is.

3 Q. Where is that located?

4 A. That is located at 388 Newcomer Road.

5 Q. Is that particular address, does that also
6 serve as your home?

7 A. Yes, it does.

8 Q. Okay. Is there a particular area in your home
9 or in an adjacent business that serves the purpose as
10 this office?

11 A. Yes. We have an office just for the business
12 for the men who come in and do their business with us.

13 MR. PASKEY: Your Honor, may I approach
14 the witness?

15 JUDGE SALAPA: Yes.

16 MR. PASKEY: For purposes of expediency,
17 I have all copies to give the Court and reporter. I'm
18 going to have about 22 exhibits. I don't want to waste
19 a lot of time to the court. Do you want me to hand
20 copies as I give them to the witness? Whatever the
21 Court's preference is, that's what I'll do.

22 JUDGE SALAPA: Why don't we -- why don't
23 you just distribute them all at once and go off the
24 record for a few minutes to allow you to do that.

25 (Off the record.)

1 JUDGE SALAPA: Back on the record.
2 Proceed.

3 (Delauter's Exhibit Number 1 through 24
4 were marked for identification.)

5 BY MR. PASKEY:

6 Q. Thank you. Mr. Delauter, I'm handing you
7 what's been marked for identification as Exhibit Number
8 1. Could you tell me what that is?

9 A. Pictures shown here are pictures of our
10 equipment, our storage facility that we use for our
11 materials when they're not in use in the trucks. The
12 radios are communication between the men that's needed
13 on the job.

14 Q. What we're going to do is go through each page
15 with each photograph so you can identify them for the
16 record. First page of exhibit 1 at the top.

17 JUDGE SALAPA: Excuse me. Could we just,
18 for clarity sake, could we denote this and all of the
19 other exhibits as Delauter Exhibit 1, Delauter Exhibit
20 2?

21 MR. PASKEY: Yes, Your Honor.

22 JUDGE SALAPA: So it's clear. Thank you.

23 BY MR. PASKEY:

24 Q. On the first page of Delauter Exhibit Number 1,
25 on the top left-hand side, what is that a depiction of?

1 A. Our box truck.

2 Q. And on the top right-hand side corner?

3 A. Picture of our garage, our storage area for our
4 equipment.

5 Q. Okay. On the bottom left-hand corner?

6 A. It's a picture of our truck and trailer.

7 Q. And on the bottom right-hand corner?

8 A. Our radios that the men carry in the trucks if
9 they need to contact me.

10 Q. And those radios are utilized for the purposes
11 of employees communicating within the each other on the
12 truck?

13 A. Absolutely.

14 Q. Turn to page 2 of Delauter's Exhibit Number 1
15 and ask to you identify what is the -- what is depicted
16 on the top left-hand corner?

17 A. Inside of our cargo trailer and pads, our
18 moving pads.

19 Q. And on the top right-hand corner?

20 A. It's the inside of our box truck, again, with
21 our moving pads and dollies that we keep in our
22 equipment at all times.

23 Q. On the bottom left-hand corner?

24 A. Again, just more dollies and a small trailer
25 that we use for helping to move hot tubs.

1 Q. And, finally, on the bottom right-hand corner,
2 may I ask you to move to page number 3 of Delauter's
3 Exhibit Number 1. What's depicted on the top left-hand
4 corner?

5 A. Aerial view of our area from where we operator
6 the business from.

7 Q. On the top right-hand corner of page 3?

8 A. Photo of our office.

9 Q. On the bottom left-hand corner?

10 A. Cargo trailer that we use with our truck.

11 Q. Do the photographs that are depicted in
12 Delauter's Exhibit Number 1 fairly and accurately
13 depict the condition of these items accurately at the
14 time the photograph was taken?

15 A. Yes.

16 Q. Okay. You indicated previously that the
17 vehicles that you maintain were inspected on a regular
18 basis?

19 A. On a daily basis.

20 Q. Okay. I'm handing you what's been marked for
21 identification as Delauter Exhibit Number 2. Could you
22 tell me what that depicts?

23 A. Certificate of vehicle emissions control.

24 Q. And for which particular vehicle is that?

25 A. That is for our -- that is for our company

1 truck that I use to go out and do estimates.

2 Q. That particular vehicle has passed emission
3 testing and all testing?

4 A. Yes.

5 Q. Have any of your vehicles failed any of the
6 regular Commonwealth-required inspections?

7 A. No, they have not.

8 Q. Next I'm handing you what's been marked for
9 identification as Delauter's Exhibit Number 3. Could
10 you identify for the record what that is?

11 A. These are our registrations for all our company
12 vehicles which we keep everything up to date and in
13 line.

14 Q. And all the vehicles that are currently owned
15 by Delauter's, are they current on their registration?

16 A. Absolutely.

17 Q. Do you keep any particular logs as to the
18 service of the vehicles and how and when they're used?

19 A. Yeah. We have a daily log book that the
20 gentlemen have a look at when they go around and do the
21 truck. And we have them keep a log for PUC, the time
22 in and time out of the trucks. That's what was
23 required by the PUC for us at this time.

24 Q. Handing you what's been marked for
25 identification as Delauter's Exhibit Number 4, do you

1 recognize that exhibit?

2 A. Yes. This is one of the logs that the
3 employees have to fill out every day.

4 Q. From what time period to what time period does
5 that particular exhibit cover?

6 A. This particular one covers from June of '06,
7 and I'm sorry, February of '06 up until July of '06.

8 Q. And this log is kept on a daily basis?

9 A. Daily basis, yes.

10 Q. Is there ever a time when a log like this is
11 not kept?

12 A. Only time it is not required to be kept, if the
13 trucks do not go out.

14 Q. Are the trucks or other vehicles inspected
15 prior to departure for any particular job?

16 A. Just every time the trucks are topping out, we
17 have to check the tires, check the lights, standard
18 walk around, which is required by the law.

19 Q. Okay. Do you maintain all the vehicles and
20 equipment yourself?

21 A. I do not.

22 Q. Do you utilize any professional service for
23 maintenance of the vehicles?

24 A. Yes, I do.

25 Q. Any particular companies?

1 A. The main company we use for the service on our
2 vehicles is Rivers Trucking, located right on Cape Horn
3 Road in Red Lion, Pennsylvania.

4 Q. Is Red Lion located in York County?

5 A. Yes, it is.

6 Q. Rivers Truck centers is pretty close to where
7 your business is located, correct?

8 A. Under five miles.

9 Q. Handing you what's been marked for
10 identification as Delauter's Exhibit Number 5. Take a
11 minute and flip through the pages and familiarize
12 yourself with that document. What is that document?

13 A. These are receipts for repairs done to our
14 trucks on a daily basis, simple as oil changes, to
15 repairs, modifications, whatever it takes to keep our
16 vehicles up and running and everything in accordance to
17 the laws.

18 Q. Has there ever been occasion since, your
19 business has been in operation, that you have allowed
20 vehicles to be utilized if it was in disrepair or need
21 of repair?

22 A. No, not at all.

23 Q. In terms of the individuals that would drive
24 your vehicles, do you conduct any checks into their
25 driver's license status?

1 A. Absolutely. Every gentlemen that will drive
2 any of our company vehicles has a DMV run on them at
3 least twice a year, along with a criminal background
4 checks as well.

5 Again, because my wife and are very
6 particular who works for us and who is out there
7 representing us.

8 Q. Do you have any of your drivers sign any
9 particular agreements, as far as their understanding of
10 what information is available to them as far as vehicle
11 safety or carrier regulations?

12 A. Yeah. We have everything like that posted.
13 Plus, there is a handbook in both trucks that is
14 provided by -- I don't know the name of the service.
15 But it's a trucking industry in Pennsylvania that
16 provides your handbook that shows you the does and
17 don'ts.

18 We make our employees read over that and
19 sign the paper stating that they do understand how they
20 are to operate the trucks at all times.

21 Q. You also indicated that you request criminal
22 background checks for all of your drivers?

23 A. All our employees, period.

24 Q. Hand you what we have marked for identification
25 as Delauter's Exhibit Number 6. Could you look at

1 those and tell me what they are?

2 A. These are DMV records, that's one of the first
3 things we do, even when we take an application from
4 somebody looking for employment, is one of the first
5 things we do is run a DMV. Most recently, we had a
6 gentleman come to us, claiming he had a clean driving
7 record.

8 Before we even started him, ran a DMV and
9 found 13 violations. And, at that time, we were not
10 able to give him employment. Go to great length that
11 we have good people working for us and our insurance
12 will be happy with who we put behind the wheel.

13 Q. And Delauter's Exhibit Number 6, are they
14 ten-year driving records by the individuals employed by
15 the business, come to drive?

16 A. Yes, they are.

17 Q. And I understand, for privacy purposes,
18 although the originals are available, did you have the
19 driver's license number and year of birth redacted?

20 A. Yes, we did.

21 Q. I'm handing you what's been marked for
22 identification as Delauter's Exhibit Number 7. Can you
23 tell me, please, what that is?

24 A. This is an affidavit that after employees are
25 hired and they've read all the regulations, it's a

1 driver's agreement that they understand what's expected
2 of them and to stay in the balance of the law and they
3 are asked to sign that at least once a year and keep
4 that on file so we have that for our insurance
5 purposes, as well as, if there's any question who we
6 hired and what their abilities are.

7 Q. You indicated that these drivers' agreements
8 are signed once a year?

9 A. Yeah. Once a year, we go over that and make
10 sure everything is up to date.

11 Q. And Delauter's Exhibit Number 7 is the drivers'
12 -- is that the drivers' agreement for this particular
13 year 2006?

14 A. Yes, it is.

15 Q. Also notice on this drivers' agreement, that
16 your employees are notified that they can be randomly
17 tested for drug and alcohol abuse and terminated if
18 they test positive?

19 A. Absolutely. This is one of the big issues when
20 we dissolved our corporation because one of big fears
21 was, if we were to be sued, they could go after
22 everything, unless we were incorporated.

23 Once we dissolved the corporation, this
24 became a very big part of our business. We don't want
25 somebody out there misrepresenting us or doing

1 something illegal that could come back to us in the
2 long run.

3 Q. For purposes of the record, I apologize to the
4 Court. I'm going to jump ahead two exhibits, but I
5 promise to come back. I'm handing the witness what's
6 marked for identification as Delauter's Exhibit Number
7 11. Could you tell me what that is?

8 A. This is a criminal background check that you
9 can run on your personal computer. This is, again,
10 something we do when somebody comes to work for us.
11 Even though we do an extensive background check and
12 check references, it doesn't necessarily mean somebody
13 is going to be honest with you, as I've learned being
14 in law enforcement.

15 We do do the criminal background check as
16 well. If I'm going to send somebody out to do
17 something, I'm going to be sure that they're going to
18 be honest and forthwith.

19 Q. Do you run the criminal background checks for
20 all of the employees of your business?

21 A. Absolutely.

22 Q. For purposes of identification, Delauter's
23 Exhibit Number 11 contains two criminal records checks,
24 is that correct?

25 A. Yes.

1 Q. And the individual's names, social security
2 numbers, and the year of their date of birth has been
3 redacted for privacy purposes?

4 A. Yes.

5 Q. Do you have all those criminal records checks
6 at your disposal?

7 A. Yes, they're kept on file in our office.

8 Q. Now, I'd like to turn for a minute into the
9 business practices of Delauter's. Do you maintain
10 general liability insurance?

11 A. Yes, we do.

12 Q. And who do you have that insurance through,
13 what agency, first?

14 A. Gladfelter Agency. And they're located in
15 York, Pennsylvania.

16 Q. I'm handing you what's marked for
17 identification as Delauter's Exhibit Number 8. Do you
18 recognize that?

19 A. It's our certificate of liability insurance
20 that we carry.

21 Q. And that certificate of liability insurance, is
22 that through Gladfelter?

23 A. Yes, it is.

24 Q. Does it list -- what insurances are covered on
25 that particular --

1 A. We have a general liability and automobile
2 liability and also worker's compensation, employee's
3 liability on this certificate.

4 Q. I'm going to ask you to turn now to the second
5 page of Delauter's Exhibit number 8 and identify that
6 document.

7 A. That's a document of our personal vehicles,
8 along with the company truck that I use to go out and
9 do estimates.

10 Q. Okay. Could you please turn back to the first
11 page of Delauter's Exhibit Number 8? Could you
12 indicate, for the record, the policy coverage amounts
13 for each particular type of insurance as identified in
14 that certificate?

15 A. The general liability is for a million dollars.
16 The automobile liability is for a million. And the
17 workmen's compensation is for 100,000, for up to
18 500,000 maximum.

19 Q. Does your business maintain any bank accounts?

20 A. We maintain business accounts, along with tax
21 accounts, business tax, employee tax and also a line of
22 credit for the business. In case of, you know,
23 emergencies with vehicles or anything of that nature
24 that we have a constant supply of cash at our disposal
25 at all times.

1 Q. Is there an internal accounting system that's
2 utilized by your business for purposes keeping track of
3 the books?

4 A. Yes. My wife uses Quick Books for all of our
5 information, banking information, and business. And we
6 also have an accountant as well who takes care of
7 everything at the year's end.

8 Q. Does the business have any cell phones or phone
9 systems to aid in communication?

10 A. Yeah. We have several phones that are all on
11 the same network, that our employees carry at all times
12 so we're in touch with our employees or they're in
13 touch with us at all times, no matter what the question
14 or problem may be.

15 Q. Who does the taxes for the business?

16 A. Patricia.

17 Q. Excuse me. let me rephrase that. Who prepares
18 the tax returns for the business?

19 A. Janice Albright with Dallastown Tax Service.

20 Q. And Dallastown Tax Service, is that located in
21 York County?

22 A. Yes, it is.

23 Q. I'm handing you what's been marked for
24 identification as Delauter's Exhibit Number 9. Could
25 you look at that document and tell us what it is?

1 A. This is a bank statement of our line of credit
2 with M and T Bank for the business.

3 Q. What is the currently existing line of credit?
4 What's your limit?

5 A. We have a credit line of \$35,000.00.

6 Q. Do you have credit available on that particular
7 account as of today, if necessary, to draw on it?

8 A. absolutely.

9 Q. I'm handing you what's been marked for
10 identification as Delauter's Exhibit Number 10. Do you
11 recognize that?

12 A. Yes.

13 Q. What is that?

14 A. This is a monthly statement that we get from
15 also M and T Bank, so that we have the ability to take
16 Visa or Master Card for payment of services. And this
17 is a copy of what business we would have done in this
18 month and, of course, what we've done as a year-to-date
19 and what our charges are for the ability to take Visa
20 and Master Card, charged by the month.

21 Q. I'm handing you what's been marked for
22 identification as Delauter's Exhibit Number 12.
23 Skipped over 11 previously. Could you identify what
24 Number 12 is?

25 A. This is a receipt for Quick Books. Something

1 that Patricia takes care of in the office, making sure
2 all the payroll programs and everything is kept up to
3 date as the new programs come out, you know, we have to
4 purchase these to make sure that we're staying within
5 the guidelines of what the State requires for the tax
6 deductions and things like that, because it changes all
7 the time.

8 Q. Who is responsible for entering the information
9 into the Quick Book system?

10 A. Patricia.

11 Q. Does she do that on a regular basis?

12 A. On a weekly basis.

13 Q. How long has the business utilized Quick Books?

14 A. She's been doing that for over two years.

15 Q. I'm handing you what's been marked for
16 identification as Exhibit Number 13, Delauter's Number
17 13. Can you tell us what that exhibit is?

18 A. It's a phone bill.

19 Q. Is that the phone bill for the line that's
20 utilized by the business?

21 A. Yes, it is.

22 Q. Have you ever been delinquent or not paid your
23 phone bill?

24 A. Never.

25 Q. Handing you what's been marked for

1 identification as Delauter's 14. Could you tell us
2 what that is?

3 A. This is also a phone bill. This is for all our
4 Verizon wireless phones that Patricia and all the
5 employees carry at all times so that we're always in
6 contact.

7 Q. Again, these are the phones that are utilized
8 between just you and Patricia or the employees?

9 A. No. Patricia and I and the employees.
10 Whenever a group goes out, they always have phones that
11 they can contact us, as well as radios that contact
12 each other to make sure they're in contact at all
13 times.

14 Q. Have you ever failed to pay your wireless phone
15 bill?

16 A. No.

17 Q. I'm handing you what's been marked for
18 identification as Delauter's Exhibit Number 15. Could
19 you take a moment and familiarize yourself with that
20 document? Could you tell me what that is?

21 A. This is our tax return statement for the year
22 2005, the year that we were incorporated. This is a
23 full workup of everything for the year done by
24 Dallastown Tax Service.

25 Q. Was that the tax return that was filed for the

1 business year 2005?

2 A. Yes, it is.

3 Q. Could you look at that and tell us, for the
4 record, what the total amount of gross receipts and
5 sales was for the corporation at that particular year?

6 A. \$190,402.00.

7 Q. Has the business ever failed to file its
8 returns?

9 A. Never.

10 Q. Have any tax liens ever been ordered by the
11 United States against the business, since it's either
12 been a sole proprietor or as a corporation?

13 A. No, sir.

14 Q. Handing you what's been marked for
15 identification as Delauter's Exhibit Number 16. Could
16 you tell us what that is?

17 A. This is an account that Patricia had set up for
18 our taxes. And the reason for this is, is every week
19 after payroll is done, direct deposits money into the
20 tax account so our quarterly are due, the money is
21 readily available to put right to the -- put in the
22 mail and send it to the government.

23 Q. And for what particular time period is that
24 statement?

25 A. This statement period goes from 7/22/'06 to

1 8/21/'06.

2 Q. Has the business ever been assessed any
3 delinquencies for failing to pay any of the employee
4 taxes?

5 A. No, sir.

6 Q. Any fines?

7 A. No, sir.

8 Q. Handing you what's been marked for
9 identification as Delauter's Number 17. Could you take
10 a second and familiarize yourself with that document?

11 A. Okay.

12 Q. Could you tell us what that is?

13 A. This is, again, another account that Patricia
14 set up. have it's a personal tax account. This is our
15 personal taxes. This is also money that I earn on a
16 weekly basis, after payroll. Direct deposit, does it
17 right on the computer. Puts our money in a separate
18 account, so when the quarterlies are due, they are
19 readily available.

20 Q. Did you ever fail to make any quarterly tax
21 payments?

22 A. No, sir. Better a little now than a lot later.

23 Q. Handing you what's been marked for
24 identification as Delauter's Exhibit Number 18. Could
25 you take a second and familiarize yourself with that

1 document?

2 A. Okay.

3 Q. Could you tell us what that document is?

4 A. This is our business account. This is where
5 our checks get deposited into. And this is the money
6 that we draw off of for payroll, as well as any repairs
7 or means for the business.

8 Q. And that particular statement is through what
9 time period?

10 A. Top statement is for 8/1/'06 to 8/31/06. And I
11 believe this is the year's worth of statements.

12 Q. Handing you what's been marked for
13 identification as Delauter's Exhibit Number 19. Could
14 you tell us what that is?

15 A. This is a certificate from the U.S. Department
16 of Transportation that grants us authority as a common
17 carrier of household goods, certificate of evidence of
18 a carrier's authority to engage in transportation as a
19 common carrier of household goods by motor vehicle,
20 interstate and foreign commerce.

21 Q. What's the date of that particular document?

22 A. November 2nd, 2006.

23 Q. Handing you what's been marked for
24 identification as Delauter's Exhibit Number 20. Could
25 you tell us that is?

1 A. This is a document given to us by Pennsylvania
2 Utility Commission. It's a statement from a gentleman
3 who came out and did our evaluation, saying that we
4 were satisfactory, as far as our view and fitness and
5 safety to run our business.

6 Q. Has the -- when the business was a corporation,
7 in the short time that it was, did the corporation ever
8 file for bankruptcy protection?

9 A. No, we did not.

10 Q. When the business was a sole proprietorship,
11 prior to the incorporation and since it went back,
12 reverted back to a sole proprietorship, have you ever
13 filed bankruptcy?

14 A. No, sir.

15 Q. Was the corporation -- has the corporation ever
16 been sued in York County or elsewhere?

17 A. No, sir.

18 Q. When you operated as a sole proprietorship,
19 were you ever sued in York County or elsewhere?

20 A. No, sir.

21 Q. You indicated previously that you do currently
22 possess a license through the Pennsylvania Utilities
23 Commission, correct?

24 A. Yes, we do.

25 Q. And you filed this application that has caused

1 us to have this hearing today in 2005, correct?

2 A. Yes, sir.

3 Q. And what was the purpose or intent of filing
4 this particular application?

5 A. After years of being a helper, it's been
6 painfully obvious that not being able to give a full
7 service to a lot of customers, that the need was there.

8 So, in accordance with the laws, we had
9 filed application so that we can be a full-service
10 moving company instead of just a helper.

11 Q. And that service would include transportation
12 from what particular area to what particular area,
13 according to the application?

14 A. From York to York, and surrounding counties, as
15 in Adams, Lebanon, Lancaster, Cumberland. I believe
16 that was all of them.

17 Q. How long have you lived in York County, Mr.
18 Delauter?

19 A. I've been born and raised in York County.

20 Q. And all your years -- were there any periods of
21 time where you were not a resident of York County?

22 A. No, I've always lived in York County.

23 Q. Have you had the opportunity to witness the
24 residential development that's occurred in York County?

25 A. Yes, sir.

1 Q. Over the last five years, in particular?

2 A. Absolutely.

3 Q. And can you describe for the Court and the
4 record the residential development that you've
5 witnessed?

6 A. It's been unbelievable to watch our farmland
7 disappear and houses pop up; apartments, condos. It's
8 truly amazing to see our county grow the way it has.

9 Q. Does your business currently do any
10 advertising?

11 A. Yes, we do.

12 MR. PASKEY: May I approach?

13 JUDGE SALAPA: You may.

14 BY MR. PASKEY:

15 Q. Handing you what's been marked for
16 identification as Delauter's Exhibit Number 24. Could
17 you tell us what that is?

18 A. This is a front page of our local Verizon
19 Yellow Pages. And on the inside of this document is an
20 advertisement that we have placed in for the business
21 year 2006, 2007, advertising our services to the
22 community.

23 Q. And you advertise your services to the
24 community in that particular advertisement as moving
25 helpers, correct?

1 A. Yes.

2 Q. There's -- I want you to read into the record,
3 there's a line that appears in the particular
4 advertisement that starts with the words all and ends
5 in words needs?

6 A. It states, All your in and out storage needs.

7 Q. Why did you decide to place that particular
8 language?

9 A. That's key to the licensing that we have at
10 this time.

11 Q. I'm handing you what's been marked for
12 identification as Delauter's Exhibit Number 21 and ask
13 you to take a look at that very briefly, both on the
14 first page and the second page.

15 A. Okay.

16 Q. What does that document appear to be show?

17 A. It's the U.S. Census Bureau.

18 Q. Is it titled as a fact sheet?

19 A. American Factfinder, yes.

20 Q. And what particular year does Delauter's
21 Exhibit Number 21 reference?

22 A. This census is for the year 2000.

23 Q. Is that a document that appears to have come
24 from or was generated by the U.S. Census Bureau?

25 A. Yes, it was.

1 Q. I'm going to ask you to look down to the middle
2 of page -- first page of Delauter's Exhibit Number 21.
3 And there's a category that's titled total housing
4 units.

5 First, I guess I should clarify. This
6 particular document is in with respect to York County,
7 Pennsylvania; correct?

8 A. Yes, it is.

9 Q. Going down to that particular category, total
10 housing unit, is there a number listed by the Census
11 Bureau 2000 demographic profiles regarding the total
12 housing units?

13 A. Yes, there is.

14 Q. What is that?

15 A. 156,720.

16 Q. I'm handing you what's been marked for
17 identification as Delauter's Exhibit Number 22. Could
18 you take a second and look at that particular document?

19 A. Okay.

20 Q. What is that?

21 A. That's another U.S. Census Bureau factfinder
22 sheet for York County, Pennsylvania, done as of 2005.

23 Q. And on Delauter's Exhibit Number 22, I'm going
24 to ask you again to look down to the same category with
25 total housing units. What is the figure listed by the

1 U.S. Census Bureau for 2005?

2 A. 168,875.

3 Q. Has that number increased or decreased since
4 the Census Bureau listing for 2000?

5 A. That has increased by 14,000 homes.

6 Q. I'm going to ask you to go back to Exhibit
7 Number 21 for a second. And the first subcategory on
8 the top of the page, total population. Is there a
9 figure that's listed for York County by the United
10 States Census Bureau for the year 2000?

11 A. Yes, there is.

12 Q. And what is that figure?

13 A. 381,751.

14 Q. Now, asking you to go to Delauter's Exhibit
15 Number 22 and look at the same total population
16 subcategory for the year 2005. What is that figure?

17 A. 400,670, which is an increase of almost 19,000.

18 Q. Finally, I'm handing you what's been marked for
19 identification as Delauter's Exhibit Number 23. I want
20 you to take a second to look at that document.

21 A. It's a population census bureau.

22 Q. Is that a document that was created by the U.S.
23 Census Bureau?

24 A. Yes, it was.

25 Q. Does that particular document list, by county

1 in Pennsylvania, the estimate number of housing units
2 for all the counties in Pennsylvania between April of
3 2000 and July of 2005?

4 A. Yes, it does.

5 Q. And, in particular, is there an estimate for
6 Adams County?

7 A. Yes, there is.

8 Q. And is there an estimate for Cumberland County?

9 A. Yes, there is.

10 Q. An estimate for Dauphin County?

11 A. Yes, sir.

12 Q. Could you go to the second page? Is there a
13 listing for Lancaster County?

14 A. Yes, there is.

15 Q. And is there a listing for York County?

16 A. Yes, there is.

17 Q. Ask you look at those documents, that document
18 for a second and tell me, between 2000 and 2005, for
19 all of those counties, are there any counties listed on
20 this that we have just referenced that have experienced
21 a decrease in the estimate number of housing units?

22 A. No, there is not.

23 Q. If this application was to be granted and you
24 were given the license that you requested, would you
25 change anything in terms of the way that you conduct

1 your business?

2 A. Just by adding trucking, that would be it. I
3 would still operate with the same care and concern and
4 quality that I have for all the years I've been doing
5 this.

6 MR. PASKEY: Your Honor, I have no
7 further questions for Mr. Delauter at this time. Thank
8 you.

9 JUDGE SALAPA: Mr. Campbell.

10 MR. CAMPBELL: Yes, Your Honor. Bear
11 with me one second. I think I'll save time if I can
12 take a second or two.

13 JUDGE SALAPA: Go ahead. We're off the
14 record.

15 (Off the record.)

16 JUDGE SALAPA: Back on the record.

17 **CROSS EXAMINATION**

18 BY MR. CAMPBELL:

19 Q. Mr. Delauter, toward the end of your direct
20 examination, you testified that the purpose of the
21 present application was to permit you to render a full
22 service moving service from York to York and to the
23 surrounding counties, is that correct?

24 A. Yes, sir.

25 Q. Are you aware that your present application

1 does not seek authority between points in York County?

2 MR. PASKEY: Certainly does, first line.

3 THE WITNESS: To my knowledge, we made --
4 we had asked York to York, as well as the surrounding
5 counties.

6 JUDGE SALAPA: Let's go off the record.

7 (Off the record.)

8 JUDGE SALAPA: Back on the record. Mr.
9 Paskey, you had a statement --

10 MR. PASKEY: Yes, Your Honor. It's come
11 to our attention that original application that was
12 filed by my client, specifically listed in paragraph 9
13 of that application, quote, Describe the services to
14 seek, be provided within Pennsylvania, common carrier
15 or contract carrier in the following areas.

16 My client has, in handwriting the
17 following; transport household goods from points to
18 points in York County, transport household goods from
19 points in York County to points in Lancaster, Dauphin
20 County, Cumberland, and Adams County; and transport
21 household goods from points in Lancaster, Dauphin
22 County, Cumberland and Adams County to points in York
23 County.

24 And as has previously been indicated on
25 the record, the publication that was effectuated as a

1 result of this application differs from what the
2 original application submitted by my client does.

3 Additionally, there was also an issue
4 that was raised by the fact that the applicant,
5 Delauter's A-1 Services Inc, references there was a
6 corporation, which is, in fact, true at the time that
7 the corporation was the applicant at the time of this
8 particular application was filed.

9 The original application does, in fact,
10 list the trade name as Delauter's A-1 Moving Helpers.
11 As the Court knows, the corporation has since been
12 dissolved and reverted back to a sole proprietorship.

13 The trade name does not differ in any
14 respect nor would it change based on that dissolution.
15 We've discussed a few different proposed remedies. And
16 what I would forward at this point is that for the
17 Court to allow the protesters to continue with their
18 testimony and place that on the record.

19 We would then join the request, I believe
20 I use the word join, I believe that's the appropriate
21 term, request that the Commission republish both the
22 correct name of the applicant as well as the correct
23 areas and services to be provided as listed on the
24 application in paragraph 9.

25 We would ask that the record be kept open

1 to allow for any additional protesters to register
2 their protest after the application. My suggestion, if
3 there are no additional protesters, this may appear to
4 be a non-issue or it may be.

5 If there are additional protesters, it
6 would give those protesters the opportunity to be heard
7 and register their testimony before the Court and also
8 have the benefit of the transcript from the testimony
9 here today.

10 If they would see it fit to have
11 additional cross examination questions or lines of
12 inquiry, they would either request that we produce the
13 witnesses, which I believe would be possible, or they
14 can use the power of the subpoena to have those
15 witnesses return to the stand.

16 JUDGE SALAPA: Mr. Campbell.

17 MR. CAMPBELL: I think that that proposed
18 solution makes sense, Your Honor. My Protestants are
19 willing, the clients that I presently represent are
20 willing to go forward today and complete the testimony
21 and complete the record to potentially another protest,
22 if there isn't, you can issue an order that the record
23 is closed and briefs be filed, if we want to file
24 briefs.

25 Or if it requires another hearing, that

1 steps can be taken and the records closed after that
2 hearing.

3 JUDGE SALAPA: I think that counsel's
4 suggestion is a good one that, at this point, we may
5 might as well go ahead and complete the record on this
6 case. And then I would determine, during the lunch
7 break, how to effectuate republication of the
8 application with the corrections note and that we will
9 then have that done and hold the record open until the
10 new protest period in the republication passes.

11 And if the Commission receives no
12 additional protests then, at that point, we can simply
13 establish a briefing schedule and proceed in a normal
14 fashion.

15 However, if the republication produces
16 additional Protestants, I think, at that point, it
17 would be up to those additional protestants to
18 determine whether they want to have an additional
19 hearing and which witnesses they wish to cross-examine,
20 if any, or whether they simply wish to join in the
21 protest and present their own protest testimony
22 separately and apart.

23 In that event, we'll schedule it for
24 another hearing date then to allow them to have their
25 opportunity to be heard at that point.

1 With having done all of that, Mr.
2 Campbell, do you have any cross examination at this
3 point?

4 MR. CAMPBELL: Yes, Your Honor, I do.

5 JUDGE SALAPA: Proceed.

6 **CROSS EXAMINATION**

7 BY MR. CAMPBELL:

8 Q. As we just rather abundantly discussed, Mr.
9 Delauter, you have present PUC authority in your own
10 name which is commonly known as common carrier property
11 authority, is that correct?

12 A. Yes, sir.

13 Q. And do you not, at the present time, have any
14 authority to transport household goods in use between
15 points in any part of Pennsylvania?

16 A. No.

17 Q. Have you, in the past, transported household
18 goods for compensation between points in between in
19 Pennsylvania?

20 A. From house to house? I can't really hear you,
21 sir.

22 Q. I'm sorry. Have you transported household
23 goods from one house to another between any two points
24 in Pennsylvania for compensation?

25 A. Yes, I have.

1 Q. I'm sorry. My mic was turned off. I
2 apologize.

3 According to the testimony of Mr. Grube, I believe,
4 that you had transported some property for customers of
5 his between points within Pennsylvania for
6 compensation?

7 A. We did not transport goods for Mr. Grube, no.

8 Q. I thought that he had referred people to you
9 that had purchased homes in Pennsylvania for movement
10 of their household goods. Am I mistaken?

11 A. Yes, you are mistaken.

12 Q. You never handled any such moves at the request
13 of Mr. Grube or any of his clients, to your knowledge?

14 A. We help Mr. Grube's client in a helper status,
15 not in a moving status. There is a difference.

16 Q. By that, what do you mean?

17 A. I would go and sit with the customer. And if
18 the customer would want to rent the truck, we would
19 send manpower out to load the truck, go with the truck
20 and unload the truck into their residence or storage or
21 whatever they needed done.

22 Q. And you did that at the request of Mr. Grube
23 for some of his customers?

24 A. At the request of his customers, not him. He
25 would just give them my name.

1 Q. I understand. Fair enough. Now, in that
2 situation, did you rent the truck to the person that
3 needed the helper service?

4 A. No. They would go to a rental agency and rent
5 the truck and provide it for us to load. We do not
6 rent our trucks out.

7 Q. Sir, you did not use your truck to provide any
8 of that service between one household and another?

9 A. We did on one occasion.

10 Q. On one occasion?

11 A. Yes, sir.

12 Q. Describe that for me and for the Judge for the
13 record?

14 A. It was in Red Lion. Family was in dire
15 straits. Could not get a rental truck. I made an
16 exception. And PUC called me and presented me with the
17 same questions you just asked. I admitted to doing it.
18 And I was given a fine. Paid my restitution and told
19 not to do that again until I get my license.

20 Q. Was that move -- if you recall, was that a move
21 for Vickie Kinley from Red Lion from west York?

22 A. Yes, it was.

23 Q. In April of this year?

24 A. Yes, it was. I wasn't sure of the date.

25 Q. Just following up on the status of your

1 company's organization. You've testified, and I think
2 we had a further discussion, that the corporation that
3 applied for this authority, Delauter's A-1 Services,
4 Inc. does not exist any more. That's been dissolved?

5 A. Right. Nothing has changed other than the
6 name.

7 There was no partners or any other entities. Even
8 though it was incorporated, I was still the sole owner
9 and runner of the business.

10 Q. But the corporate -- excuse me. The tax return
11 that was introduced in this proceeding as Delauter's
12 Exhibit 15 shows that that is a corporate tax return,
13 is that not correct?

14 A. Yes, for 2005.

15 Q. 2005?

16 A. That's the year we were incorporated. We
17 incorporated that year. And at the end of that year,
18 we dissolved the corporation.

19 Q. Did you do a formal dissolution before the
20 Department of State or did you just go out of
21 existence, so to speak?

22 A. No. We did it formally through the state.

23 Q. Very good.

24 A. Yes.

25 Q. Okay. And, so, I'm not trying to be technical

1 here. But did that corporation just last exactly one
2 year from business?

3 A. I don't think it was a full year.

4 Q. But the tax period that you filed for was from
5 January 1st, 2005 until the end of 2005. And at the
6 end of 2005, you went out of business, not out of
7 business --

8 A. Dissolved the corporation part, yes, sir.

9 Q. Since then, going into the future, you've
10 decided to trade as a sole proprietorship?

11 A. Yes. I was talked into going into a
12 corporation because of practices of being sued. I was
13 told that, you know, being incorporated, they could not
14 touch you as an individual, if you're incorporated.

15 I've never run my business in a sense
16 that I feel I need to worry about being sued. I carry
17 the proper insurances and try to do right by my people.
18 I'm old-school.

19 I feel if you do what you say, you treat
20 people right, hopefully, somebody won't want to take
21 your house. Being incorporated is an extreme pain in
22 the butt, as somebody as small as my wife and I, who
23 are trying to run a company and treat people right.

24 Do you have any knowledge of what the
25 state requires, along with all the other agencies when

1 you're incorporated? It's phenomenal to try to keep up
2 with these things.

3 Q. Nobody is questioning your right to do business
4 in whatever form you wish to.

5 A. Okay.

6 Q. Just trying to get the record clear on what it
7 is.

8 A. Sure.

9 Q. I had one question with respect to the
10 registration cards. If you would get out Delauter's
11 Exhibit 3 for me?

12 A. I can answer the questions. I'm very familiar
13 with the registrations.

14 Q. First of all, looks like three of those four
15 have expired by their terms, as we speak; do you agree
16 to that?

17 A. Yes. I see they're out of date. This hearing
18 has been postponed. Those were presented to our
19 attorney long before the last week or two. everything
20 is valid and up to date.

21 Q. Beyond that, the first two that are listed
22 there, when it says year and make, it says in each
23 case, 2006 Carmate. What is a Carmate?

24 A. That's the large red cargo trailer. And those
25 actually -- see, they're duplicated.

1 Q. And I see. So --

2 A. There should be a truck there. The one should
3 have been --

4 Q. 1999 International?

5 A. Yeah. That's the box truck, sir. The one
6 that's not on here, I don't know how this has happened.
7 they have 550. Unfortunately, somehow the Carmate got
8 copied twice. One of them should be an F-550. Pulls
9 the Carmate trailer that you see in the picture, sir.

10 Q. And is that the vehicle titled in your name or
11 in the name of the corporation or do you know?

12 A. The truck is titled, I believe, in my name.

13 Q. Have you, in the past, and I think this is your
14 testimony, but I don't mean to misstate it. In the
15 past, you have picked up household goods from an
16 individual's house and taken them to a place of
17 storage?

18 A. Yes, sir.

19 Q. For compensation, you've charged them money to
20 provide that service?

21 A. Since we got our common carrier, yes.

22 Q. And, similarly, you've taken household goods
23 for households that were in storage and removed them
24 from storage and taken them to a new residential
25 location?

1 A. Yes, sir.

2 Q. You've done both types of service?

3 A. That's what we were told by the lawyer we were
4 allowed to do.

5 Q. The -- in each of those situations that you and
6 I have just discussed, you had not been the owner of
7 the storage facility, is that correct?

8 A. No, sir, I do not own any storage.

9 Q. And these were not transported to your
10 facilities on Newcomer Road for storage there?

11 A. No, sir. Our garage is just solely for our
12 supplies and our dollies and stuff of that nature.

13 Q. I see.

14 A. Excuse me. Can I get something put over this
15 vent? I'm freezing. This thing is freezing cold air
16 on me, and I'm ready to hypothermia.

17 JUDGE SALAPA: Yes. I think that's there
18 to keep the witnesses awake.

19 MR. CAMPBELL: Your Honor, that completes
20 my cross examination.

21 JUDGE SALAPA: Redirect.

22 MR. PASKEY: No, I don't believe so, Your
23 Honor.

24 MR. CAMPBELL: I have no objection to the
25 exhibits, Your Honor.

1 JUDGE SALAPA: I was going say, do you
2 want to move your exhibits now?

3 MR. PASKEY: Yes. I'd like to move for
4 the admission of Delauter Exhibit Numbers 1 through 24.

5 JUDGE SALAPA: Any objections?

6 MR. CAMPBELL: No, Your Honor.

7 JUDGE SALAPA: Delauter Exhibit Numbers 1
8 through 24 are admitted into evidence in this
9 proceeding and may be part of the record herein. Mr.
10 Delauter, you may step down.

11 **(Delauter Exhibit Numbers 1 through 24**
12 **were admitted in evidence.)**

13 THE WITNESS: I Guess I should have asked
14 for that sooner.

15 JUDGE SALAPA: Yes. Let's go off the
16 record for a second.

17 (Off the record.)

18 JUDGE SALAPA: Let's be back at 1:15. We
19 are in recess.

20 (Whereupon, at 12:14 p.m, a luncheon
21 recess was taken, to resume at 1:15 p.m. the same day.)

22 JUDGE SALAPA: Back on the record.

23 MR. CAMPBELL: The protestants are ready
24 to proceed at this time. We will call Mr. Morris of
25 Shelly Moving and Storage.

1 **Whereupon, CHARLES MORRIS**, having been
2 duly sworn, testified as follows:

3 JUDGE SALAPA: Please be seated. If you
4 would please state and spell your name for the record.

5 THE WITNESS: Charles Morris, Morris.

6 **DIRECT EXAMINATION**

7 BY MR. CAMPBELL:

8 Q. Please give us your business address for the
9 record and state by whom you are employed ?

10 A. Corporate office is 4 Lee Boulevard, Malvern
11 PA. Shelly Moving and Storage Incorporated. Director
12 of the sales and marketing.

13 Q. I'm sorry. Your position is director of sales and
14 marketing?

15 A. That's correct.

16 Q. I cut you off. I'm sorry. And how long have
17 you been with Shelly Moving and Storage?

18 A. 22 years.

19 Q. And would you explain the business of that
20 company?

21 A. We transport household goods both intrastate,
22 interstate, as well as internationally. We also do
23 some commercial moving, as well as transport high-value
24 products, trade shows and things of that nature.

25 Q. In your capacity as director of sales and

1 marketing, are you familiar with Shelly's operations
2 and facilities? And are you authorized to appear and
3 testify today?

4 A. Yes, I am.

5 Q. Are you familiar with the present application?

6 A. Yes.

7 Q. And have you been present this morning during
8 all of the testimony that was presented?

9 A. Yes, I have.

10 Q. And you've also heard the discussion of the
11 scope of the application and the advertising and so on?

12 A. Yes.

13 MR. CAMPBELL: I have your exhibit,
14 Mr. Morris. And, Your Honor, I would ask we mark this
15 exhibit as identification as Protestant Exhibit 1.

16 JUDGE SALAPA: So marked as Protestant
17 Exhibit 1.

18 **(Protestant Exhibit Number 1 was marked**
19 **for identification.)**

20 BY MR. CAMPBELL:

21 Q. Mr. Morris, I show you a document marked for
22 identification as Protestant's Exhibit 1 and ask you if
23 that is a copy of the present operating authority of
24 Shelly Moving and Storage?

25 A. It is.

1 Q. And I don't request that you read anything
2 specifically unless you desire to. But could you tell
3 us, generally, the scope of the authority that is
4 contained in Protestant's Exhibit 1 as pertinent to
5 this application?

6 And for purposes of your answer, let's
7 assume that the application becomes republished to
8 include intra York County transportation, do you follow
9 me?

10 A. Yes. We have -- actually, we have our current
11 authority which encompasses the entire scope of that
12 application. We have authority to do moves between
13 points within York County as well as we can do moves to
14 and from Adams, Cumberland, Dauphin and Lancaster
15 County.

16 Q. So that all of the application territory, even
17 as republished, if it is, is presently within the scope
18 of your company's authority?

19 A. Yes, it is.

20 Q. Where are Shelly terminals and where are the
21 facilities located?

22 A. We have an office at 4 Lee Boulevard, Malvern,
23 PA. Another office at 4451 Lincoln Highway, York,
24 Pennsylvania. 992 Peifers Lane in Harrisburg.

25 Q. And how many vehicles, approximately, do you

1 operate and what types of vehicles are these?

2 A. In total, we operate 21 straight trucks. We
3 have 16 tractors, 39 trailers and 4 pack vans.

4 Q. And how many employees do you have full-time
5 and part-time?

6 A. Approximately, a hundred full-time employees
7 and 50 part-time.

8 Q. I think, in your opening answer, you may have
9 addressed this. But am I correct that in addition to
10 your intrastate authority shown in exhibit P1, your
11 company also holds interstate operating --

12 A. We're an agent for Allied Van Lines and
13 transport goods interstate with them.

14 Q. Can you provide for the record an estimate of
15 how much of your Pennsylvania business is interstate
16 versus intrastate Pennsylvania?

17 A. My best guess, I don't have specific details,
18 is that we're probably doing 60 percent intrastate, 40
19 percent interstate.

20 Q. And when you use those percentages, are you
21 talking in terms of dollars or trips?

22 A. That would be based on the volume of business,
23 the number of moves. On dollars and sense, the
24 interstate business probably adds up to more dollars.
25 We retain less of that. However, a lot of that goes to

1 the hauling agent, as well as to Allied Van Lines
2 itself.

3 Q. Now, within the present application territory
4 and for purposes of this discussion, we're assuming it
5 includes intra York County transportation. Do you
6 presently have competition for the business that's
7 available in that territory?

8 A. Yes, we do. There's several other companies
9 that can do business and do business in York County.

10 Q. And can you enumerate some of those?

11 A. It would be Werner's in Red Lion, Leonard
12 Worley or Worley Generations which is another company
13 located in York, Ziegler's in Carlisle, M.F. Rockey
14 out of New Cumberland, Parks out of Harrisburg.

15 And in conjunction with the actual
16 authority that's been requested, it would also include
17 Gastley's Moving out of Gettysburg. Jack Treier,
18 Charles Groff in Lancaster, as well as Harrisburg
19 Storage, George Weaver; Ace Moving, Flamingo's, a
20 number of other companies that all have authority in
21 Cumberland and Dauphin County.

22 Q. F-i-a-m-i-n-g-o, I think. And is that company
23 also known as Camp Curtin Transfer?

24 A. Camp Curtin. Also Lindamen's and Penn Hershey
25 Transfer, a number of others. Fair number of

1 competitors in the market area.

2 Q. And are you also aware of other applications
3 besides this one that are pending that involve this
4 central Pennsylvania territory?

5 A. Yes. There are at least two others that cover
6 York County.

7 Q. Over the years and particularly the recent
8 years, Mr. Morris, has Shelly had trouble moving the
9 demands of the public for provision of household goods
10 moving service within Pennsylvania?

11 A. No. We've been able to take care of our
12 customers's needs.

13 Q. Some of applicant's witnesses indicated that
14 York County is a growing county and that the housing
15 boom, although not as great as it was a year or two
16 ago, has now stabilized, is now fairly substantial. Do
17 you agree with that?

18 A. I concur, yes.

19 Q. And if the population is growing and the
20 economy is good in the York County area and surrounding
21 areas as well, why do you oppose the present
22 application?

23 A. Well, for one, the present carriers have
24 stepped up to the plate to handle the additional
25 workloads, so to speak. Adding crew members, adding

1 equipment as necessary, in order to do that.

2 Some statistics that I'm familiar with
3 are that 50, 60 percent of the people actually move --
4 actually move them themselves. I'm inclined to believe
5 that for local or intrastate moving, that statistic
6 possibly is even greater. That's a nationwide
7 statistic.

8 And I think you're a lot more prone to
9 hire a move to take you to California than you are if
10 you are going two blocks away from your residence. I
11 believe it's 40, 50 percent of the people move each
12 year, to the companies that are out there moving them
13 for compensation, I believe strongly that the financial
14 stability of the moving company becomes important to
15 the consumer.

16 One of the things that I've also run,
17 into a lot of my customers asking, how long have you
18 been in business? And they seem to be more and more
19 concerned about the fact that you've been around for a
20 while. You have stability. You have longevity.

21 They're looking for ways to find out how
22 good you are. And that's one of the parameters that
23 they use in order to find that out. Not to say that
24 someone new into the business is not going to be very
25 good at what they do.

1 But customers seem to be, you know,
2 holding onto that type of a thing. So, even though any
3 growth in the area, there's still only a certain market
4 that's available to us. We've spent our resources to
5 hire additional manpower, spend funds to buy new trucks
6 and to meet the demands.

7 And with more players in the market area,
8 it, obviously, has an effect on how much of that market
9 we are then going to be able to do.

10 And the commitments we've made both to
11 our employees and to our investors can be affected when
12 that business is not as great as we would like it to
13 be.

14 Also, although I don't own the company,
15 but the value of our company is somewhat based on
16 amount of competition that's in the market area. The
17 PUC authority that we hold has a certain monetary value
18 to it.

19 And the more players that there are, that
20 has an effect on what that value might be.

21 MR. PASKEY: I'm going to object on
22 grounds of speculation. Improper foundation. Value of
23 the company has no basis.

24 MR. CAMPBELL: When the ICC deregulated
25 the trucking industry, all the carriers had to write

1 off the value of the authorities. Considered to be
2 reduced to zero.

3 Same with the authorities of Pennsylvania
4 carriers, when the Commission deregulated general
5 commodities trucking. I think it's a fair observation,
6 for what it's worth.

7 JUDGE SALAPA: I think I can take notice
8 of the fact that the Commission approves the buying and
9 selling of operating rights on a regular basis. What
10 that value is dependent upon, I don't know.

11 I have think maybe you are getting into a
12 little bit of a speculation there. So, I'm going to
13 sustain the objection. I really don't know that there
14 is any agreed-upon standard in the industry for valuing
15 PUC authority.

16 BY MR. CAMPBELL:

17 Q. We won't pursue that any further, Your Honor.
18 Are there any other reasons that you oppose this
19 application?

20 A. No. That's primarily the case, that we -- we
21 feel we've been able to service the area, that there
22 are enough competitors currently within the area to
23 take care of the businesses that are out there. And as
24 a result, the consumer is not going to benefit and may
25 actually come up short, because the rest of us aren't

1 quite as strong a company as we might currently be.

2 MR. CAMPBELL: Thank you. You may cross.

3 **CROSS EXAMINATION**

4 BY MR. PASKEY:

5 Q. Mr. Morris, where do you live?

6 A. Lancaster, PA.

7 Q. Have you ever resided in York County?

8 A. No, I have not.

9 Q. You made a comment before about certain things

10 that your corporation or your business has decided to

11 do, such as, expend additional funds in buying

12 additional trucks to meet the demands in the areas that

13 we're talking about, is that correct? Do you recall

14 testifying to that?

15 A. As the need has arised, yes.

16 Q. So, has those funds been expended prior to this

17 application being filed with the Commission to meet

18 demands?

19 A. I'm not sure I quite understand the question.

20 Q. Trucks that you indicated that had been

21 purchased by your company to meet the demands?

22 A. We buy the equipment and add additional

23 manpower as it's necessary, based on the volume of the

24 business.

25 Q. Have you done that before or after this

1 application was first filed?

2 A. We do it as need arises.

3 Q. Okay. Have you done it in the last year?

4 A. It's a continual process that most companies
5 do.

6 Q. And that process is dictated not only by the
7 competition, but also the market and demand; correct?

8 A. Yes.

9 Q. So, if the market and demand in York County,
10 for example, would continue to increase, that might
11 result in increased expenditures by your company to
12 meet those demands; correct?

13 A. That would be correct.

14 Q. And you would agree with me that there are
15 several considerations that a consumer would have in
16 making a decision as to which mover they would hire to
17 move goods, for example, from a place in York County to
18 another location in York County, correct? You
19 indicated that, before, reputation was one of the
20 considerations?

21 A. Yes.

22 Q. And if this application were granted, would the
23 representation of your business change?

24 A. No.

25 Q. Okay. I'm assuming that your employees are

1 also trained in their job in their profession. For
2 example, sales people are trained in a certain way,
3 movers are trained in a certain way; is that correct?

4 A. Yes.

5 Q. And would your service and training of those
6 movers and sales persons differ if this application was
7 granted?

8 A. No.

9 Q. You would not change the way that you train
10 your personnel?

11 A. No.

12 Q. Another consideration for consumers would be
13 the actual cost of the move, correct?

14 A. Yes.

15 Q. And there's a variety of different
16 circumstances that would govern what causes an increase
17 in the cost of the move, correct?

18 A. There's different things that will come into
19 play there. However, most of us are operating under
20 very, very similar expenses.

21 Q. Correct. And those type of expenses would be,
22 for example, cost of the fuel; correct?

23 A. Yes.

24 Q. And cost of health insurance for your
25 employees?

1 A. Correct.

2 Q. And additional competition, for example, by my
3 client, would only be one of the factors that may or
4 may not govern the cost of a move, correct?

5 I mean, if my client's application was
6 granted, that's not going to necessarily translate into
7 an increase or decrease in your moving prices, is it?

8 A. Whether or not that's granted should not have
9 -- I would assume would not have an effect on our rates
10 at all.

11 Q. Do you advertise in York County?

12 A. Yes, we do.

13 Q. What type of advertisement do you utilize?

14 A. We use Yellow Pages, both Verizon and the
15 Yellow Book. We also do internet and we do direct
16 mailing.

17 Q. Would the content of your direct mailing change
18 if this application was granted?

19 A. No.

20 Q. Would the content of your website change if
21 this application was granted?

22 A. No.

23 Q. Would the content of your Yellow Pages
24 advertisement change if this was granted?

25 A. No.

1 Q. How many of your drivers -- excuse me. I
2 retract that. How many of your employees are actually
3 working out of the York County facility?

4 A. Again, I don't have the exact numbers on that.
5 I would guess --

6 Q. If you don't --

7 A. I mean, just a percentage basis.

8 Q. Sure.

9 A. That it's in the 30, 40 percent range.

10 Q. How about the facility in Harrisburg?

11 A. Harrisburg would be a smaller amount, about 20
12 percent. And the balance would be the Malvern office.

13 Q. The figure that you provided earlier about the
14 60 percent of your business would be intrastate
15 business, is that correct?

16 A. That -- yes.

17 Q. Do you have any further breakdown of that
18 percentage as it relates to these particular affected
19 areas?

20 A. No. We do not keep track of our moves by
21 county.

22 Q. You do not?

23 A. No.

24 Q. Any particular reason why?

25 A. Don't have the time.

1 Q. Do you think it would be important to keep
2 track of those statistics to determine where you
3 should, in fact, focus your efforts in terms of what
4 particular counties would be more profitable?

5 A. It probably would be.

6 Q. But you're just not doing it?

7 A. There's not enough time to do --

8 Q. Despite the fact --

9 A. -- all the things you need to do.

10 Q. Fair enough. Are you familiar with the school
11 districts in York County?

12 A. Some of them.

13 Q. Are you aware of any decisions by any school
14 districts in York County to otherwise expand their
15 facilities because of the increase in population?

16 A. Current ones, no. I'm familiar with some that
17 I've already done.

18 Q. Such as?

19 A. Central York is building a new high school,
20 actually moved into.

21 Q. And any others?

22 A. Not sure what the others might be. I would
23 assume there are some, especially in the southern part
24 of York County.

25 Q. You gave us the statistic before that you're

1 aware of, 50 to 60 percent of all people move
2 themselves?

3 A. That's statistics from the American Moving and
4 Storage Association.

5 Q. Okay.

6 A. I'm not sure that it's exact. But it's in
7 those parameters.

8 Q. So, that would leave approximately either half
9 the 40 percent of the population would utilize movers,
10 correct?

11 A. That's correct.

12 Q. Okay. You indicated that present carriers have
13 stepped up to the plate to meet the increased demand in
14 these particular affected areas?

15 A. Yes.

16 Q. So you acknowledge that there is an increase in
17 demand in these particular listed --

18 A. I don't deny that at all, correct. I do not
19 deny that at all, correct. There are more people out
20 there.

21 Q. How many additional employees has your company
22 hired in the last year?

23 A. I don't have that number.

24 Q. Do you know if they hired additional employees
25 in the last year?

1 A. I'm not sure.

2 Q Do you anticipate any additional hires if this
3 application would be granted?

4 A. It would again on the demands.

5 Q. May be yes or may be no?

6 A. That's correct. We don't know for sure.

7 MR. PASKEY: Thank you, Mr. Morris. I
8 appreciate that. I have no further questions.

9 JUDGE SALAPA: Redirect.

10 **REDIRECT EXAMINATION**

11 BY MR. CAMPBELL:

12 Q. I have one, I think. Mr. Morris, you were
13 asked about adding employees and equipment in response
14 to a need or a demand increasing. Do you not add
15 equipment or replace equipment routinely just in the
16 normal course of business?

17 A. Yes.

18 Q. To upgrade and retire old vehicles?

19 A. Right.

20 MR. CAMPBELL: Put on better equipment,
21 newer equipment. That's all.

22 JUDGE SALAPA: Recross.

23 **RECROSS EXAMINATION**

24 BY MR. PASKEY:

25 Q. Comments about adding equipment on direct

1 examination was not as a result of replacing old
2 equipment, correct? Your testimony was that we were
3 adding equipment to try and meet the demands that
4 currently existed in those areas?

5 A. That's what I said, yes.

6 MR. PASKEY: No further questions.

7 MR. CAMPBELL: I have nothing further,
8 Your Honor. I move the admission of P1.

9 JUDGE SALAPA: All right.

10 MR. PASKEY: Without objection, Your
11 Honor.

12 JUDGE SALAPA: All right. The exhibit
13 marked as Protestant's P1 exhibit is moved into
14 evidence in this proceeding and made a part of the
15 record herein.

16 **(Protestant's Exhibit Number 1 was**
17 **admitted in evidence.)**

18 JUDGE SALAPA: You may step down.

19 (Witness left the stand.)

20 MR. CAMPBELL: Your Honor, call Mr.
21 Henline.

22 **Whereupon, GARY HENLINE**, having been duly
23 sworn, testified as follows.

24 JUDGE SALAPA: Please be seated. Could
25 you state and spell your name for the record?

1 THE WITNESS: Gary Henline,
2 H-e-n-l-i-n-e.

3 **DIRECT EXAMINATION**

4 BY MR. CAMPBELL:

5 Q. What is your business address?

6 A. 160 Lamont Street, New Cumberland,
7 Pennsylvania.

8 Q. By whom are you employed?

9 A. M.F. Rockey Moving Company.

10 Q. And what is your position with that company?

11 A. I'm the general manager.

12 Q. And how long have you been with M.F. Rockey?

13 A. For 27 years.

14 Q. And what is the business of your company?

15 A. We do local, interstate and international
16 moving as well as commercial moving, storage, packing
17 service.

18 Q. And are you familiar, as the general manager,
19 with the company's operations and facilities and
20 authorities?

21 A. Yes.

22 MR. CAMPBELL: Your Honor, may we have
23 marked for identification an exhibit being the
24 operating authority of M.F. Rockey as Protestant's
25 Exhibit 2?

1 JUDGE SALAPA: So marked.

2 (Protestant's Exhibit Number 2 was marked
3 for identification.)

4 BY MR. CAMPBELL:

5 Q. Mr. Henline, I show you a document which I put
6 before you that has been marked for identification as
7 Protestant's Exhibit 2. And I ask you if that is the
8 operating authority of M.F. Rockey Moving Company?

9 A. Yes, it is.

10 Q. And if I might just lead you, with Mr. Paskey's
11 permission. Does that basically permit moving
12 household goods in use between points of 50 miles of
13 New Cumberland?

14 A. Yes, it does.

15 Q. And with certain exceptions and limitations?

16 A. That's correct.

17 Q. Does that 50-mile radius of new Cumberland
18 embrace York County?

19 A. Yes, sir.

20 Q. And Lancaster County?

21 A. Yes.

22 Q. And Dauphin County?

23 A. Yes.

24 Q. And does it reach Adams County?

25 A. Adams, Cumberland.

1 Q. Okay. Is your primary terminal, warehouse and
2 office facility located at the address you gave?

3 A. Yes, it is.

4 Q. Is that Rockey's only Pennsylvania terminal?

5 A. Yes.

6 Q. How many vehicles does your company operate and
7 what types are they?

8 A. We have five straight trucks, two
9 tractor-trailers, and two packing vans.

10 Q. And how many people do you employ full-time and
11 part-time?

12 A. 16 full-time and four or five part-time people.

13 Q. And I asked Mr. Morris and I ask you, you
14 indicated -- I'm sorry. Let me start over. Strike
15 that. You indicated, at the outset of your testimony,
16 you provided interstate, as well as intrastate
17 testimony?

18 A. Yes.

19 Q. Not testimony. Operating. You operate in
20 interstate and intrastate service?

21 A. That's correct.

22 Q. And I would ask you a similar question I asked
23 Mr. Morris. How does that breakdown, what portion of
24 your business is intrastate versus interstate?

25 A. Both -- probably on our situation, about 80

1 percent of what we do is intra and local Pennsylvania
2 where we do, the other 20 percent would be Allied
3 interstate work.

4 Q. Did you hear Mr. Morris's testimony about the
5 number of moving companies that compete for business
6 within this application?

7 A. Yes.

8 Q. Do you concur?

9 A. I would agree with the companies he mentioned.

10 Q. Has Rockey had difficulties in the past in
11 meeting the needs that have been placed upon them for
12 intrastate household goods moving?

13 A. No.

14 Q. And why are you here in opposition to this
15 application?

16 A. I just don't feel there's a need for another
17 carrier in the marketplace at the present time. It's
18 tough to go out there and keep the people we have busy
19 now.

20 You have your -- it's starting to slow
21 down. I heard mention that it's still going strong in
22 York and Adams County. But starting to slow down. If
23 you look at the listing of real estate, it's gone from
24 about two pages of listings to approximately seven,
25 eight pages now.

1 The houses are sitting longer. And the
2 moves -- the moves are starting to slow down.

3 Q. Does that complete your answer?

4 A. Yes, sir.

5 MR. CAMPBELL: You may cross-examine.

6 JUDGE SALAPA: Cross examination.

7 **CROSS EXAMINATION**

8 BY MR. PASKEY:

9 Q. Sir, where do you reside?

10 A. Physically reside at West Minister, Maryland.

11 Q. How long have you resided in West Minister?

12 A. 30 years.

13 Q. Have you ever resided in the effected areas
14 that we're talking about?

15 A. No. I drive up here every day.

16 Q. Okay. Does M.F. Rockey do any advertising?

17 A. We advertise Yellow Pages and we do direct
18 mail.

19 Q. And your Yellow Pages are for which counties?

20 A. York, Adams, Cumberland, Dauphin County.

21 Q. You do not advertise --

22 A. Lancaster.

23 Q. You do advertise in Lancaster County?

24 A. Yes.

25 Q. If this application were to be granted, would

1 you change the advertisements in the Yellow Pages?

2 A. No.

3 Q. If these advertisements were to be granted,
4 would you change your advertisements in direct mail?

5 A. No.

6 Q. Do you have a website?

7 A. No.

8 Q. Do you advertise in any of the local York
9 newspapers?

10 A. No.

11 Q. When you made the comment before about the real
12 estate listings decreasing down to two particular
13 pages, two pages I think?

14 A. No, I said they've increased.

15 Q. Increased?

16 A. When the market was hot, there that many
17 listings. There weren't enough properties out there.
18 Now, there's, 8, 9 pages of properties available. So,
19 the houses are sitting longer.

20 Q. Which particular newspapers are you referring?

21 A. I'm not talking newspapers. I'm talking real
22 estate listings.

23 Q. Have you ever looked at the local newspapers
24 and Sunday news regarding new construction developments
25 in any of the counties?

1 A. I look at it. I'm in York and Adams County
2 every day.

3 Q. When was the last time you looked at a Sunday
4 newspaper listing affecting York County?

5 A. I don't look at the Pennsylvania Sunday Paper.
6 I get West Minister.

7 Q. So the newspaper that you're referring to is
8 actually a newspaper that you had reviewed the listings
9 for Maryland, correct?

10 A. No. I'm talking about actual realtor listings.

11 Q. Okay.

12 A. I didn't get my listing from the newspaper.

13 Q. And how do you get those listings?

14 A. I have a network that we get them from.

15 Q. Are they MLS listings?

16 A. Excuse me?

17 Q. MLS listings?

18 A. Multi-listing, yes.

19 Q. Which particular counties have you viewed?

20 A. All of our surrounding counties.

21 Q. And the multi-listing services do not
22 necessarily list new construction, correct?

23 A. I think they probably do get a lot of return
24 mail that goes to -- it's just a lot and it's on the
25 list because of new construction, I think it does.

1 Q Okay. Are you familiar with the new
2 construction that's ongoing in Adams and York County
3 because you drive from West Minster to New Cumberland
4 every day?

5 A. Somewhat.

6 Q. Do you see the development, do you travel on
7 Interstate 83?

8 A. Depends. also in sales. So, I'm all over;
9 Hanover, York, Littlestown, all over down through
10 there.

11 Q. Through your travels and your sales positions,
12 have you noticed an increase in residential development
13 in these counties?

14 A. I can't tell you it's an increase. They're
15 building everywhere up here. So, I couldn't tell you
16 there's more going on in York than there is in
17 Cumberland County.

18 Q. You'll agree with me they're, to use your
19 words, building everywhere up here?

20 A. I would agree, there's a lot of building going
21 on.

22 Q. If this application were to be granted, would
23 your company see the need to hire additional drivers?

24 A. If this application were granted?

25 Q. Yes.

1 A. It may affect us as far as keeping the drivers
2 and the people that we have.

3 Q. But you don't know that for certain, correct?

4 A. No, I couldn't see a need to hire more if this
5 gentleman's application were approved. It's just less
6 availability out there with more carriers.

7 Q. 50-mile square radius from New Cumberland, does
8 that cover all of Lancaster and Adams County?

9 A. It covers the bulk of Adams County.

10 Q. But does not cover all of the counties?

11 A. Doesn't cover all Lancaster County.

12 Q. Does or does not?

13 A. Doesn't cover.

14 Q. Does not cover all of Lancaster and does not
15 cover all of Adams County, correct?

16 A. It covers a big portion of Adams. I mean, I
17 apologize. Look at that. But it covers a bulk of
18 Adams County.

19 Q. Okay. You would agree with me there are
20 several considerations that a consumer would take and
21 decide upon before making a decision on which mover to
22 hire, correct?

23 A. See that every day.

24 Q. And the reputation of your business would be
25 one of those considerations, correct?

1 A. Correct.

2 Q. And the representation of your business would
3 not change if this application was granted, would it?

4 A. No.

5 Q. And the service and training of your employees
6 is also another consideration, correct?

7 A. That wouldn't change.

8 Q. And would you not change the service of
9 training in any respect if this application was
10 granted?

11 A. No.

12 Q. And the prices for a move would be another
13 consideration that a consumer would take into
14 consideration, correct?

15 A. That's correct. And--

16 Q. Go ahead.

17 A. That's one of the other concerns I have. We
18 lose moves in York County, and, on occasion, the people
19 give you a reason. They won't move because they found
20 somebody cheaper. But I've never found yet that it's
21 been one of the certificated carriers that these people
22 are going with.

23 So, that's my concern too. How many
24 people like Mr. Delauter are out here doing moves at a
25 cheaper rate without proper authority and affecting our

1 business.

2 Q. But you don't know the rates of Mr. Delauter's
3 company, do you?

4 A. Excuse me?

5 Q. You do not know the rate of Mr. Delauter's
6 company, do you?

7 A. No.

8 Q. Have you ever requested a quote from Mr.
9 Delauter's company?

10 A. I don't see how you can. He's not a
11 certificated mover.

12 Q. For any type of moving, sir?

13 A. Would I?

14 Q. For any type of moving, not necessarily a
15 certificate -- not moving household goods to a
16 household location. But you've never requested a bid
17 from his company for any purpose, would you?

18 A. Why would I?

19 Q. I'm asking the question, sir. Have you?

20 A. No, I have no need to.

21 Q. Thank you. And another consideration that a
22 consumer may ponder is the actual location of the
23 mover, correct?

24 A. Correct.

25 Q. And would it be fair to say that some

1 individuals would feel more comfortable moving with a
2 mover that was local to them, correct?

3 A. That might be an issue.

4 MR. PASKEY: I have no further questions.
5 Thank you, sir.

6 JUDGE SALAPA: Redirect.

7 MR. CAMPBELL: I have nothing further
8 except to move the admission of Protestant's Exhibit 2.

9 MR. PASKEY: No objection.

10 JUDGE SALAPA: Protestant's Exhibit
11 Number 2 is moved into evidence in this proceeding and
12 made a part of the record herein. You are excused,
13 sir.

14 (Witness left the stand.)

15 **(Protestant's Exhibit Number 2 was**
16 **admitted in evidence.)**

17 MR. CAMPBELL: Your Honor, we call Mrs.
18 Davidson.

19 JUDGE SALAPA: Good afternoon. Could you
20 please raise your right hand?

21 **Whereupon, BRENDA ZEIGLER DAVIDSON,**
22 having been duly sworn, testified as follows.

23 JUDGE SALAPA: Please be seated. Could
24 you please state and spell your last name for the
25 record.

1 THE WITNESS: Brenda Zeigler Davidson.
2 Z-e-i-g-l-e-r, D-a-v-i-d-s-o-n.

3 JUDGE SALAPA: Mr. Campbell.

4 **DIRECT EXAMINATION**

5 BY MR. CAMPBELL:

6 Q. What is your business address, Mrs. Davidson?

7 A. Business address is 1235 Rittner Highway,
8 Carlisle, Pennsylvania.

9 Q. And by whom are you employed and in what
10 capacity?

11 A. I am employed by Zeigler Storage and Transfer
12 Incorporated. And I am currently the president.

13 Q. What is the business of your company?

14 A. The business of our company is local and
15 long-distance, interstate, intrastate and moves under
16 40 miles along with office moves, warehouse facility
17 storage for household goods and record storage.

18 Q. And how long has your company been in business?

19 A. Our company has been in business for since
20 1887, which means we're 119 years old.

21 Q. And as president of the company, are you
22 familiar with the operations and facilities and
23 operating authorities?

24 A. Yes.

25 Q. And you're authorized to appear here and

1 testify today on its behalf?

2 A. Yes.

3 Q. And are you familiar with the present
4 application?

5 A. Yes, I am.

6 Q. And were you present this morning during the
7 testimony that was presented?

8 A. Yes.

9 Q. I show you an exhibit which is before you,
10 which has been marked for identification as
11 Protestant's Exhibit 3.

12 **(Protestant's Exhibit Number 3 was marked**
13 **for identification.)**

14 BY MR. CAMPBELL:

15 Q. I ask you if that is a copy of the operating
16 authority from the Pennsylvania Public Utility
17 Commission for Zeigler Storage and Transfer
18 Incorporated?

19 A. Yes.

20 Q. And, in general terms, would you describe that
21 authority for the record and how it conflicts with the
22 application, if you're able to do so?

23 A. Our authority includes Cumberland County, and
24 from points within 15 miles on usually traveled
25 highways, which would include Cumberland, Adams, and a

1 portion of Dauphin County, which would include
2 Middletown, the town of Middletown, and plus five
3 miles.

4 Q. So, from your testimony, I gather you don't
5 have a complete conflict with the present application
6 but with a part of the territory that's applied for, is
7 that fair to say?

8 A. Not in York County, no.

9 Q. And where are your terminal warehouse
10 facilities located?

11 A. It is located at 1235 Rittner Highway,
12 Carlisle, Pennsylvania.

13 Q. And how many vehicles do you operate and what
14 type?

15 A. I have six trailers, three tractors, five
16 straight trucks.

17 Q. And how many people does your company employ?

18 A. 16 full-time people and five part-time people.

19 Q. And are you able to estimate for this record
20 how much of your business is interstate versus
21 intrastate?

22 A. 90 percent would be intrastate, ten percent
23 would be interstate.

24 Q. You've heard the previous witnesses discuss the
25 number of carriers that presently compete for the

1 market in this application territory and who they are.
2 And do you concur in that --

3 A. Yes.

4 Q. -- witness's testimony? Has Zeigler's, in the
5 past, had trouble meeting the demands that have been
6 placed upon them by consumers desired household goods
7 moving services?

8 A. No.

9 Q. And why are you here today in opposition to
10 this application?

11 A. I'm here in opposition because I think that
12 there is a choice for consumers already. Whenever
13 people are moving, they, many times, call five or six
14 movers to get an estimate for their moves.

15 And they have the choice of very
16 competent moving companies out there.

17 MR. CAMPBELL: You may cross-examine.

18 **CROSS EXAMINATION**

19 BY MR. PASKEY:

20 Q. Ma'am, you said the company was founded in
21 1887?

22 A. That's correct.

23 Q. And I imagine, since 1887 through the present
24 day, there have been any number of additional carriers
25 that have become licensed to transport goods in the

1 affected counties, correct?

2 A. That's correct.

3 Q. With the addition of these carriers and the
4 affected counties, it has not caused your business to
5 no longer exist, has it?

6 A. No.

7 Q. You've been able to withstand the increase in
8 the number of carriers in the various counties,
9 correct?

10 A. Yes.

11 Q. Okay. As I understand it, again, just got this
12 document about ten minutes ago, the authority that has
13 been granted to Zeigler's does not cover all of the
14 affected counties for this application, correct?

15 A. That is correct.

16 Q. For example, if there was an individual that
17 was moving from the location in York to another
18 location in York, your corporation would not assist
19 them in that move?

20 A. That is correct.

21 Q. Likewise, if they were moving from certain
22 parts of southern Lancaster to York County, your
23 corporation --

24 A. That's correct.

25 Q. -- likewise, certain parts of the Adams County

1 to and from York County, your corporation could not
2 help those individuals?

3 A. I believe it could.

4 Q. In all parts of Adams County?

5 A. Not all parts.

6 Q. Southern Adams County?

7 A. Southern parts of Adams County.

8 Q. Have you traveled down Interstate 83 towards
9 Maryland any time in the recent past?

10 A. Yes, I have.

11 Q. Have you noticed the amount of development that
12 has occurred in the Pennsylvania, Maryland border on
13 the Maryland side?

14 A. Yes.

15 Q. How would you describe that development as you
16 observed it?

17 A. I think that the development is, if you're on
18 the highways, you certainly see those. I'm not
19 familiar with going into that -- into the town or it's
20 on the outskirts that I have seen.

21 Q. Have you been able to notice any of the
22 residential development?

23 A. Just as I travel the highways.

24 Q. And those developments that you have observed
25 along the Maryland, Pennsylvania border, your company

1 would not be able to assist anyone moving into or out
2 of those developments, correct, if it was in York
3 County?

4 A. Unless it would be interstate move only.

5 Q. Okay. Do you advertise in York County?

6 A. No.

7 Q. Do you advertise in Adams County?

8 A. I don't -- I don't believe so.

9 Q. Do you advertise in Lancaster County?

10 A. No. Obviously, that's out of my operating
11 authority.

12 Q. Obviously in Cumberland?

13 A. In Cumberland County and in Dauphin County.

14 Q. How do you advertise in Cumberland?

15 A. In the Yellow Pages.

16 Q. Any other form of advertisement?

17 A. We have a website.

18 Q. Okay. Would you change the content of your
19 website if application was granted?

20 A. No.

21 Q. Would you change the content of your
22 advertisement in the Yellow Pages if this application
23 was granted?

24 A. No.

25 Q. If this application -- excuse me. You

1 indicated that you had 16 full-time employees?

2 A. Yes.

3 Q. And did you say 15 part-time or five?

4 A. No. 16 full-time and four part-time.

5 Increasing the part-time in the summertime, that would
6 increase in the summertime.

7 Q. To four or to about four in summertime?

8 A. It would be probably 12.

9 Q. To 12. Given the fact that your company does
10 not service some parts of the area that are affected by
11 this application, would you anticipate laying off any
12 employees if this application was granted?

13 A. Probably not.

14 MR. PASKEY: Thank you, Your Honor. I
15 have no further questions.

16 JUDGE SALAPA: Redirect.

17 MR. CAMPBELL: No, Your Honor. I move
18 the admission of Protestant's Exhibit 3.

19 MR. PASKEY: No objection, Your Honor.

20 JUDGE SALAPA: Protestant's Exhibit
21 Number 3 is moved into evidence in this proceeding and
22 is made a part of the record herein.

23 **(Protestant's Exhibit Number 3 was**
24 **admitted in evidence.)**

25 JUDGE SALAPA: You may step down.

1 MR. CAMPBELL: This time we call Mr.
2 Warner to the stand.

3 JUDGE SALAPA: Please raise your right
4 hand.

5 **Whereupon, STEVEN WARNER,** having been
6 duly sworn, testified as follows.

7 JUDGE SALAPA: Please be seated. Could
8 you state your name and spell it for the record?

9 THE WITNESS: Steven Warner, S-t-e-v-e-n,
10 W-a-r-n-e-r.

11 JUDGE SALAPA: Mr. Campbell.

12 **DIRECT EXAMINATION**

13 BY MR. CAMPBELL:

14 Q. Mr. Warner, by whom you employed and what
15 capacity?

16 A. Warner's Moving and Storage, general manager.

17 Q. And how long have you been with Warner's?

18 A. 17 years.

19 Q. And what is the business of Warner's?

20 A. We're a household mover, household commercial
21 mover, both interstate and intrastate and overseas as
22 well.

23 Q. As general manager, are you familiar with the
24 company's operations and facilities and authorities?

25 A. Yes.

1 Q. Show you a document which has been marked for
2 identification, with permission of the Administrative
3 Law Judge, as Protestant's Exhibit 4.

4 JUDGE SALAPA: So marked.

5 **(Protestant's Exhibit Number 4 was marked**
6 **for identification.)**

7 BY MR. CAMPBELL:

8 Q. Ask you if that is a true and correct copy of
9 your PUC operating authority?

10 A. Yes, it is.

11 Q. Where are your facilities located?

12 A. Red Lion, Pennsylvania.

13 Q. And how many vehicles does your company operate
14 and what type are they?

15 A. We operate about 80 vehicles. That would
16 include tractors, trailers, straight trucks and back
17 vans.

18 JUDGE SALAPA: 8 or 80?

19 THE WITNESS: 80.

20 BY MR. CAMPBELL:

21 Q. Okay. Continue. How many employees do you
22 have?

23 A. 50 full-time employees, and 30 part-time.

24 Q. And you indicated previously that your company
25 provides service both interstate and intrastate. I

1 would ask you a question I asked the other witnesses,
2 how does that breakdown, in terms of volume, how much
3 of your business is intrastate and how much is
4 interstate?

5 A. I would say about 70 percent, 75 percent of our
6 business is intrastate and 25 percent is interstate.

7 Q. You heard -- strike that. Were you present
8 during the testimony that's been presented here today
9 since we began the hearing?

10 A. Yes.

11 Q. And you heard the testimony of witness Morris
12 for Shelly Moving about the nature and extent of
13 competition within this market area, who the carriers
14 are that have authority. Do you concur in his
15 testimony?

16 A. Yes.

17 Q. Has your company, in the past, had difficulty
18 meeting the needs that have been placed on it by
19 customers requesting household goods moving services?

20 A. No.

21 Q. During the testimony of Mr. Delauter, he
22 acknowledged making a move from Red Lion to West York,
23 which was identified previously on the record. Are you
24 at all familiar with that incident?

25 A. Yes, I am.

1 Q. And what can you tell us about that incident?
2 How did you find out about it?

3 MR. PASKEY: I'm going to object on the
4 grounds of hearsay and lack of foundation, Your Honor.

5 JUDGE SALAPA: Well, I think he's asked
6 him how he knows about it. I think that's the
7 foundation question. You can go from there. How do
8 you know about it?

9 THE WITNESS: We had submitted an
10 estimate to her, showing an hourly rate and when we had
11 called back to confirm if she wanted to --

12 MR. PASKEY: Objection. Hearsay.

13 MR. CAMPBELL: I don't know if this is
14 being offered for the truth of it, Your Honor. He's
15 describing how you found out about the incident, what
16 was said between this mover and that customer. And
17 it's his customer that he made an estimate and
18 presented.

19 JUDGE SALAPA: Objection overruled.
20 Proceed.

21 THE WITNESS: We called back to confirm
22 if we were going to do the move and she had told us
23 that she had -- would rather go with A-1 Mover because
24 of them giving her a flat rate rather than by the hour.

25

1 BY MR. CAMPBELL:

2 Q. Mr. Warner, why do you oppose the present
3 application?

4 A. I just -- I believe that there is definitely
5 enough competition in the area already. Having really
6 seen a whole lot of need for any more competition, the
7 movers in the area are very competent and the
8 competition is already extremely high where another
9 influence would just be harmful to the existing
10 businesses.

11 MR. CAMPBELL: Thank you. You may
12 cross-examine.

13 **CROSS EXAMINATION**

14 BY MR. PASKEY:

15 Q. Thank you. Mr. Warner, how long has Warner's
16 been in business?

17 A. Since 1947.

18 Q. '46, '47?

19 A. '47.

20 Q. Okay. And during that period of time, is it
21 safe to assume that there's been a number of additional
22 carriers that have been licensed by the PUC to
23 transport household goods in the surrounding counties,
24 correct?

25 A. I imagine.

1 Q. With the addition of those carriers, your
2 business is able to sustain itself and remain in
3 business; correct?

4 A. Yes.

5 Q. And has your business ever sought bankruptcy
6 protection?

7 A. No.

8 Q. What type of advertising do you do, sir?

9 A. Yellow Pages, internet, mailings.

10 Q. And the Yellow Pages ads are in what locations?

11 A. York, Lancaster, and Adams.

12 Q. You not do any advertising in Dauphin County or
13 Cumberland County in the Yellow Pages?

14 A. I don't believe.

15 Q. Okay. If this application were granted, would
16 you change the content of the Yellow Pages ads?

17 A. No.

18 Q. Do you have a website?

19 A. Yes.

20 Q. Are you familiar with the website or somebody
21 maintain it for the company? You're familiar with it?

22 A. Yep.

23 Q. Would you change the content of your website at
24 all if this application was granted?

25 A. No.

1 Q. You've heard some of the questions that I
2 asked, obviously, if you've been present. There are a
3 couple considerations that a consumer would want to
4 hear or contemplate before making a decision about
5 which mover to hire. Would you agree with that?

6 A. Yes.

7 Q. And Warner's has been in business since 1947,
8 and I would assume has a pretty good reputation in the
9 community?

10 A. Yes.

11 Q. And if this application were granted, would
12 Warner's reputation change at all?

13 A. No.

14 Q. The service and training that you provide to
15 your employees, if this application were granted, would
16 you change the service and training that you provide
17 your employees?

18 A. No.

19 Q. And we talked a little bit about the
20 differences between a flat rate or a per hour rate. Do
21 you always bill on a per hour rate?

22 A. On local moves?

23 Q. Yes.

24 A. Yes.

25 Q. What's your definition of a local move?

1 A. Within a 40-mile radius.

2 Q. Would your price structure change at all if
3 this application were to be granted?

4 A. No.

5 Q. You've been a lifelong resident of York County?

6 A. Yes.

7 Q. And how old are you, sir?

8 A. 44.

9 Q. How would you describe the amount of
10 residential development that's occurred in York County
11 in the last five years?

12 A. Quite a bit.

13 Q. Pretty extensive?

14 A. Yes.

15 Q. Are you familiar with some of the school
16 districts actually having to increase the size of their
17 schools in York County to accommodate the population
18 increase?

19 A. Yes.

20 Q. Red Lion school district is contemplating it
21 right now, correct?

22 A. Yes.

23 Q. Dallastown School District?

24 A. Yes.

25 Q. Spring Grove?

1 A. Most of them, yep.

2 Q. And have you lived in the Red Lion area your
3 whole life?

4 A. Yes.

5 Q. Could you specifically describe the amount of
6 residential development in Red Lion?

7 A. That's quite a bit.

8 Q. Has the increase of the population in Red Lion
9 increased in the last five years?

10 A. Yes.

11 Q. Do you anticipate it's going to slow down at
12 all in the recent near future?

13 A. Time tells. I would imagine not.

14 Q. Do you believe you would have to increase or
15 decrease your rates if this application was to be
16 granted?

17 A. Our rates?

18 Q. Yes.

19 A. Well, we can't decrease or increase our rates
20 because it's regulated.

21 MR. PASKEY: That's right. I apologize
22 for that. I know that I shouldn't have asked that.
23 Thank you. Your Honor, I have no further questions.

24 JUDGE SALAPA: Redirect.

25 MR. CAMPBELL: No redirect, Your Honor.

1 I move the admission of Protestant's Exhibit 4.

2 JUDGE SALAPA: Any objection?

3 MR. PASKEY: No objection, Your Honor.

4 JUDGE SALAPA: Protestant's Exhibit 4 is
5 moved into evidence in this proceeding and is made a
6 part of the record herein.

7 **(Protestant's Exhibit Number 4 was**
8 **admitted in evidence.)**

9 JUDGE SALAPA: You may step down, sir.

10 (witness left the stand.)

11 MR. CAMPBELL: Your Honor, I have no
12 further testimony. As we discussed previously, I would
13 like to offer into evidence, as Protestant's Exhibit 5,
14 and 6, the operating authority of Protestant's Camp
15 Curtin Transfer as Exhibit 5. And Gastley Moving and
16 Storage Incorporated as Exhibit 6. I move for
17 admission, Your Honor.

18 MR. PASKEY: No objection, Your Honor.

19 JUDGE SALAPA: Protestant's Exhibits 5
20 and 6 are moved into evidence in this proceeding and
21 are made a part of the record.

22 **(Protestant's Exhibit Numbers 5 and 6**
23 **were marked and admitted in evidence.)**

24 MR. CAMPBELL: Protestants rest, Your
25 Honor.

1 JUDGE SALAPA: All right. Do the
2 Applicants have any rebuttal that they'd like to
3 present at this time?

4 MR. PASKEY: At this time, no, Your
5 Honor.

6 JUDGE SALAPA: All right. Now, let's
7 address the republication. As I recall, the notice of
8 the application will have to be republished in the
9 Pennsylvania Bulletin and will have to be -- the
10 previously published notice will have to be corrected
11 to include that the authority requested is for between
12 points in York County, correct?

13 MR. CAMPBELL: Yes, Your Honor, that's my
14 understanding that that would -- corrected notice would
15 be published. And I think it would be for two
16 purposes. One, to change the name of the applicant,
17 and, one, to correct the description of authority
18 sought based upon the discussions that we've had
19 previously off the record.

20 JUDGE SALAPA: All right. So, this will
21 be corrected to include a request for authority between
22 points in York County and it will also be corrected to
23 refer to the applicant as -- is it just Delauter?

24 MR. PASKEY: Delauter's A-1 Services.

25 JUDGE SALAPA: Delauter's A-1 Services.

1 All right. I think those are the only corrections that
2 I could recall. There would not be any additional
3 ones.

4 All right. Then here's what I
5 contemplate will happen. I will issue an order
6 directing the Bureau of Transportation and Safety to
7 cause to have the notice of the application republished
8 in the Pennsylvania Bulletin.

9 I have no control over when that will
10 occur. And I don't know what the timetable is for the
11 Pennsylvania Bulletin actually accomplishing that. I
12 would assume that it will be republished and the same
13 deadlines will be in effect for that publication as
14 were for the previous one.

15 Assuming that we get no additional
16 protests filed as a result of that publication, what I
17 will do is that I will contact counsel, and probably by
18 e-mail. And we will establish a mutually convenient
19 briefing schedule.

20 Once we've done that, I will then issue a
21 briefing order setting forth when main briefs and reply
22 briefs are due and when the record would close.

23 If, on the other hand, we will -- we get
24 any protests and those protests request a hearing, we
25 will schedule the matter for further hearing. The

1 scope of that hearing will be pretty much determined by
2 what the Protestants wish to do.

3 If they wish to cross-examine previous
4 witnesses, based on their testimony on the record, the
5 applicant will be obliged to provide those witnesses.

6 If they only desire to present their own
7 testimony to supplement the testimony already presented
8 by the Protestants, we will allow them to do that. And
9 there will be no need for them to cross-examine.

10 They can waive cross examination if they
11 so desire. Are there any questions or comments before
12 we adjourn this proceeding?

13 MR. CAMPBELL: For the Protestants, Your
14 Honor, just to concur in the procedure, we agree to
15 that. I think that is the best way to proceed.

16 MR. PASKEY: Your Honor, just a point of
17 clarification, because of the amended publication is
18 going to add solely moves from York to York, are
19 additional protesters going to be permitted, if they
20 are protesting the exact authority that has already
21 been published, because I think that time has since
22 come and past, it would seem to me, logic would dictate
23 that the only protesters that, Number 1, would come
24 forward, and, Number 2, should be allowed would be
25 those protesting that particular area York to York.

1 JUDGE SALAPA: I would tend to agree with
2 you. And, Mr. Campbell, your thoughts on this.

3 MR. CAMPBELL: I was just going to make
4 the comment that, you know, in many instances in the
5 past, the Commission has published something
6 incorrectly and they just filed something called
7 corrected notice in the Pennsylvania Bulletin.

8 And I sort of envision that it would just
9 be exactly the same as what was there before, except
10 the correct name and say household goods in use between
11 points in York County and from points to points in the
12 previously named counties and vice versa.

13 I don't know that that's the only way to
14 do it. But that, to somebody that read it, would
15 indicate the only thing that's been added is the
16 between points in York County. It would seem to limit
17 the Protestants that have an interest in that.

18 JUDGE SALAPA: I tend to agree with you,
19 Mr. Paskey. And I don't know, as Mr. Campbell said,
20 that the notice itself, that I have any control over
21 what the notice itself says or whether it will just go
22 out with the whole authority outlined again rather than
23 simply between points in York County.

24 However, I think you're right. In terms
25 of what's already been published, I think any potential

1 Protestants have already had one bite at the apple.
2 I'm not going to give them two.

3 So, I would say that if we get any
4 Protestants that come in protesting other than on the
5 basis of additional authority between points in York
6 County, I would certainly entertain a motion to strike
7 off those protests as being improper.

8 And, you know, while I can't guarantee
9 it, I would probably grant it because I feel strongly
10 that the limit on this is for people who did not
11 previously have notice and that would only be the
12 people who have an interest in protesting the part of
13 the authority between points in York County.

14 So, if that happens, if someone files a
15 protest that you believe should have been filed in
16 response to the first publication, you may move to
17 strike it off.

18 MR. PASKEY: Thank you, Your Honor.

19 MR. CAMPBELL: I don't have a problem
20 with it, Your Honor. My comments were not intended to
21 expand the audience.

22 JUDGE SALAPA: No. I understand what
23 you're saying.

24 MR. PASKEY: I wasn't inferring that at
25 all, Your Honor.

1 JUDGE SALAPA: I understand, because the
2 Commission is a large bureaucracy. And once the
3 Commission gets in the habit of doing things a certain
4 way, that tends to be the formula for doing everything
5 with no exceptions.

6 So, that it may be that it just be as he
7 had said, be republished in toto. Anything further?
8 All right then. I'd like to thank you for your time
9 and counsel for their professional courtesy in making
10 this hearing run smoothly. And we are adjourned.

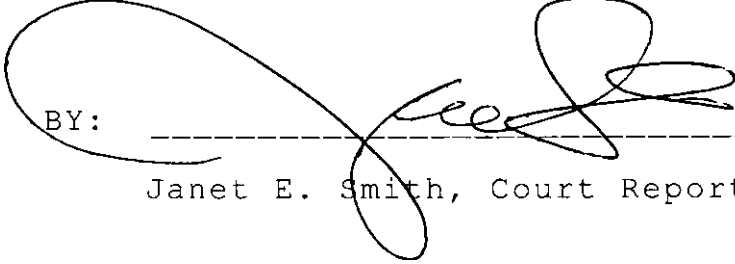
11 (Whereupon, at 2:23 p.m, the hearing was
12 concluded.)

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CERTIFICATE

I hereby certify, as the stenographic reporter,
that the foregoing proceedings were reported
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