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STATE OF ALABAMA
PUBLIC SERVICE COMMISSION
MONTGOMERY, ALABAMA

IN THE MATTER OF:
FERIA LIMO SERVICES, LLC DOCKET NO.: 31643

* * * * *

TESTIMONY AND PROCEEDINGS, taken
before the Honorable Suellen L. Young,
Administrative Law Judge, in the Carl L.
Evans Chief Administrative Law Judge Hearing
Complex, RSA Union Building, 100 North Union
Street, Room 900, Montgomery, Alabama, on
Wednesday, June 29, 2011, commencing at
approximately 12:58 p.m., and reported by
Gwendolyn P. Timbie, Court Reporter and
Commissioner for the State of Alabama at
Large.

* * * * *

1 APPEARANCES

2 ADMINISTRATIVE LAW JUDGE:

3 Ms. Suellen L. Young
4 Administrative Law Judge
5 ALABAMA PUBLIC SERVICE COMMISSION
6 100 North Union Street
7 Suite 900
8 Montgomery, Alabama 36130

9 FOR FERIA LIMO SERVICES:

10 Mr. Richard H. McGinnis
11 FERIA LIMO SERVICES
12 941 Rountree Place
13 Madison, Alabama 35758

14 * * * * *

15 EXHIBIT INDEX

16 APPLICANT'S EXHIBITS:

17 EX 1 Financial statement 14
18 (Retained by ALJ)

19 * * * * *

20 ALJ YOUNG: For the record, today is
21 June 29, 2011. We're here for Docket
22 31643 which is an application by Feria,
23 F-E-R-I-A, Limo Services, LLC, to
institute a new operation as a common
carrier by motor vehicle in intrastate
commerce over irregular routes in the
transportation of passengers and their

1 baggage and luxury limousine service,
2 one, between all points in the counties
3 of Madison, Limestone, Morgan, Marshall,
4 and Jackson, and, two, from all points in
5 number one above to all points in Alabama
6 and return.

7 I'll take appearances now. Is
8 there anybody here to appear on behalf of
9 the applicant?

10 MR. MCGINNIS: Just me.

11 ALJ YOUNG: Okay. If you'll tell us
12 your name.

13 MR. MCGINNIS: Oh, I'm sorry.
14 Richard H. McGinnis.

15 ALJ YOUNG: Okay. And if you'll
16 spell your last name.

17 MR. MCGINNIS: It's M-C-G-I-N-N-I-S.

18 ALJ YOUNG: If you'll give us your
19 business address and your position with
20 the company.

21 MR. MCGINNIS: Okay. My position
22 with the company is that I'm the
23 manager. And our business address is 941

1 Rountree Place, Madison, Alabama 35758.

2 ALJ YOUNG: Okay. Are there any
3 preliminary matters that we need to
4 address? Like any restrictive amendments
5 that are offered?

6 MR. MCGINNIS: Yes. I have a letter
7 right here.

8 ALJ YOUNG: We originally have a
9 protestant, Alathree, LLC d/b/a Express
10 Medical Transporters.

11 And it's my understanding that
12 you've offered a restrictive amendment
13 against the provisioning of nonemergency
14 medical transportation services?

15 MR. MCGINNIS: Yes, we have.

16 ALJ YOUNG: And at that point, the
17 protestant has withdrawn the protest. So
18 it's now an unprotested application with
19 that restrictive amendment.

20 MR. MCGINNIS: Okay.

21 ALJ YOUNG: Is that correct?

22 MR. MCGINNIS: Uh-huh.

23 ALJ YOUNG: Okay. If you will, raise

1 your right hand, and I'll swear you in
2 now.

3 RICHARD McGINNIS

4 The witness, having first been duly
5 sworn or affirmed to speak the truth, the
6 whole truth and nothing but the truth,
7 testified as follows:

8 ALJ YOUNG: All right. At this time,
9 the applicant can make their presentation
10 in support of the application.

11 MR. McGINNIS: All right. Well, the
12 name of our company is Feria Limousine
13 Company. Right now we have one
14 automobile. It's a Chrysler 300 stretch
15 limo. It's -- the year is 2000. And
16 it's registered. All the paperwork is up
17 to date.

18 We also have the proper
19 insurance with the Oglesby and Associates
20 in Madison, Alabama, and we have the
21 proper coverage that we need to have.

22 ALJ YOUNG: What coverage is that --

23 MR. McGINNIS: In regards to

1 violation --

2 ALJ YOUNG: For the record, if you
3 will, tell us what coverage you have.

4 MR. MCGINNIS: Liability.

5 ALJ YOUNG: What amounts do you have?

6 MR. MCGINNIS: One million.

7 ALJ YOUNG: Okay. All right.

8 Continue on.

9 MR. MCGINNIS: Okay. In regards to
10 violations, we did -- we have been given
11 a citation for not having the license for
12 the State of Alabama.

13 ALJ YOUNG: From this commission?

14 MR. MCGINNIS: From this commission,
15 yes. And that right now -- it's
16 scheduled to be heard August 3rd.

17 I did get a continuance. They
18 allowed me to get a continuance until --
19 so that I could get my license and bring
20 that to court.

21 ALJ YOUNG: Okay. Have you had any
22 other violations on rules of the road?

23 MR. MCGINNIS: No, we have not.

1 ALJ YOUNG: Okay. Are you going to
2 be a driver?

3 MR. MCGINNIS: No. I will not be a
4 driver.

5 ALJ YOUNG: How do you propose to
6 screen any drivers you would hire?

7 MR. MCGINNIS: Well, we check their
8 driver's license. We check their driving
9 record. We also, you know, get an
10 application -- a formal application that
11 states the places where they've worked
12 before.

13 The drivers -- right now we have
14 one driver because we have one limousine.
15 And he is -- I have his -- I've checked
16 his license. He has a clean driving
17 record. And he's been with us for about
18 a year now and has done a really great
19 job. He does have his card from the
20 health department.

21 And according to the rules in
22 Alabama, if you -- if you're transporting
23 ten people or less, you don't need a CDL

1 license. He does not have a CDL license.

2 ALJ YOUNG: Okay.

3 MR. MCGINNIS: And as far as -- we
4 are aware of the safety rules. As a
5 matter of fact, in our contract, we do
6 state to people that they need to
7 understand that a limousine travels
8 slower than a regular car, and they need
9 to, you know, consider that in their
10 time.

11 And the drivers -- anybody that
12 would in the future become a driver would
13 have to, you know, pass a driving test
14 from us, as far as things like, you know,
15 observing like -- to make sure that they
16 give the proper amount of time before
17 making a turn. Understanding that
18 there's things that a limo cannot do that
19 a car can, such as like, you know, the
20 dividers in the highways. Like never use
21 those. If you have to drive down to a
22 shopping center, you know, turn around in
23 there and then come back.

1 And, you know, I would ride with
2 them before -- before I would ever let
3 anybody drive our limousine.

4 ALJ YOUNG: What about safety and
5 maintenance rules -- or safety and
6 maintenance on the vehicle?

7 MR. MCGINNIS: All right. Well, our
8 car is inspected once a year in
9 Huntsville.

10 As far as our maintenance goes,
11 we change our oil every 3,000 miles. We
12 are very up to date on rotating our
13 tires. We just got new tires about --
14 maybe seven months ago. And our
15 limousine itself has under 30,000 miles
16 on it.

17 ALJ YOUNG: Okay. Since you have one
18 driver and one limousine, do you have any
19 limitations on how many hours you would
20 let that driver --

21 MR. MCGINNIS: Eight hours. I
22 believe eight hours is the rule.

23 ALJ YOUNG: So you'd be willing to

1 make yourself familiar with and follow
2 all the safety rules?

3 MR. MCGINNIS: Absolutely.

4 ALJ YOUNG: And what about the other
5 rules of the Commission? Do you
6 understand that you are the person
7 responsible for knowing the rules and
8 following the rules, whether it's
9 insurance or any -- let's see.

10 Do you have a copy of this
11 book?

12 MR. MCGINNIS: I do not.

13 ALJ YOUNG: Okay. We can get you --
14 he has one for you. Mr. Williamson is
15 here for the Commission, and he has one
16 for you. You're responsible for knowing
17 the rules in this book and following
18 those that are applicable to you.

19 MR. MCGINNIS: Okay.

20 ALJ YOUNG: Okay. Now, you continue
21 on with -- how about the need for the
22 service? You have to show that there's a
23 need -- an unmet need for this service.

1 How do you determine that?

2 MR. MCGINNIS: All right. Well,
3 according to the 2010 census, there --
4 with the counties that we're involved in,
5 we're talking about 700,000 people. We
6 have -- there are six limousine companies
7 operating within that area. So, you
8 know, you're looking at, you know, a
9 little over a hundred thousand per
10 limousine, you know, per person, per
11 company.

12 ALJ YOUNG: Right.

13 MR. MCGINNIS: We -- during the prom
14 season, between -- it starts in February
15 and it goes until June. And then during
16 that time -- at the end of it, the
17 wedding season starts. And there just
18 are not enough limos.

19 And I can tell you personally
20 that I know that because I had to turn so
21 many people away because I had a business
22 license for Huntsville. I could only
23 operate in Huntsville. And I had to turn

1 away every person that was from out of
2 town. And even if I had had my limousine
3 working, we still wouldn't have enough.

4 And to me, to -- you know, you
5 get ten people in a limo. So you're
6 talking about five cars that would not be
7 out on the road on a prom night, you
8 know, with 17 teenage drivers that are
9 really excited and, you know, have a
10 propensity to where they could -- might
11 be really reckless.

12 ALJ YOUNG: Absolutely.

13 You know, you need to also be
14 financially capable of continuing this
15 service and operating this service in a
16 safe manner. Do you --

17 MR. MCGINNIS: I have a financial
18 statement.

19 ALJ YOUNG: Okay.

20 MR. MCGINNIS: Here it is. And --

21 ALJ YOUNG: Is that one that I can
22 keep for the record?

23 MR. MCGINNIS: Sure.

1 ALJ YOUNG: Okay. We'll mark this as
2 Applicant's Exhibit 1.

3 You can continue.

4 MR. MCGINNIS: I think that covers
5 everything for me.

6 ALJ YOUNG: Okay.

7 MR. MCGINNIS: Unless you have
8 questions.

9 ALJ YOUNG: I don't have any
10 questions. I think you've covered
11 everything.

12 The law provides for a report
13 and recommended order. But since this is
14 an unopposed case, you can waive your
15 right to a report and recommended order
16 in order to expedite a decision here, if
17 you would like to.

18 Would you like to waive that
19 report and recommended order?

20 MR. MCGINNIS: Yes. I'll waive that
21 right.

22 ALJ YOUNG: Okay. I'll take this
23 under advisement. And that concludes our

1 hearing.

2 MR. MCGINNIS: Okay. You know what?

3 I just -- I thought of something that

4 I --

5 ALJ YOUNG: Okay. Let's go back on

6 the record.

7 MR. MCGINNIS: Just to make sure
8 everything is aboveboard and everything.

9 ALJ YOUNG: Okay. Yes. We want
10 that.

11 MR. MCGINNIS: We were involved in
12 Huntsville in an accident in December
13 and -- but we weren't given any tickets.

14 ALJ YOUNG: Okay. Were you at fault?

15 MR. MCGINNIS: We were held at
16 fault. And that driver no longer works
17 with us. We -- you know, he's totally
18 gone.

19 ALJ YOUNG: Okay.

20 MR. MCGINNIS: But we weren't given
21 any tickets. So -- but still -- because,
22 you know, it's something that --

23 ALJ YOUNG: I appreciate your honesty

1 with that.

2 MR. MCGINNIS: Sure. And the driver
3 that I have -- this guy was filling in,
4 you know, for the driver that I had. And
5 he was someone that was recommended. But
6 this -- after, you know -- after that,
7 then that's when, you know, I amended
8 everything to make sure -- not just take
9 somebody's word that they're --

10 ALJ YOUNG: Right.

11 MR. MCGINNIS: And this guy had a CDL
12 license, which led me to believe that he
13 should have been perfectly okay to drive
14 a limousine.

15 ALJ YOUNG: So in the future, you
16 will screen the drivers personally?

17 MR. MCGINNIS: Yes, I will.

18 ALJ YOUNG: Will you be doing any
19 kind of -- that brings up a question in
20 my mind. Will you be doing any kind of
21 drug screening or testing with your
22 drivers?

23 MR. MCGINNIS: We hadn't planned on

1 it. But I'll be very happy to comply
2 with that. We can do that.

3 ALJ YOUNG: Sometimes it's
4 advisable.

5 MR. MCGINNIS: Well, then, let me go
6 on record as saying that from now on,
7 that's what we'll do.

8 ALJ YOUNG: Okay.

9 MR. MCGINNIS: And that we will do
10 that with the driver that I have right
11 now.

12 ALJ YOUNG: All right. I think
13 that -- I think that concludes the
14 hearing.

15 MR. MCGINNIS: Okay.

16 ALJ YOUNG: And we'll go off the
17 record now.

18 (Hearing concluded at 1:11 p.m.)

19 * * * * *

20 END OF PROCEEDINGS

21 * * * * *

22

23

1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA

3 MONTGOMERY COUNTY

4 I, Gwendolyn P. Timbie, Certified
5 Court Reporter and Commissioner for the State
6 of Alabama at Large, hereby certify that on
7 Wednesday, June 29, 2011, I reported the
8 PROCEEDINGS in the matter of the foregoing
9 cause, and that pages 2 through 16 contain a
10 true and accurate transcription of said
11 proceedings.

12 I further certify that I am neither
13 kin nor of counsel to the parties to said
14 cause, nor in any manner interested in the
15 results thereof.

16 This 5th day of July, 2011.

17

18 /s/Gwendolyn P. Timbie

19 GWENDOLYN P. TIMBIE, COURT REPORTER
20 And Commissioner for the
State of Alabama at Large

21 CCR 172, Expires 09/30/11

22 MY COMMISSION EXPIRES: 3/10/2013

23

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