

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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Janet L. Moore, |
v. | Docket No.:
Capital City Service Cabl | C200030124
| |

Keystone Building
400 North Street
Harrisburg, PA

September 16, 2003
Commencing at 1:00 p.m.

BEFORE: Michael Schrieble

Administrative Law Judge

APPEARANCES:

Janet L. Moore,
Pro Se

PETER B. FOSTER, Esquire
Pinsky And Foster
121 South Street
Harrisburg, PA 17181
For the Respondent

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REPORTER: Aimee L. Adams OCT 09 2003

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P R O C E E D I N G S

JUDGE MICHAEL SCHNIERLE:

This is the time and place set for court in the matter of Janet L. Moore versus Capital City Cab Service, Incorporated. The Docket Number is C 20030124. My name is Michael Schnierle. I'm the Administrative Law Judge assigned to this case. At this time I note the appearance of Peter B. Foster for Capital City Cab Service, Incorporated and Janet L. Moore. Ms. Moore, you will be representing yourself in this matter?

MS. MOORE:

Yes. And there's also Leah McCombs. She was in the cab also.

JUDGE:

Ms. Moore, before we get started, I'll explain a little bit about these cases. A hearing before the Commission is similar to a trial in court in that both sides get to present sworn testimony or exhibits in support of their case. Because you are the Complainant, you are required to present your evidence first because you don't have an attorney. I'll be asking you several questions, but that does not mean I'm acting as your attorney; do you

1 understand that?

2 MS. MOORE:

3 Yes.

4 JUDGE:

5 And the purpose of my asking questions is
6 to ensure that there is sufficient information on the
7 record so that I can decide the case and if necessary
8 the Commission can review my decision.

9 I'm assuming you will testify and I
10 expect that the other person that was in the cab is
11 also going to testify. After each of you testifies,
12 Mr. Foster has an opportunity to ask you questions and
13 that's called cross examination. When he's done with
14 that, you will have a chance to add anything further
15 that you want to add that was brought up during cross
16 examination. When your case is finished, I expect
17 that Mr. Foster may call a witness and if he does, he
18 will question the witness and when he's done, you will
19 have an opportunity to cross examine that witness or
20 witnesses.

21 And basically, when it's your turn to
22 cross examination, you have to stick to asking
23 questions, you can't make statements or get into an
24 argument with the witness. But when their case is
25 finished, you'll get another opportunity to present

1 any further testimony that may have occurred to you or
2 as you listened to their witness testify. Then they
3 also get a second chance.

4 Basically, when it appears that the
5 hearing is finished and everybody's had an opportunity
6 to say everything that they want to say that's
7 relevant to the case, the hearing is over and I'll get
8 to write a decision. And, I'll explain a little bit
9 more about what that means in terms of the decision at
10 that point.

11 Now, is it your desire to testify in
12 support of your complaint?

13 MS. MOORE:

14 Yes.

15 JANET L. MOORE CALLED AND SWORN TO TESTIFY.

16 JUDGE:

17 Your name is Janet L. Moore?

18 A. Yes.

19 JUDGE:

20 Where do you live?

21 A. I live in Winfield, Kansas.

22 JUDGE:

23 Can you give me your full address?

24 A. Yes. I've recently moved. It is 1015 East Sixth.

25 JUDGE:

1 1015 East Sixth?

2 A. Yes.

3 JUDGE:

4 Is that Sixth Street or Avenue?

5 A. Sixth Street.

6 JUDGE:

7 what was the city?

8 A. Winfield.

9 JUDGE:

10 Could you spell that?

11 A. W-I-N-F-I-E-L-D.

12 JUDGE:

13 Winfield, Kansas. And what is the ZIP
14 code?

15 A. 67156.

16 JUDGE:

17 I take it that wasn't your address when
18 you filed the Complaint?

19 A. Correct.

20 JUDGE:

21 What's your telephone number?

22 A. My home phone or my work?

23 JUDGE:

24 Your home phone number.

25 A. My home phone number is (620)221-9103.

1 JUDGE:

2 This complaint concerns a trip you took
3 in a taxi cab?

4 A. Yes.

5 JUDGE:

6 In Harrisburg?

7 A. Right.

8 JUDGE:

9 You had sent some exhibits to me. Did
10 you send copies to the cab company?

11 A. I didn't have their address. I just sent them all
12 to the same place. It said to send four copies.

13 JUDGE:

14 I have them here. I'm handing a set of
15 exhibits to Mr. Foster. Why don't you tell me, when
16 was the date of the taxi cab ride?

17 A. It was September 25 of 2002.

18 JUDGE:

19 Where were you going, from and to?

20 A. We were at the Harrisburg Airport and we were
21 headed to Mechanicsburg, to the Hampton Inn on Ritter
22 Road.

23 JUDGE:

24 Okay. What was the occasion of you being
25 in Harrisburg?

1 A. We were on a sungard training.

2 JUDGE:

3 You were going to a training program of
4 some sort?

5 A. Correct.

6 JUDGE:

7 Do you know approximately, what time did
8 you hail the cab in Harrisburg or at the airport?

9 A. We landed at 5:20. So the approximate time of
10 getting the cab was probably about 5:45, if it took
11 that long.

12 JUDGE:

13 Tell me what happened?

14 A. Well, we went outside the airport and there was a
15 lady there that pushes a button to call the cab. And
16 she had pushed the button, she called the cab, we got
17 in it, and the first thing we noticed was how it was
18 very dirty. But, we didn't say anything to each
19 other. And, he didn't even ask us where we were
20 going. We had to tell him after we had left the
21 airport. And, when we did tell him, he acted like,
22 you know, he knew where it was. But, after about
23 thirty minutes of being in the cab, you know, we asked
24 him if he knew where it was. So he made a phone call,
25 and then he hung it up, acted like he knew where he

1 was going. He was driving absolutely insane. I mean,
2 he was going up down ramps, vice versa. He was going
3 empty at one point, and he just decided he wanted on
4 the other side of the freeway so he hopped the median.

5 And we asked him three different times
6 within about two hours and fifteen minutes to please
7 let us out. Even at a McDonald's that was right
8 there. And each time, he told us no. That's all he
9 would say was no. And at one point in the trip he
10 turned off the cab cab. Turned it completely off, and
11 turned the radio on to dirty rap very loud. He turned
12 his rear view mirror to us to where he was looking
13 directly at us, not paying attention to the traffic or
14 anything. He had us scared. We were literally ready
15 to jump out of the cab. And when he did pull up to a
16 stop sign, he pulled up so close, at one point it was
17 a van, that the van beside us and the vehicle behind
18 us were honking at him, and he just took off through
19 the red light.

20 And, finally, at the end of it, it was
21 already getting dark, we had passed through this
22 Holiday Inn several times and Lean had asked him to
23 please let us out there. And, he just said no again,
24 and I just demanded, I said let us out now. So, he
25 took the exit screeching on, it felt like two tires.

1 He pulled up to the Holiday Inn. Leah, I don't
2 remember if she got her door open or was ready to open
3 her door and put her foot out, and he took off again.
4 And then he slammed on his brakes, and we just jumped
5 out. And then he kept glaring at us. So Leah, I
6 think, she asked him if 20 was okay, and he said no,
7 25, because the meter read in excess of \$67, \$68.
8 When we got into the Holiday Inn, we explained to the
9 lady there what had happened, and it was either ball
10 or laugh. And we just, we didn't know what to do.
11 The people there probably thought we were nuts.

12 JUDGE:

13 Did you get the number of the cab?

14 A. Yeah. While we were in there, Leah, she had a
15 little pencil and a piece of paper, and she was
16 writing down every number she could think of. And,
17 that cab number said A38. And the driver did not
18 speak any English, period. And, he got several calls
19 while we were in there, but they were, like, he'd
20 answer, say a few words in a different language, and
21 then hang up.

22 JUDGE:

23 Were they on his cell phone, or were they
24 on the cab --- the taxi cab type of cassette?

25 A. No. He had turned that off. It was his personal

1 cell phone. And, I remember it because it rang in
2 Christmas carols.

3 JUDGE:

4 Okay. Was there posted --- did he have
5 any license posted?

6 A. Let me find the piece of paper where we wrote down
7 all of that. What we wrote down, there was Capital
8 City Cab, there was a phone number, cab number, and
9 then there's a number up at the top. I don't know, I
10 think it's just another phone number.

11 JUDGE:

12 All right. You sent me a series of
13 documents and I'd like you to go through them and
14 describe what they are, and I'm assuming you'd like to
15 have them admitted into evidence.

16 A. Right.

17 JUDGE:

18 First of all, is Leah McCombs there?

19 A. Yes, she is.

20 JUDGE:

21 Is she going to testify?

22 A. Yes, she is.

23 JUDGE:

24 Did you prepare, the first one looks like
25 an email that she sent to someone at the Commission?

1 A. Right. That's how we started this.

2 JUDGE:

3 And the second page looks like some
4 notes. Did you take them or did she take them, those
5 notes?

6 A. She took those notes.

7 JUDGE:

8 How about the next page, which also has
9 some notes on it. Did she take those?

10 A. Right.

11 JUDGE:

12 The next thing is a couple of parking,
13 --- well, one's a parking receipt in any event. Can
14 you tell me what these are?

15 A. We just sent up copies of receipts proving that we
16 had been there. And, basically, we got in at 5:20,
17 and there's a receipt at what time we actually got to
18 our hotel, the Hampton Inn, and the check-in time.
19 Because this taxi company was saying
20 --- we thought they said oh, that cab was being worked
21 on the first time. And then the next time they said
22 that cab doesn't even exist. So, they were not
23 cooperating at all. So we just wanted to have proof
24 that, yeah, we were there and these were the times.

25 JUDGE:

1 All right. I'm going to mark the first
2 piece that I have as Exhibit C-1.

3 (Exhibit C-1 marked for
4 identification.)

5 A. Okay.

6 JUDGE:

7 The first one is a Ampco System airport
8 parking?

9 A. Right.

10 JUDGE:

11 For \$15, between September 25 and
12 September 27, 2002?

13 A. Right.

14 JUDGE:

15 And, there's also what appears to be a
16 \$10 fair for a taxi cab?

17 A. Correct. That is the second cab that we called
18 from the Holiday Inn. And they were with the Yellow
19 Cab Company, and he put his name up there because we
20 talked to him directly afterwards.

21 JUDGE:

22 All right. And the other thing is your
23 receipt for parking at the airport in Kansas when you
24 left home?

25 A. Right. That was the day we left. And when we

1 returned.

2 JUDGE:

3 All right. The next item that I have
4 here is, I'm going to mark it C-2, written on it is
5 Capital City Cab Company, \$25, and then there's a
6 receipt from, it looks like a McDonald's at the
7 Cincinnati Airport?

8 (Exhibit C-2 marked for
9 identification.)

10 A. Yeah.

11 JUDGE:

12 Did you stop there on your way ---?

13 A. I do believe that was on our way ---

14 JUDGE:

15 That was on your way back?

16 A. --- way back, right.

17 JUDGE:

18 You also have a receipt on here from
19 Isaac's, on Ritter Road?

20 A. Right. That was when we first got there. That was
21 right beside the Holiday Inn.

22 JUDGE:

23 The second cab took you from the Holiday
24 Inn to the Hampton Inn on Ritter Road, and then you
25 had something to eat at Isaac's?

1 A. Exactly.

2 JUDGE:

3 All right. That is marked C-2. And
4 there's also, it looks like, parts of copies of the
5 other receipts?

6 A. Yeah.

7 JUDGE:

8 The next item is a receipt from the
9 Hampton Inn on Ritter Road, for a stay between
10 September 25 and September 27?

11 A. Right. And that's got the time that we got there.

12 JUDGE:

13 Okay. It says 7:56 p.m. The next page
14 looks like some handwritten notes with airline times?

15 A. Yes. That was our times of our flights, I do
16 believe, yeah. Because we got into Harrisburg at 5:30
17 instead of 5:37.

18 JUDGE:

19 You flew through Atlanta going to
20 Harrisburg?

21 A. Yeah, that was our layover. We flew Delta. We
22 had a layover in Atlanta, correct.

23 JUDGE:

24 And then you flew back through
25 Cincinnati?

1 A. Right.

2 JUDGE:

3 I'm not going to mark this piece of paper
4 at this point. Are these your notes?

5 A. They're ours.

6 JUDGE:

7 All right. I don't know that they're
8 necessary for the record at this point. Is there any
9 thing else that you want to tell me about the
10 complaint at this time?

11 A. No. Just that it was very scary. He kept driving
12 through wooded areas. I remember seeing a big white
13 barn with a star on it and there was tons of trees.
14 All I kept thinking is that's where he's going to
15 leave us. This man was crazy. He should not be
16 driving a cab. And, if this cab company is going to
17 hide this, not own up to this, they should be
18 penalized for that.

19 JUDGE:

20 All right. Cross Examination, Mr.
21 Foster?

22 ATTORNEY FOSTER:

23 Judge, on behalf of my Client, Capital
24 City Cab Services, Incorporated, we are respectfully
25 asking for a continuance. The only thing they had to

1 prepare for this hearing was the complaint form dated
2 April 11, 2003, and the letter from Ms. Moore dated
3 April 11, 2003. Those documents don't contain the
4 date when these events took place. They don't
5 identify a location. They don't identify the time.
6 They don't identify driver or driver number or
7 description of the driver or the cab number or the
8 license plate number. I've gone through the file in
9 the Bureau office, and the exhibits which have been
10 offered were not in that file.

11 We certainly would take disciplinary
12 action against this driver and fire him if we were
13 able to determine who it was. And, we can't do that
14 on the basis of the information we had going into this
15 hearing. We now have the cab number. If we had the
16 log of September 25, 2002, we can investigate it
17 properly. But up until today, we haven't had an
18 opportunity to investigate it adequately.

19 JUDGE:

20 Ms. Moore, do you want to respond to
21 that?

22 A. Well, I couldn't hear him very well.

23 JUDGE:

24 Pardon me?

25 A. I couldn't hear him very well.

1 JUDGE:

2 The attorney for the cab company is
3 asking for a continuance of the hearing so that they
4 can further investigate the matter?

5 A. You know, it doesn't matter to me. They've known
6 about this since we got back to Kansas and phoned
7 them, and they gave us the run around. Even the guy
8 at the Public Utility Office said that they were
9 falsifying records and giving us the run around. And
10 I just think that's probably another thing they're
11 doing today.

12 JUDGE:

13 Mr. Foster, I'll tell you what. I
14 haven't submitted those documents yet because the
15 other people who were in the taxi cab haven't taken
16 the stand, but looking at the email dated October 8,
17 2002, from Leah McCombs to W. Walborn, to my knowledge
18 W. Walborn is William Walborn, who is an enforcement
19 officer in the Commission's Bureau of Transportation
20 and Safety. This is dated October 8, 2002, against
21 the cab number of A38, the date and the time.

22 In my opinion, your Client has had more
23 than enough time to resolve this matter without a
24 formal hearing. And, frankly, I would give you a
25 recess to attempt to settle this matter with Ms.

1 Moore, but if it is not settled, we're continuing with
2 the hearing today. Do you understand?

3 ATTORNEY FOSTER:

4 Yes.

5 JUDGE:

6 All right. Ms. Moore?

7 A. Yes.

8 JUDGE:

9 I'm going to take this off of the record
10 and I'm going to leave the room, and the court
11 reporter's going to leave the room. And, Mr. Foster
12 will offer or attempt to make a settlement offer to
13 you in an effort to resolve this case without going
14 further. Do you understand?

15 A. Yes.

16 JUDGE:

17 All right. I will give you about 15
18 minutes and then I will return. And, if the case is
19 not settled we are going forward with it.

20 ATTORNEY FOSTER:

21 Thank you, Judge.

22 OFF THE RECORD

23 JUDGE:

24 We are back on the record. Have the
25 parties settled the case?

1 ATTORNEY FOSTER:

2 Ho, Judge, I would again respectfully
3 renew my request for a continuance. I have the
4 president of the company here, and he manages the
5 company. He's received no notice, and he's happy to
6 testify to the fact as to the date, time, location,
7 driver number, cab number. He's just not able to
8 investigate this matter. We need a short period of
9 time to look into it and fire the driver. We now have
10 the necessary information.

11 JUDGE:

12 Your request is denied. Do you have
13 cross examination for the witness?

14 CROSS EXAMINATION

15 BY ATTORNEY FOSTER:

16 Q. Mr. Moore, the exhibits that the Judge asked you
17 about, you never sent Capital City Cab or me copies of
18 those exhibits; is that correct?

19 A. Yeah. I made copies of them and in the report
20 that I got said to send four copies to one place. So
21 that's what I did.

22 Q. Would you be willing to give us a one-week period
23 to find this driver and terminate him?

24 A. You've had a year to find this guy and terminate
25 him. And I know you said you haven't got no

1 paperwork, but we've got an officer that has been
2 investigating this, said he got the run around. And I
3 feel that's what you're doing today is giving us the
4 run around again.

5 ATTORNEY FOSTER:

6 I have no other questions.

7 JUDGE:

8 All right. Ms. Moore, do you move for
9 admission of your exhibits? Do you want your exhibits
10 admitted into the record?

11 A. Yes.

12 JUDGE:

13 All right. Is there any objections to
14 exhibits C1 through C3?

15 ATTORNEY FOSTER:

16 I would only note, Judge, since this is
17 the first time, either myself or any representative of
18 Capital City have had an opportunity to inspect these
19 exhibits. We haven't received any advanced notice.

20 JUDGE:

21 You had a couple month's notice of the
22 hearing. The Commission's rule allow for Discovery.
23 If you felt you needed any more information about this
24 than you already had, that was available. And I'm not
25 speaking of you personally, Mr. Foster, but your

1 Client had a month to get the act together. He
2 actually had over two months to get his act together,
3 and that's assuming that there were no contacts from
4 the Commission's Bureau of Transportation and Safety.
5 So that objection is simply not pertinent at this
6 point. The three exhibits are admitted.

7 JUDGE:

8 Ms. Moore, do you have another witness
9 you want to have testify?

10 MS. MOORE:

11 Yeah. Her name's Leah McCombs.

12 JUDGE:

13 Ms. McCombs, are you there?

14 MS. MCCOMBS:

15 Yes, sir.

16 LEAH MCCOMBS CALLED AND SWORN TO TESTIFY.

17 JUDGE:

18 State your name for the record?

19 A. Leah McCombs.

20 JUDGE:

21 Please spell that?

22 A. L-E-A-H. M-C-C-O-M-B-S.

23 JUDGE:

24 What's your address?

25 A. 123 West Tenth. The city is New Kirk,

1 K-I-R-K, Oklahoma, 74647.

2 JUDGE:

3 Did you accompany Ms. Moore on the trip
4 that she has described this morning, I'm sorry, this
5 afternoon?

6 A. Yes, I did.

7 JUDGE:

8 Were you present during her testimony?

9 A. Yes, I was.

10 JUDGE:

11 I take it you were also attending this
12 training program in Mechanicsburg, Pennsylvania?

13 A. Yes.

14 JUDGE:

15 Do you have anything to add to her
16 testimony?

17 A. No.

18 JUDGE:

19 In other words, if you were asked to
20 describe the trip, it'd be described in the same
21 fashion?

22 A. Yes, it would be.

23 JUDGE:

24 Did you send an email to someone at the
25 Public Utility Commission here about this matter?

1 A. Yes, I did, on October 8, 2002.

2 JUDGE:

3 I take it a copy of your email had been
4 sent ---?

5 A. Yes.

6 JUDGE:

7 That will be marked Exhibit C-4.

8 JUDGE:

9 And, why did you send this?

10 A. Well, because, we wanted the cab company --- we
11 wanted the State to punish the cab company, I guess,
12 or the driver in particular for the time it took and
13 the fashion of driving.

14 JUDGE:

15 The email addressed to
16 wwalborn@state.pa.us. How did you find out where to
17 send it, or do you know who you sent it to?

18 A. I contacted the Pennsylvania Bureau of
19 Transportation. The number was on the cab company's
20 window, and so I jotted that down.

21 JUDGE:

22 Did you speak to Mr. Walborn before then?

23 A. I don't remember.

24 JUDGE:

25 Okay. The next document that Ms. Moore

1 sent us looks like a series of handwritten notes.

2 A. Okay.

3 JUDGE:

4 It says in one corner
5 wwaihorn@state.pa.us, and the name Kirk Coffin,
6 officer assigned?

7 A. Yes.

8 JUDGE:

9 Did you prepare this piece of paper?

10 A. Yes.

11 JUDGE:

12 And, what is it?

13 A. Well, after I contacted, by phone, the Public
14 Bureau of Transportation, I got that email address,
15 and I jotted it down so I would know who to email.
16 And then once we were contacted by the Utility
17 Commission, I wrote down the name of the officer
18 assigned.

19 JUDGE:

20 And that would be Kirk Coffin?

21 A. That's correct. It's actually Kauffman.

22 JUDGE:

23 Kauffman?

24 A. That's when we got his name in writing. It's
25 spelled K-A-U-F-F-M-A-N.

1 JUDGE:

2 I take it you had some correspondence
3 with Mr. Kauffman about this issue?

4 A. Yes. By phone, and then we also got in writing a
5 letter dated March the 18th from the Pennsylvania
6 Public Utility Commission.

7 JUDGE:

8 We don't have a copy of that so we really
9 can't speak about that any further.

10 The next document that Ms. Moore provided
11 is a series of notes on a Visa Check Card?

12 A. Okay. That is what I actually had with me, and I
13 had a pen or a pencil in my purse while we was in the
14 cab. And that top information on there is what I
15 jotted down right off of a sticker on the cab window.

16 JUDGE:

17 One of the things was A38, Capital City
18 Cab. And then there are two different phone numbers
19 here?

20 A. The top one is the one that was on the sticker.
21 And when we talked to the second cab driver from the
22 other cab company, they gave me the second number to
23 the Capital City Cab.

24 JUDGE:

25 The 939-6363?

1 A. Yes.

2 JUDGE:

3 Do you know what the 787-7598 is, by any
4 chance?

5 A. No. It was just a number that was on the sticker
6 in the cab.

7 JUDGE:

8 And, I take it, basically, you
9 accompanied Ms. Moore on the plane flights and stayed
10 with her at the Hampton Inn, and so forth?

11 A. Yes, I did.

12 JUDGE:

13 is there anything else you want to tell
14 me about the matter at this time?

15 A. No, I have nothing to add.

16 JUDGE:

17 Mr. Foster, Cross Examination?

18 CROSS EXAMINATION

19 BY ATTORNEY FOSTER:

20 Q. Ms. McCombs, this email that the Judge has
21 referred to, which is an exhibit, you never sent a
22 copy of that email or you never emailed any
23 communications to Capital City Cab; is that correct?

24 A. I can't hear you, sir.

25 Q. All right. You've identified this exhibit, which

1 is an email dated September 25, 2002?

2 A. Yes.

3 Q. Which you sent to Mr. Walborn?

4 A. Yes.

5 Q. You never sent a copy of that email to Capital
6 City Cab Company; did you?

7 A. Not directly to Capital City Cab, but Janet Moore
8 submitted that with the hearing notice when it was
9 requested for four copies.

10 Q. To the PUC?

11 A. Yes.

12 Q. All right. And the second exhibit, which you
13 referred to with the notes of Kirk Kauffman and
14 Walborn and state.pa.us. Is that your handwriting?

15 A. Yes, it is.

16 Q. Did you send a copy of that exhibit to Capital
17 City Cab Company?

18 A. No, it was not sent to Capital City directly. It
19 was sent to the Pennsylvania Public Utility
20 Commission.

21 ATTORNEY FOSTER:

22 I have no further questions, Judge.

23 JUDGE:

24 All right. I'm assuming that Ms. Moore
25 wants to offer into evidence Exhibits C-4 through C-6.

1 A. Yeah.

2 (Exhibits C-4 through C-6 marked for
3 identification.)

4 JUDGE:

5 Any objection, Mr. Foster?

6 ATTORNEY FOSTER:

7 Just the same objection, Judge. We
8 didn't receive notice of these exhibits.

9 JUDGE:

10 it's overruled. Mr. Foster, do you wish
11 to call a witness? Ms. Moore, I take it you have no
12 further testimony?

13 A. Correct.

14 JUDGE:

15 Mr. Foster.

16 ATTORNEY FOSTER:

17 Yes, Your Honor. We would call Ayal
18 Salan, the president and owner of Capital City Cab
19 Company.

20 AYAL SALAN CALLED AND SWORN TO TESTIFY.

21 BY ATTORNEY FOSTER:

22 Q. Mr. Salan, these other parties want to hear your
23 testimony so you may want to sit there.

24 JUDGE:

25 Actually, sit here.

1 BY ATTORNEY FOSTER:

2 Q. Mr. Salan, could you spell your name, please?

3 A. A-Y-A-L. S-A-L-A-N.

4 Q. Mr. Salan, you're the owner and president of
5 Capital City Cab Company?

6 A. Yes.

7 Q. How long have you had a PUC license?

8 A. Since 1997.

9 Q. Have you ever been formally disciplined prior to
10 today by the PUC?

11 A. In a hearing, no.

12 Q. Prior to this hearing, have you received any
13 notice of the date, time and location, cab number,
14 driver number, license plate number of this Complaint?

15 A. No.

16 Q. Prior to this hearing, what advance notice have
17 you received?

18 A. None.

19 Q. Have you received a copy of the letter of Ms.
20 Moore dated April 11, 2003?

21 A. No.

22 Q. What, if any, documents regarding this complaint
23 have you received prior to today?

24 A. Nothing.

25 Q. Have you received a copy of the formal complaint

1 form from Janet L. Moore dated April 11, 2003?

2 A. Yes.

3 Q. Have you received a copy of the letter from Janet
4 Moore dated April 11, 2003?

5 A. Yes.

6 Q. Did either of those documents give the date, time,
7 location, cab number, driver's name, cab number,
8 driver's number, license plate number?

9 A. No.

10 Q. Do you know Mr. Kauffman, an investigator?

11 A. Yes, I do.

12 Q. Has he ever talked to you directly about this
13 Complaint?

14 A. No.

15 Q. All right. On September 25, 2002, were you
16 running the company at that time?

17 A. I was running the company but I was on vacation.

18 Q. How long were you on vacation?

19 A. Until October 7.

20 Q. All right. Now, if you had received the
21 information which you've received today, would you be
22 able to determine who the driver of that cab was?

23 A. Definitely.

24 Q. After you found out who the driver was, what, if
25 any, disciplinary action would you have taken against

1 him?

2 A. He would have been fired on the spot.

3 Q. Now, there are allegations here that someone in
4 your office gave Ms. Moore and Ms. McCombs and Officer
5 Kauffman the run around. If you were able to
6 determine that that was true and who the individual
7 was, would you take disciplinary action against them?

8 A. Definitely, I would.

9 Q. Are you asking the Judge for some time, with this
10 new information, to find the driver and discipline
11 him?

12 A. Yes.

13 Q. When you hire a new driver, what training do you
14 give him?

15 A. We have a safety program to help him to drive
16 safe. We check their information with PennDot to make
17 sure that they're not in violation and they have valid
18 driver's license. And most important is the public,
19 the people. Be good to people, treat people right.

20 Q. So you give a copy of the rules and regulations to
21 your new drivers?

22 A. Yes, I do.

23 Q. Do you have a log for September 25, 2002?

24 A. Yes, I do.

25 Q. So in using that log, would you be able to

1 identify this driver?

2 A. Correct.

3 Q. Now, you've heard the behavior that Ms. Moore and
4 Ms. McCombs have described by this driver. Would you
5 and your cab company tolerate that behavior?

6 A. No. I would have called the police on him myself.

7 Q. Have you ever seen any email or correspondence
8 from Kirk Kaufman about this case?

9 A. No.

10 Q. All right. The exhibits that Ms. Moore and Ms.
11 McCombs identified, have you ever seen them prior to
12 today?

13 A. No.

14 Q. Is there anything else you'd like to say, Mr.
15 Salan?

16 A. No.

17 JUDGE:

18 Ms. Moore, do you have some questions for
19 this witness?

20 MS. MOORE:

21 Yes, I do.

22 JUDGE:

23 Go ahead.

24 CROSS EXAMINATION

25 BY MS. MOORE:

1 Q. The first question is, have you had any complaints
2 from any government agencies about your drivers?

3 A. No.

4 Q. What about from the public?

5 A. No.

6 Q. Who is in charge while you're on vacation?

7 A. Who was in charge at the time? I don't remember
8 exactly who. I don't want to give you the wrong name.

9 Q. So I'm to believe that you say you've gotten no
10 information from Kirk Kauffman, nobody in your
11 company?

12 A. Can you repeat that?

13 Q. So nobody at your company has talked with or
14 gotten any information from Kirk Kauffman from the
15 Pennsylvania Public Utility?

16 A. No. I said I didn't talk to Mr. Kauffman in this
17 case. I know Mr. Kauffman.

18 MS. MOORE:

19 Okay. There's no further questions at
20 this time.

21 JUDGE:

22 Mr. Salan, did you talk to anybody from
23 the Commission about this case except for in court
24 today?

25 A. No. I would have recalled the name. I didn't

1 talk to nobody about it. I didn't know nothing about
2 it. I've given Mr. Foster --- I give him the
3 information, what, two or three weeks ago? Last week?
4 And he couldn't get any information. I said, give me
5 the date, we'll see what happened that day. Because
6 we have a daily log that we can get some information.
7 He couldn't come up with no date, no time, no cab
8 number, nothing.

9 ATTORNEY FOSTER:

10 All we're asking you for is a short
11 period of time, Judge. We think we can find the
12 driver and discipline him. I'll also take
13 disciplinary action against anybody that was acting
14 for Capital City that gave these folks, Ms. Moore and
15 Ms. McCombs, the run around.

16 JUDGE:

17 I'll tell you what I'm going to do at
18 this time. Ms. Moore, I'm looking at my pre-hearing
19 order, and I realized that after looking at this, I
20 did direct you to send a copy of your exhibits to
21 Capital City Cab Company. And it's customary that
22 they have that stuff in advance of the hearing.

23 A. All right.

24 JUDGE:

25 I'm going to continue the case. I'll

1 have it rescheduled for hearing, the second day of
2 hearing, probably not until November or December
3 because the Judges are booked that far ahead.

4 In the meantime, I will give you a
5 further opportunity to settle this case. And, at that
6 time, if the case isn't settled, I'll take testimony
7 regarding the Capital City Cab's further attempts to
8 deal with this situation.

9 I have to tell you quite frankly, Mr.
10 Foster, I can't believe that the Bureau of
11 Transportation and Safety didn't make some effort to
12 contact Capital City Cab Company. But, nevertheless,
13 you didn't get the exhibits, I'll give you another day
14 of hearing to respond to the testimony. At this
15 point, I'm real skeptical about that.

16 ATTORNEY FOSTER:

17 We appreciate that, Judge. I've
18 represented Mr. Salan for five years, and believe me,
19 he's an honest man.

20 JUDGE:

21 Well, as I said, we'll have another day
22 of hearing and that will be circumstances.

23 After you get the hearing notice, Ms.
24 Moore, could you send me a telephone number where you
25 can be reached?

1 A. Yes, I will.

2 JUDGE:

3 Is there any date, I mean, I'm not going
4 to set the date before or after Thanksgiving or the
5 day before Christmas or anything like that. If you
6 have any time schedule that isn't convenient in those
7 months, why don't you give that information right now
8 if you have them available.

9 A. I think any time is fine. I don't have
10 any scheduling conflicts.

11 JUDGE:

12 In that case, is there anything more we
13 need to discuss today, Ms. Moore?

14 MS. MOORE:

15 No, I don't think so.

16 JUDGE:

17 Mr. Foster?

18 MR. FOSTER:

19 Judge, could I get Ms. Moore's address?

20 JUDGE:

21 I think we can give that. Yeah, Ms.
22 Moore, could you give us your address one more time?

23 MS. MOORE:

24 It's 1015 East Sixth Street in Winfield,
25 Kansas.

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MR. FOSTER:

East what, Ms. Moore?

MS. MOORE:

Sixth.

MR. FOSTER:

Sixth Street?

MS. MOORE:

Yeah.

MR. FOSTER:

Winfield, Kansas. Thank you. That's all I have.

JUDGE:

All right. This hearing is adjourned. I thank you both very much. Have a good day.

A. Thank you.

* * * * *

HEARING CONCLUDED AT 2:16 P.M.

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C E R T I F I C A T E

I HEREBY CERTIFY THAT THE FOREGOING PROCEEDINGS
WERE REPORTED STENOGRAPHICALLY BY ME AND THEREAFTER
REDUCED TO TYPEWRITING AND THAT THIS TRANSCRIPT
IS A TRUE AND ACCURATE RECORD THEREOF.

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Aimee Adams

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Judge Michael Schnierle
PA Public Utility Commission
Commonwealth Keystone Bldg
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Harrisburg, PA 17101

OCT 10 2003

PA PUBLIC UTILITY COMMISSION
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In Re: Moore vs. Capital Cab
Date: 9-16-03

C-20030124

Dear Judge Schnierle:

Please attach the enclosed exhibits to the corresponding transcripts. We apologize for any inconvenience this has caused.

Thank you for your attention and patience in this matter.

Sincerely,
Sargent's Court Reporting Service

Enclosure

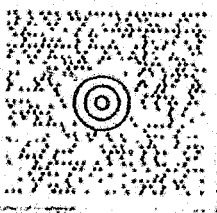
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C-20030124

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~~CHEARGE TICKET~~ No. 163514

DATE 7-21-2002

***** CHARGE ACCOUNTS *****

DR. NAME 69 CABR 129 NAME Bick
ACT. NAME 838-7252

FROM _____
Company Name _____

Street _____
City _____

TO: _____
Company Name _____

Street _____
City _____

AUTHORIZED BY PAID CABR

FARE \$ 1.00

WAITING TIME: \$ _____ (Describe on Back)

TOTAL: \$ 1.00

I CERTIFY THAT I HAVE RECEIVED A _____
COPY FROM THE PASSENGER NAMED ABOVE

AMPCO SYSTEMS
AIRPORT PARKING

MID CONTINENT AIRPORT
2141 AIRPORT ROAD
WICHITA KS 67208

Fee Computer Number: _____
Cashier: _____
Transaction Number: _____
Entered: 09/25/02 09:44
Exited: 09/27/02 22:28
Ticket #84377
Rate: _____
Dispenser #1
Total Fee: Area 2 \$15.00
Cash: \$15.00

Thank you for parking
AMPCO SYSTEM AIRPORT PARKING
HAPPY HOLIDAYS

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McDonald's
CVG
WICHITA VERY GOOD

THANK YOU
CONCOURSE 3 C TEL# 3597673294
74 KSR03 S#1 SEP.27'02(FRI)19:10

Order #374 EAT IN

1 6 PC MUGSET MEAL 2.74
1 BIG MAC MEAL 3.04
1 NO DIET 1.25
1 NO SPRITE 1.25

SUB TOTAL 8.28
EAT IN TAX 0.50

8.78

CASH TENDERED 20.00
CHANGE 11.22

Capital City Cab Co.

\$25.00

DOCUMENT

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C-20030124

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CHARGE TICKET No. 16351A
DATE 2-21-2002

***** CHARGE ACCOUNTS *****

DR # 69 CAB # 129 NAME Rich
ACCT. NAME 238-7252

FROM: Company Name

City

Street

Company Name

ASYS CON
AIRPORT PARKING

MID CONTINENT AIRPORT
2141 AIRPORT ROAD
WICHITA KS 67208

2
RALPH ID #11 194
Fee Computer Number:
Cashier: 09/25/02 09:44
Transaction Number: 09/27/02 22:28
Receipt #1

Hampton Inn

- HARRISBURG WEST
 In the Rossmoyne Business Center
 PA Turnpike (exit 17) and U.S. RT. 15
 4950 Ritter Road
 Mechanicsburg, PA 17055
 717-691-1300 Fax 717-691-9692



C-3

C-26030124

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OCT 23 2003

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Room	412/KXLX
Arrival Date	09/25/02 7:56PM
Dept. Code	09/27/02
Adult/Child	1/0
Room Rate	\$89.00
RATE PLAN	C-SUN
HH#	
AL	
BONUS AL	

CAR INFO

Rates subject to applicable sales, occupancy, or other taxes. Please do not leave any money or items of value unattended in your room. A safety deposit box is available for you in the lobby. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company or association fails to pay for any part of the full amount of these charges. *I have requested weekday delivery of USA TODAY. If refused, a credit of \$0.50 will be applied to my account. *In the event of an emergency, I or someone in my party, require special evacuation assistance due to a physical disability. Please indicate yes by checking here.

CONFIRMATION NUMBER 85620192

09/26/02 PAGE 1

DATE	REFERENCE	DESCRIPTION	AMOUNT
09/25/02	722679	TELEPHONE-LD (INTERSTATE)	7.33
09/25/02	722852	GUEST ROOM	89.00
09/25/02	722852	ROOM TAX	5.34
09/25/02	722852	LOCAL TAX	1.78
09/25/02	722854	GUEST ROOM [RTD FR RM 414 MOOR, JANET RCPT A]	89.00
09/25/02	722854	ROOM TAX [RTD FR RM 414 MOOR, JANET RCPT A]	5.34
09/25/02	722854	LOCAL TAX [RTD FR RM 414 MOOR, JANET RCPT A]	1.78
09/26/02	723428	GUEST ROOM	89.00
09/26/02	723428	ROOM TAX	5.34
09/26/02	723428	LOCAL TAX	1.78
09/26/02	723430	GUEST ROOM [RTD FR RM 414 MOOR, JANET RCPT A]	89.00
09/26/02	723430	ROOM TAX [RTD FR RM 414 MOOR, JANET RCPT A]	5.34
09/26/02	723430	LOCAL TAX [RTD FR RM 414 MOOR, JANET RCPT A]	1.78
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 BRIAN SCHMIDTBERGER
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 2370523102
 EXPRESS CHECKOUT

Leah McCombs

C-4

From: Leah McCombs
Sent: Tuesday, October 08, 2002 2:08 PM
To: 'wwalborn@state.pa.us'
Subject: Bad cab experience

C-20030124

DATE: Sept. 25, 2002 TIME: approx 5:45pm

PASSENGERS: Janet Moore & Leah McCombs
Arkansas City, KS

FROM: Harrisburg Airport, Harrisburg, PA

CAB NO. A38

COMPANY: Capital City Cab

DESTINATION: Hampton Inn. Ritter Rd., Mechanicsburg, PA

ESTIMATED MILEAGE: 19 miles

Our cab driver was of the middle eastern decent. He could barely speak English, if any at all. Our first impression was that He didn't know where Mechanicsburg was.

After 30 minutes in route, he received a cell phone call in which he spoke in a foreign language. He was only on the phone for a minute or two. We assumed he was getting directions. He soon turned his cab radio off. He then turned his radio station to nasty rap music, very loud. After another 30 minutes or so, he became visibly upset. He made two cell phone calls, both short and in a foreign language. He started driving crazy! At one point, I saw his speedometer on 85 MPH on the freeway. He was doing u-turns, crossing the median and going the wrong way on exit ramps. We almost had two accidents. We did not say anything at this point to avoid further aggravation. After another hour or so, I asked for him to let us out. He said, NO. We asked politely another two times to be let out at businesses that we saw along the highways. Each time, he said, NO. It was then dark & about 2 hours and 15 minutes later. We were afraid to jump out because of the speed and not knowing where we were.

Finally, we noticed a Holiday Inn on the next exit. I demanded to be let out. He first said NO, then Janet demanded the same thing. He took the exit, squealing his wheels & pulled into the parking lot of the hotel. As I grabbed the door handle, he quickly sped up, but then abruptly stopped. We both got out right away. I noticed the total dollar amount of the ride was in excess of \$67.00. We walked to the back of the car, he followed & got out our luggage. We started to walk away without paying, but he was glaring at us. I suggested \$20.00, he said \$25.00. We paid him \$25.00 & quickly grabbed our stuff & walked into the hotel, without waiting on a receipt. We then had to call another cab company to get us the 7-8 miles to our destination.

We called the Capital City Cab Co. last week. We turned in a short report to a lady that answered the phone. She was to tell

Her boss. We have not received a return call. (ph #717-939-6363)

We feared the worst, wondering if we would ever get out of the car. Or have an accident first. We do not want this to happen to anyone else. It was frightening.

Leah R. McCombs
Trust Department
Home National Bank
877-811-4663 ext. 2158
fax 620-442-3520

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SECRETARY'S BUREAU

Kirk Coffin
officer assigned

Wwalborn@ C-5
State. PA. US

C-20030124

W/ ph #

Cost of cab

PA Public Utility Commission

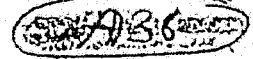
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PA PUBLIC UTILITIES COMMISSION
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Kirk Coffin
-111 838 3691

C-6
C-20030124

717787 7592



747-333
NATIONAL BANK
HOME
Money Simplified!
VISA Check Card

Jack

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Wed 9/25
Harrisburg airport