

1 ALABAMA PUBLIC SERVICE COMMISSION

2 MONTGOMERY, ALABAMA

3

4 IN RE:

5 SUPERIOR MEDICAL TRANSPORTATION SERVICE, LLC
6 DOCKET NO. 31807

6

7 APPLICATION FOR NEW OPERATION AS A COMMON
8 CARRIER

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13 TESTIMONY AND PROCEEDINGS before the

14 Honorable Scott Morris, Administrative Law

15 Judge, at the Carl L. Evans Chief

16 Administrative Law Judge Hearing Complex,

17 RSA Union Building, 100 North Union Street,

18 Montgomery, Alabama, on Thursday, April 5,

19 2012, commencing at approximately 9:10 a.m.;

20 and reported by Gwendolyn P. Timbie,

21 Certified Court Reporter and Commissioner

22 for the State of Alabama at Large.

23 * * * * *

1 APPEARANCES

2 FOR THE APPLICANT:

3 Mr. Jay C. Coleman
4 Ms. Veronica Ferguson

5 FOR EXPRESS MEDICAL TRANSPORTERS:

6 Mr. Judkins M. Bryan
7 WILKERSON & BRYAN
8 Attorneys at Law
9 405 South Hull Street
10 Montgomery, Alabama 36104

11 * * * * *

12 EXAMINATION INDEX

13 JAY C. COLEMAN

14 STATEMENT BY MR. COLEMAN 6

15 CROSS BY MR. BRYAN 9

16 RICHARD PETERSON

17 DIRECT BY MR. BRYAN 22

18 CROSS BY MR. COLEMAN 29

19 CROSS BY MS. FERGUSON 35

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21 ALJ MORRIS: Let's go on the
22 record. Today's date is Thursday,
23 April the 5th, 2012. We are here
for Docket 31807. The applicant
is Superior Medical Transportation

1 Service, LLC. They're seeking to
2 institute a new operation as a
3 common carrier by motor vehicle in
4 intrastate commerce over irregular
5 routes in the transportation of
6 passengers and their baggage in
7 non-emergency medical service
8 between all points in the counties
9 of Montgomery, Autauga, and
10 Elmore.

11 This application was
12 filed on February 28, 2012. The
13 notice of today's hearing was
14 served on March 8, 2012.

15 This application has been
16 protested by Ala-Three, LLC, doing
17 business as Express Medical
18 Transporters.

19 With that, let's begin by
20 taking appearances. First on
21 behalf of the applicant.

22 If you would, please
23 state your name and your

1 relationship with the business.

2 MR. COLEMAN: Good morning,
3 Your Honor. My name is Jay C.
4 Coleman. I am the owner and
5 president of Superior Medical
6 Transportation Services, LLC.

7 ALJ MORRIS: All right. Thank
8 you, Mr. Coleman.

9 And for the protestant?

10 MR. BRYAN: Yes. My name is
11 Judkins Bryan. I'm the attorney
12 for Express Medical Transporters.

13 ALJ MORRIS: Thank you,
14 Mr. Bryan.

15 Do we have any
16 preliminary matters to address
17 this morning?

18 (No response)

19 ALJ MORRIS: Mr. Coleman, how
20 many witnesses will you have?

21 MR. COLEMAN: Just one.

22 ALJ MORRIS: Just one?

23 MR. COLEMAN: Yes, sir.

1 ALJ MORRIS: Is that just
2 yourself or --

3 MR. COLEMAN: Actually, it's
4 two, with myself. That's
5 Ms. Ferguson, who is my associate.

6 ALJ MORRIS: All right. Is
7 Ms. Ferguson related to the
8 business in any way?

9 MR. COLEMAN: She's an
10 associate of mine.

11 ALJ MORRIS: All right,
12 Mr. Coleman. Will you be
13 presenting testimony?

14 MR. COLEMAN: Yes, sir.

15 ALJ MORRIS: All right. If
16 both of you would please stand. I
17 need swear to swear you in.

18 (Witnesses sworn)

19 ALJ MORRIS: All right,
20 Mr. Coleman. This is your
21 opportunity to tell us a little
22 bit about your business and what
23 you propose to do, your experience

1 in the transportation industry.

2 And at that point, the
3 protestants will have an
4 opportunity to ask you some
5 questions. And then we'll repeat
6 the same with your -- with
7 Ms. Ferguson. All right.

8 JAY C. COLEMAN

9 The witness, having first been duly
10 sworn to speak the truth, the whole truth
11 and nothing but the truth, testified as
12 follows:

13 MR. COLEMAN: Okay. As I
14 stated earlier, my name is Jay C.
15 Coleman. I am owner and president
16 of Superior Medical Transportation
17 Services.

18 This is a company that we
19 started in January of this year.
20 We were looking to start a new
21 business and were interested in
22 the transportation industry. And
23 specifically the non-emergency

1 medical transportation.

2 And that came out of
3 knowing people who were needing
4 this service. People who were
5 family members and associates of
6 ours who were having a hard time
7 to -- hard time getting back and
8 forth to medical appointments.
9 The services that they were using,
10 oftentimes there were long waits
11 in between time.

12 So we looked into the --
13 in the marketplace and the
14 proposed service area. And we
15 decided that we could try to do
16 something to fill that gap, to
17 fill that void. So we came up
18 with the company Superior Medical
19 Transportation Service and filed
20 the necessary paperwork. And I
21 purchased a vehicle, and that --
22 we ended up here.

23 I have not had any

1 experience in the transportation
2 industry per se, but I have worked
3 in the mental health industry.

4 I am also -- I'm a
5 counselor. Master's degree in
6 counseling. Currently pursuing a
7 doctorate in ministry and family
8 therapy.

9 And I come in contact
10 with a lot of families. A lot of
11 low income families. Families
12 that are underprivileged and
13 underserved.

14 And throughout my
15 counseling experiences and dealing
16 with these families, I realized
17 that there is an unmet need; that
18 I thought that we could maybe help
19 to fill that void.

20 ALJ MORRIS: Mr. Bryan, any
21 questions for Mr. Coleman?

22 MR. BRYAN: Sure. Yes.

23

1 CROSS-EXAMINATION

2 BY MR. BRYAN:

3 Q. You said that you started the business
4 in January of this year?

5 A. Yes, sir.

6 Q. Do you actually drive the -- you've
7 purchased one vehicle?

8 A. Yes, sir. I've purchased one vehicle so
9 far.

10 Q. Who is the driver of that vehicle?

11 A. I will be that driver.

12 Q. You will be that driver?

13 A. Yes, sir.

14 Q. So are you currently operating that
15 vehicle?

16 A. No, sir. Not yet.

17 Q. So this is truly just a startup?

18 A. It's truly a startup business.

19 Q. What have you done by way of training to
20 drive the vehicle?

21 A. At this particular time, I haven't done
22 any training for this particular
23 vehicle. But we are signed up to do

1 some training at the -- at the thing in
2 Orange Beach, Alabama. And, also, we've
3 been in contact with different agencies
4 who have training programs that we'll --
5 we will probably be contracting with.
6 But we will complete whatever training
7 that they have set in place.

8 Q. I'm sorry. And where are you going to
9 be training? What's the organization?

10 MR. COLEMAN: What's the
11 name?

12 MS. FERGUSON: It's the Rural
13 Transportation Association, I
14 believe.

15 ALJ MORRIS: Just need -- only
16 Mr. Coleman can answer the
17 question.

18 A. Yes. It's the Rural Transportation
19 Association. They're having -- in
20 Orange Beach, Alabama later this month,
21 in April. I don't have that in front of
22 me.

23 Q. That's fine.

1 And where will your office be
2 located? Where will the truck be?

3 A. Well, my office will be located in my
4 home office. But I will be at --
5 initially I will be parking the van at
6 my -- at my church.

7 Q. At your church. And what county -- what
8 city is that church in?

9 A. It's actually in Montgomery County.
10 It's here in Montgomery, where I live.

11 Q. In the city of Montgomery?

12 A. Yes.

13 Q. All right. And how are you going to
14 market your business?

15 A. Well, we're just going to use the -- all
16 the media that's available. Radio,
17 television. I have a 20-year background
18 in radio and media. So that will
19 definitely be used. Word of mouth.
20 We're going to market to churches and
21 different organizations.

22 Q. So when a phone call comes in, will that
23 come into -- where will that call be

1 made to?

2 A. Well, it all depends. If we're
3 contracting with an agency who has
4 access to a call center, the calls will
5 be coming to them. But calls will be
6 coming into myself. If they were to --
7 they call us directly, the calls will be
8 coming to myself.

9 Q. To a cell phone or office?

10 A. Cell phone.

11 Q. All right. And how many -- what are
12 going to be your business hours that
13 you're going to be driving this truck?

14 A. We're proposing to go from 7 to 7.
15 7 a.m. to 7 at night. Six days a week.

16 Q. Monday through Saturday?

17 A. Monday through Saturday.

18 Q. Do you intend to go outside of
19 Montgomery -- the city limits of
20 Montgomery, into the other counties?

21 A. Yes, sir.

22 Q. Do you have your -- what type of
23 insurance do you have in place?

1 A. Right now the insurance that I have in
2 place is just a regular liability to
3 cover the vehicle. Pending
4 authorization, we're going to get the
5 necessary insurance that's required by
6 the state, which is the million dollar
7 limit. We have that information, which
8 would require the insurance company
9 to -- I think the Form E -- to file the
10 Form E with the state of Alabama.

11 Q. In your filing, you listed the vehicle.
12 Have you purchased this 2006 Ford
13 shuttle bus?

14 A. Yes, sir.

15 Q. And how many miles are on it?

16 A. I'm not real sure. I have that written
17 somewhere.

18 Q. The certificate of title shows 239,900.

19 A. That's it, then.

20 Q. Do you feel it's in good enough shape to
21 provide service?

22 A. It's in excellent service. My brother
23 is a certified mechanic, and it's been

1 checked out thoroughly. Actually drove
2 it from Arkansas.

3 Q. All right. What was the use of this
4 vehicle before you purchased it?

5 A. It was in a fleet of medical
6 transportation.

7 Q. So is it ADA compliant?

8 A. Yes, sir.

9 Q. You can transport someone in a
10 wheelchair?

11 A. Yes, sir.

12 Q. All right. And do you plan to go out in
13 rural areas?

14 A. Yes, sir.

15 Q. What is your contingency plan if you get
16 out in a rural area and the truck breaks
17 down or has problems?

18 A. If the truck breaks down, we would have
19 to call for help. I'd have to call a
20 mechanic to come get me.

21 Q. So you're not concerned about having a
22 patient on board with transporting them
23 and break down and not have any backup

1 plan?

2 A. I'm a man of faith. I pray a lot.

3 Q. All right. On your business plan, how
4 many trips a day do you think you'll be
5 making? Or a week? Do you have a plan
6 yet what you think --

7 A. I don't have an idea how many trips I'll
8 make.

9 Q. And you testified that there's an unmet
10 need.

11 A. Yes, sir.

12 Q. And how did you determine there was an
13 unmet need?

14 A. Through research. Research and
15 references. Actually, we were
16 referencing some numbers and stats from
17 the Central Alabama Human Services and
18 Coordination Transportation Plan for the
19 tricounty area.

20 And also we did a survey. A more
21 personal survey, where we actually went
22 out to different businesses and agencies
23 and asked them to fill out these surveys

1 about their transportation needs. And
2 time and time again we found that there
3 were a lot of unmet needs in this area.

4 Q. In non-emergency medical transportation?

5 A. Yes, sir.

6 Q. And the plan you're referring to is
7 the -- you said the Human Service
8 Coordination Transportation Plan? Is
9 that the September, 2008 plan?

10 A. No, sir. It's the September, 2011.
11 Updated one.

12 Q. Will there be any other drivers employed
13 besides yourself?

14 A. Yes, sir. In the future, there will be.

15 Q. Are there any other employees besides
16 yourself and Ms. Ferguson? Is she an
17 employee? You referred to her as an
18 associate. Is she one of your
19 employees?

20 A. No. She's not an employee.

21 Q. Do you intend to be -- do you intend to
22 get a toll-free number or any other land
23 lines? Or are you just going to work

1 off your cell number?

2 A. Well, actually, we have -- we actually
3 have a toll-free line, which can be
4 forwarded to a land line or to a cell
5 line, for faxing and all that purposes.

6 Q. You currently have in place a toll-free
7 number?

8 A. Yes, sir.

9 Q. What is that number?

10 A. The number is 888-976-8748.

11 Q. So it's already active?

12 A. Say again?

13 Q. It's already active? I can call it
14 today?

15 A. Yes, sir. You can call it.

16 Q. And it will go to -- who will answer
17 that phone?

18 A. I would probably answer it or
19 Ms. Ferguson would answer it. Depending
20 on where it's forwarded to. Or it may
21 go to an answering machine, and we'll
22 get paged.

23 Q. Are you an approved vendor by Medicaid

1 yet?

2 A. I have a Medicaid provider number. The
3 national Medicaid provider number. But
4 right now for the state Medicaid, it's
5 pending. Pending this -- the outcome of
6 this authority.

7 Q. And you filed a financial statement.
8 Your statement shows your total assets
9 are 18,250 at this point?

10 A. Give or take.

11 Q. That's all the questions I have. Thank
12 you, sir.

13 A. Thank you.

14 ALJ MORRIS: Now,
15 Ms. Ferguson, do you -- is she
16 going to give a presentation? Or
17 how are you planning on --

18 MS. FERGUSON: If I give a
19 presentation, can I ask questions
20 later?

21 ALJ MORRIS: That will come
22 later.

23 MS. FERGUSON: Or if I don't,

1 can I still ask?

2 ALJ MORRIS: Yeah. You can
3 still. But probably should give
4 your presentation first.

5 MS. FERGUSON: Okay. My name
6 is Veronica Ferguson. I do not
7 have any background in the
8 transportation business.

9 My former career was in
10 law enforcement. I did 27 years.
11 So I'm kind of well versed with
12 dealing with people. That's
13 one -- I consider my strongest
14 points, was dealing with people.

15 This is a new venture for
16 me. I was brought on by
17 Mr. Coleman. It was something
18 that me and my husband had
19 previously discussed. However, we
20 just didn't get around to doing
21 that.

22 So when he presented the
23 opportunity to actually help him

1 or assist, I jumped at it, because
2 this is something I'm thinking
3 about doing in the future.

4 I think I did my
5 experience, which is zero. And
6 that's it.

7 MR. BRYAN: I have no
8 questions.

9 ALJ MORRIS: You have no
10 questions? I've got a few.

11 Ms. Ferguson, what is
12 your -- are you going to be a part
13 owner in the business or --

14 MS. FERGUSON: That's up in
15 the air. I'm thinking about it.

16 ALJ MORRIS: So right now
17 you're just --

18 MS. FERGUSON: I'm assisting
19 him.

20 ALJ MORRIS: You're assisting
21 him. Okay.

22 So you have no business
23 in -- or you have no experience in

1 the transportation industry?

2 MS. FERGUSON: Transportation,
3 no.

4 ALJ MORRIS: And you're
5 retired law enforcement?

6 MS. FERGUSON: Yes, sir.

7 ALJ MORRIS: Were you actually
8 a police officer?

9 MS. FERGUSON: Yes, sir.
10 Twenty-seven years.

11 ALJ MORRIS: Did you get any
12 kind of training in terms of
13 driving during that time?

14 MS. FERGUSON: Yes, I have. I
15 have that experience.

16 ALJ MORRIS: Well, that's all
17 I have.

18 Mr. Bryan, how many
19 witnesses are you going to have?

20 MR. BRYAN: Just one, Your
21 Honor.

22

23

1 RICHARD PETERSON

2 The witness, having first been duly
3 sworn to speak the truth, the whole truth
4 and nothing but the truth, testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. BRYAN:

8 Q. Would you please state your full name
9 and address for the record.

10 A. Richard Peterson, 1715-A Pleasant Grove
11 Road, Alabama. I work for EMT.

12 Q. And what is your position?

13 A. General manager.

14 Q. And how long have you been employed by
15 EMT?

16 A. Almost a year.

17 Q. What is the nature of your -- what do
18 you do on a day-to-day basis for EMT?

19 A. A little bit of everything. Wherever
20 the need calls.

21 Q. All right. Where is EMT currently
22 operating?

23 A. We have an office in Birmingham,

1 Montgomery, Dothan, Mobile.

2 Q. And how many vehicles do you currently
3 have in your fleet?

4 A. We're at probably 46, 47.

5 Q. I'm going to hand you a document. Can
6 you tell me what that is?

7 A. This is our financial statement.

8 Q. Current financial statement? As of what
9 date?

10 A. December 31st, 2011.

11 MR. BRYAN: Your Honor, I
12 would like to offer this exhibit
13 into evidence, please. We didn't
14 file a current financial statement
15 for their company.

16 ALJ MORRIS: Okay.

17 MR. BRYAN: I'm sorry. We
18 didn't have it ready.

19 Q. All right. Getting back to the fleet.
20 In the tricounty area, which we're
21 discussing today, which is Montgomery
22 County and Autauga County and Elmore
23 County, what office services that?

1 A. Montgomery.

2 Q. And it's located where?

3 A. It's on 100 -- 104 Mendel Parkway.

4 Q. And how many trucks do you have in that
5 fleet?

6 A. Eleven.

7 Q. In your opinion, is there an unmet need
8 in Montgomery, Autauga, and Elmore
9 County?

10 A. No, sir.

11 Q. Do you ever have any call -- do
12 people -- what kind of 1-800 number --
13 telephone numbers -- how do people
14 communicate with you?

15 A. We have two 1-800 numbers. We have also
16 a couple of local numbers.

17 Q. And when they call in, where does that
18 go?

19 A. That goes to basically Birmingham as a
20 call center. We have six employees that
21 just answer phones.

22 Q. And then when they get the call, what do
23 they do?

1 A. We take in the call. Then we go -- it
2 will go from there to whatever day it
3 is. And then we dispatch it the next
4 day and dispatch it out to the drivers.

5 Q. To your knowledge, are there any calls
6 that have been turned down in the
7 tricounty area in the last --

8 A. We never turn down any calls.

9 Q. Approximately how many -- of the 11
10 trucks in your fleet, how many are
11 usually operating on a day-to-day
12 basis? How many are out there?

13 A. Normally -- on a normal day, probably
14 nine. We usually have one for backup if
15 we do have a problem, which we need, you
16 know, a backup. But --

17 Q. So you currently have about two trucks
18 that are just sitting idle every day?

19 A. Yes.

20 Q. What is your -- for the record, what is
21 your authority you hold with the state
22 of Alabama? What certificates?

23 A. We have PSC in the whole state of

1 Alabama.

2 Q. And how long has Express Medical
3 Transporters been providing service in
4 Alabama?

5 A. I think about three years. Three years.

6 Q. Before Express Medical Transporters, it
7 was called Fresh Air?

8 A. Fresh Air Accessible.

9 Q. Express Medical Transporters is a
10 national franchise; is that correct?

11 A. Yes.

12 Q. Do all your vehicles include wheelchair
13 transports?

14 A. No. Not all of them are wheelchair.
15 It's pretty much half and half. We have
16 ambulatory and then we also have three
17 Sprinters that can carry 11 people and
18 three wheelchairs.

19 Q. And how many days a week do you provide
20 transportation services?

21 A. Every single day of the week.

22 Q. Twenty-four hours a day?

23 A. Twenty-four hours.

- 1 Q. Are you an approved vendor for Medicaid?
- 2 A. Yes.
- 3 Q. Are there any restrictions on your
4 authority?
- 5 A. No.
- 6 Q. Does EMT require advanced payment for
7 its services?
- 8 A. No.
- 9 Q. And as far as you know, is EMT in good
10 standing with the Commission?
- 11 A. Yes.
- 12 Q. It's financially sound?
- 13 A. Yes.
- 14 Q. Have you added any trucks in the last
15 year? Do you know?
- 16 A. Yes. Ten. Actually, I might be wrong.
17 It might be 11. I think we're at 11.
- 18 Q. You have the ability -- you're in how
19 many counties approximately?
- 20 A. We're almost in the whole state of
21 Alabama. There's just a few that we
22 probably do not touch every single day.
- 23 Q. So if the need increases in a county,

1 can you -- do you have the ability to
2 move trucks from one location to
3 another?

4 A. Yes.

5 Q. And your drivers, how are they trained?

6 A. Well, they go through defensive
7 driving. We have also defensive
8 driving, CPR, sensitivity course. We
9 really try to take them through an
10 extensive training. And that's one
11 reason it takes us so long to get a
12 driver on the road.

13 Q. What is your typical response time when
14 you receive a call from the call
15 center?

16 A. Our typical response time? It really
17 depends. We try to be there within the
18 hour. Within one hour.

19 Q. Do you have a toll-free number?

20 A. Yes.

21 Q. Do you have a website on the web?

22 A. Yes, sir.

23 Q. All right. Based on the testimony

1 you've heard today, in your opinion, do
2 you think Express Medical Transporters
3 has the capacity to meet existing needs
4 in the area?

5 A. Yes, sir.

6 MR. BRYAN: No further
7 questions.

8 ALJ MORRIS: Thank you,
9 Mr. Bryan.

10 Mr. Coleman or
11 Ms. Ferguson, who do you want
12 to --

13 MR. COLEMAN: Well, I would
14 like to ask a few questions.

15 ALJ MORRIS: Okay.

16 CROSS-EXAMINATION

17 BY MR. COLEMAN:

18 Q. Mr. Peterson?

19 A. Yes.

20 Q. Do you have any documentation to show
21 that there -- that all of the needs --
22 transportation needs in the tricounty
23 area are met? How would you prove that?

1 A. Basically by every ticket that we've --
2 every customer that we've ever picked up
3 is a confirmation of meeting everybody's
4 needs. We have never turned down any
5 work.

6 Q. Right. But you -- but there's no way of
7 knowing that -- there are some calls
8 that you don't get, right? You're not
9 claiming that you just cover -- I think
10 we spoke earlier. Ms. -- the owner said
11 that she covers the state.

12 You're claiming -- are you saying
13 that there -- that every need is met in
14 Elmore County, Autauga County, and
15 Montgomery?

16 A. I'm pretty much saying yes, sir.

17 Q. But you have no documentation to show
18 that?

19 A. Other than the tickets that we've
20 received on and traveled and taken
21 places to and from.

22 Q. Those are the people that you served?

23 A. Those are the people that we've served

1 and other companies that have asked us
2 to help them out.

3 Q. Are you familiar with FM -- a company
4 here in Montgomery by the name of -- the
5 acronyms are FMCNA, Capital City
6 Dialysis on South Jackson Street?

7 A. Yes. I think we drop quite a few
8 customers.

9 Q. I have a survey from them and -- where
10 they said, we have transportation
11 services, but we can also benefit from
12 more options and -- more options.

13 MR. BRYAN: Your Honor, we're
14 going to object. This is hearsay,
15 and we're going to --

16 Q. Would that be -- would you think that --
17 would that be a true statement on that
18 part? I mean, they make that
19 statement. They said that they have
20 transportation services, but they can
21 always use more.

22 A. I don't know who -- I don't know who you
23 talked to. I wouldn't say that would be

1 completely accurate.

2 Q. What about DCI Montgomery, Highland
3 Park? 1912 Cherry Street in Montgomery,
4 Alabama. Are you familiar with that
5 company -- with that agency? Dialysis.

6 A. I do. I think I recall them.

7 Q. They made a statement that says,
8 patients are frequently having to wait
9 over two hours for rides. Says unsafe
10 and inconvenient. And they stated that
11 there is a need.

12 But you wouldn't know anything about
13 that, would you?

14 ALJ MORRIS: Mr. Coleman,
15 what's the source of your
16 information?

17 MR. COLEMAN: These are the
18 surveys that we actually took.
19 And I'm going to introduce it as
20 evidence, if I may. These are the
21 surveys that we actually took.
22 Face-to-face surveys with
23 companies here in the tricounty

1 area who are welcoming our
2 service. And -- because there is
3 an unmet need.

4 ALJ MORRIS: Are the people
5 that you surveyed available here?

6 MR. COLEMAN: No, they're
7 not. But I have the signed
8 statements.

9 ALJ MORRIS: Under the hearsay
10 rule, we can't accept that, unless
11 they're actually here for cross-
12 examination.

13 MR. COLEMAN: Well, we
14 can't -- you can't use these
15 signed surveys as evidence?

16 ALJ MORRIS: No. Not unless
17 you've actually got those people
18 that you surveyed available here
19 for testimony, so that the
20 protestants have an opportunity to
21 cross-examine them.

22 MR. COLEMAN: All right.

23 Q. (BY MR. COLEMAN) But the point that --

1 well, I'm not making a point. I was
2 actually asking a question.

3 You said that there -- that you meet
4 all the needs of all the transportation
5 services.

6 One further question. Are you
7 familiar with -- do you know what free
8 enterprise means?

9 A. Yes.

10 Q. Do you agree that we live in a free
11 enterprise society?

12 A. I agree to an extent; that if we're out
13 there and we have many more businesses
14 come in, nobody is going to survive.
15 And if you're -- I know what our
16 business loss is and how hard we try.
17 And as many more businesses come in,
18 it's like there's no way that we're all
19 going to profit. We haven't hit a
20 profit yet.

21 MR. COLEMAN: I don't have any
22 further questions. Ms. Ferguson
23 might have some questions.

1 CROSS-EXAMINATION

2 BY MS. FERGUSON:

3 Q. I just wanted to ask one question right
4 now.

5 You said that you all have 46
6 vehicles?

7 A. Yes.

8 Q. And out of that 46, 11 -- ten to 11 are
9 assigned here in the tricounty area?

10 A. Yes.

11 Q. And you also said that you have nine of
12 those vehicles on -- I guess on duty at
13 any particular time?

14 A. We have almost -- we have more than that
15 at times. I mean, it's hard to say. It
16 depends on what day.

17 Q. Well, somewhere around nine?

18 A. Yeah.

19 Q. So how many -- because you're
20 statewide. How many other vehicles do
21 you have that are statewide if you're
22 meeting the need everywhere? How are
23 they assigned?

1 A. They're assigned by -- Birmingham has
2 like 27. Dothan has 11. And, actually,
3 we have a couple more. We have eight in
4 Mobile, 11 here. We're at 50 something.

5 Q. But that -- yeah. That would add up to
6 57.

7 A. We are -- we are constantly purchasing
8 new vehicles. And that's why I said I
9 may be wrong on how many we bought this
10 year. Because at one time --

11 Q. No. Not how many you bought this year.
12 I'm just looking for a total. Because
13 what I'm trying to get at is, that if
14 you're saying that you meet all the
15 needs here in Montgomery, Autauga, and
16 Elmore Counties and you have, according
17 to what you said, nine vehicles at one
18 time, with one or two backup for that
19 tricounty area -- I'm just not
20 understanding how you can actually meet
21 the needs of all the -- I guess the
22 people here in those -- tricounty area.

23 And you're servicing -- when I spoke

1 to Ms. Warhurst, she asked me who were
2 we going to service. And that would be
3 your senior citizens, your low income,
4 your disabled, and your veterans. And I
5 believe that's your target audience
6 also.

7 A. Yes.

8 Q. Yes? Okay.

9 Well, getting this information from
10 the 2011 Human Services Coordinated
11 Transportation Plan, currently we
12 have -- according to 2010, we had 26,241
13 just in Montgomery alone. And that's
14 the elderly population. And Elmore is
15 9,436; Autauga, 7,956.

16 Now, out of that, you're saying that
17 you meet -- there is nobody out there
18 that possibly needs additional
19 transportation, with the current
20 providers that are here and your
21 service?

22 A. I'm saying we meet the need.

23 Q. You meet the needs of the people that

1 you actually interact with?

2 A. Because at every -- if you're going by
3 that, at -- every day -- are you saying
4 every day that's that -- that's the
5 need?

6 Q. No. No. No. I'm just saying that is
7 just the elderly population. Now, I
8 know that might be the population. And
9 all of those do not require your
10 services. By no means am I saying
11 that.

12 A. Right.

13 Q. But I'm thinking that's just the
14 elderly. Out of the disabled, we have a
15 whole bunch of people. Persons in
16 poverty, a whole bunch of people.
17 Veterans, a whole bunch of people.
18 People with zero cars, which means they
19 have no transportation. They have to
20 rely on somebody else.

21 18,659 in Montgomery alone. Elmore
22 County, 2,386; Autauga, 2,117. Not to
23 say that you supply the needs to all of

1 those people.

2 What I'm trying to make sure that --
3 maybe we're misunderstanding one
4 another. We're saying that there are
5 some unmet needs. And I believe what
6 you're saying is that the people you
7 come in contact with, you have met their
8 needs. And there is a difference
9 there.

10 A. I'm telling you as -- how we meet the
11 need is -- if the day changed tomorrow,
12 we require more down here, then we move
13 vans wherever it's needed. We meet the
14 need.

15 Q. You meet the needs of those that you
16 service.

17 A. And those that we can find.

18 Q. Exactly.

19 A. That we go out to get.

20 Q. What I think -- and I think we still
21 have a misunderstanding.

22 ALJ MORRIS: Ms. Ferguson, I
23 think we're clear on this.

1 MS. FERGUSON: You understand
2 what --

3 ALJ MORRIS: I think we need
4 to move along to something else.

5 MS. FERGUSON: Okay.

6 Q. That would be it, other than -- you said
7 that you move your cars around, correct?

8 A. Excuse me?

9 Q. If there's a need somewhere else, you
10 move your cars around?

11 A. Or we'll buy another van. Yes.

12 Q. Well -- okay. Because what you said was
13 that if there's -- let me give you an
14 example. You tell me yes or no.

15 You have your cars strategically
16 placed wherever throughout the state.
17 There is something going on in
18 Birmingham, and you need more vehicles.
19 Do you remove the vehicles from --

20 A. No, ma'am.

21 Q. -- Montgomery?

22 A. No, ma'am.

23 Q. So how do you handle that situation?

1 A. Birmingham is pretty much self-
2 contained. And we -- if we did
3 anything, we would either purchase or
4 move a van down here. If we needed
5 anything more down here.

6 Because as you just stated, in your
7 records that -- how the population is,
8 everyone don't go every day.

9 Q. No.

10 A. We know it. We know our criteria.

11 So if we need to bring a van down or
12 buy another van -- we have bought them
13 for -- to meet all the needs. We have
14 not missed any need.

15 Q. That would be the long-term need. What
16 I'm saying is --

17 A. And the short-term need.

18 Q. Well, if something happens in Birmingham
19 and you don't have enough vehicles,
20 you're saying that you move from
21 Montgomery to --

22 A. We've never not had enough vehicles.

23 That's why we always try to have extra

1 vehicles.

2 Q. So you're saying you meet the needs of
3 all the people in the tricounty area?

4 A. Yes, ma'am.

5 MS. FERGUSON: I'm sorry. Is
6 it Your Honor or -- is it Your
7 Honor? Do I officially address
8 you --

9 ALJ MORRIS: Yes. That's
10 fine.

11 MS. FERGUSON: We've looked at
12 several, I guess, reports that
13 were either put out by the
14 state -- we have the Alabama state
15 plan on aging for fiscal years
16 2011/2012. We also have assessing
17 the perspective needs of Alabama
18 seniors, caregivers, and
19 professionals in the field of
20 aging and disability. August,
21 2009 through February, 2010.
22 That's just to name a few. And
23 then you have the transportation

1 plans of the different counties.
2 And then they have a metropolitan
3 planning organization that
4 actually handles all three
5 counties.

6 So with those reports,
7 everybody is saying the same
8 thing; that there's a
9 transportation need that's not
10 being met.

11 ALJ MORRIS: At this point,
12 this is your time for -- do you
13 have any further questions?

14 MS. FERGUSON: I'm just
15 saying -- can I introduce that
16 information?

17 ALJ MORRIS: For purposes of
18 cross-examination, you can
19 introduce that, if you're going to
20 have -- ask him some questions
21 based on those documents.

22 MS. FERGUSON: Okay. Do I let
23 him see it?

1 ALJ MORRIS: Bring it up to me
2 first.

3 MS. FERGUSON: That's the name
4 of it. And these are some of the
5 opportunities. They did the
6 strength and weakness
7 opportunities.

8 ALJ MORRIS: Mr. Bryan, if you
9 want to --

10 MR. BRYAN: We have no
11 objection to entering this report,
12 if they want to enter it.

13 ALJ MORRIS: Okay.

14 Q. (BY MS. FERGUSON) I just wanted to
15 point out, according to this -- I just
16 wanted to point out, according to that
17 plan, they're saying that there are some
18 needs -- on this, which is what
19 Mr. Bryan -- he approved. This is a
20 comprehensive economic development
21 strategy, okay, for the entire state.

22 Now, these are some of the things
23 that once they do their report -- they

1 come out with what they call the SWOT
2 analysis, which is your strength, your
3 weaknesses, your opportunities, and your
4 threats.

5 Under opportunities, what do you see
6 that's highlighted there?

7 A. It says improvement to transportation
8 system rule.

9 Q. And rule would be one of them?

10 A. Uh-huh.

11 Q. And also this one.

12 A. Improve public transportation senior
13 workforce.

14 Q. Exactly. But -- now, they're coming up
15 with there's a transportation need for
16 seniors and so forth. And we're saying
17 the same thing. We're also saying that
18 not just is it transportation needs, but
19 there's also a need for them to receive
20 medical attention.

21 ALJ MORRIS: Ms. Ferguson, do
22 you have a question here?

23 MS. FERGUSON: I just wanted

1 to make -- Your Honor, that's it.

2 ALJ MORRIS: Do you have any
3 follow-up?

4 MR. BRYAN: No, Your Honor.

5 MS. FERGUSON: Your Honor, one
6 more question. And I'm not sure
7 who can answer this.

8 Q. (BY MS. FERGUSON) How do you evaluate
9 your performance?

10 A. Our performance?

11 Q. Yes.

12 A. We have a -- we basically built a
13 questionnaire, and we go through it with
14 our clients.

15 Q. And they return them back to you?

16 A. Yes.

17 Q. Do you keep them on file?

18 A. Yes.

19 Q. About how many would you say that you
20 get monthly, yearly?

21 A. I don't even -- at this moment, I
22 don't -- I couldn't recall a number on
23 that. We have a lot of members. So I

1 couldn't recall that.

2 Q. So you don't know -- that's with your
3 client. Do you have anything to, I
4 guess, say how you're performing with
5 your provider -- with the people who you
6 contract with? Say Ride-Link.

7 A. Say that again.

8 Q. You're a provider --

9 A. You just threw me because you're
10 actually throwing names in now.

11 Q. You're a provider for -- exactly.
12 You're a provider for Ride-Link,
13 correct?

14 A. Yeah.

15 Q. How do you -- you told me how you base
16 your performance between you and your
17 clients. The people you're picking up.
18 How do you base your performance between
19 you and Ride-Link, for example? The
20 people that you're providing the service
21 or contracting the service with.

22 MS. FERGUSON: Or maybe

23 Ms. Warhurst -- if she wants to

1 answer.

2 MS. WARHURST: I've not been
3 sworn in. I can't answer.

4 A. I think we've only had one complaint
5 from -- a written complaint from Ride-
6 Link, if you're asking from Ride-Link.

7 Q. Yes. And any other people that -- or
8 organizations that you provide service
9 for.

10 What was that complaint for?

11 A. I don't even remember at this time, and
12 I don't think I -- that would be privy
13 to you.

14 MS. FERGUSON: Finished.

15 ALJ MORRIS: With that, once I
16 get the transcripts back, which
17 will probably be about ten days --
18 at that point, I will prepare a
19 report and recommended order,
20 which you should probably expect
21 within about four to five weeks
22 after that.

23 The parties will have 20

1 days to file exceptions to the
2 report and recommended order. If
3 exceptions are filed, the other
4 parties will have an additional 20
5 days to file comments on the
6 exceptions at that point -- which
7 will be presented to the
8 Commission. If no comments or
9 exceptions are filed to the report
10 and recommended order after the 20
11 days, it will become the order of
12 the Commission by operation of
13 law.

14 And with that, we'll take
15 this under advisement. And this
16 hearing is concluded. Thank you.

17 (The proceedings concluded at
18 4:50 p.m.)

19
20
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

6 State of Alabama at Large, hereby certify

7 that on Thursday, April 5, 2012, I reported

8 the PROCEEDINGS in the matter of the

9 foregoing cause, and that pages 2 through 50

10 contain a true and accurate transcription of

11 said 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 13th day of April, 2012.

17

18 /s/Gwendolyn P. Timbie
19 GWENDOLYN P. TIMBIE, COURT REPORTER
20 And Commissioner for the
State of Alabama at Large
CCR 172, Expires 09/30/12

21 MY COMMISSION EXPIRES: 3/10/2013

22

23

<u>WORD INDEX</u>			
<p>< 0 > 09 50:20</p> <p>< 1 > 10 50:21 100 1:17 24:3 104 24:3 11 25:9 26:17 27:17 35:8, 8 36:2, 4 11. 27:17 12 50:20 13th 50:16 1715-A 22:10 172 50:20 18,250 18:9 18,659 38:21 1-800 24:12, 15 1912 32:3</p>	<p>29 2:16</p> <p>< 3 > 3 50:21 30 50:20 31807 1:5 2:22 31st 23:10 35 2:17 36104 2:7</p> <p>< 4 > 4:50 49:18 405 2:7 46 23:4 35:5, 8 47. 23:4</p> <p>< 5 > 5 50:7 5, 1:18 50 36:4 50:9 57. 36:6 5th 2:21</p>	<p>15:2, 7, 11, 14 16:5, 10, 14, 20 17:2, 8, 10, 12, 15, 18 18:2, 10, 13, 18 22:10, 13, 16, 19, 23 23:4, 7, 10 24:1, 3, 6, 10, 15, 19, 19 25:1, 8, 13, 19, 23 26:5, 8, 9, 11, 14, 21, 23 27:2, 5, 8, 11, 13, 16, 20 28:4, 6, 11, 16, 20, 22 29:5, 19 30:1, 16, 19, 23 31:7, 22 32:6 34:9, 12, 19 35:7, 10, 14, 18 36:1, 7 37:7, 22 38:2, 12, 14 39:10, 17, 19 40:8, 11, 20, 22 41:1, 10, 17, 22 42:4 43:8 44:19 45:7, 10, 12 46:10, 12, 12, 16, 18, 21 47:7, 9, 14 48:4, 11, 18 a.m 1:19 12:15 ability 27:18 28:1 about 32:12 accept 33:10 access 12:4 Accessible. 26:8 according 36:16 accurate 50:10 accurate. 32:1 acronyms 31:5 active 17:11, 13 actually 17:2 21:7 actually, 36:2 ADA 14:7 add 36:5 added 27:14 additional 37:18 49:4</p>	<p>address 4:16 22:9 42:7 Administrative 1:14, 16 advanced 27:6 advisement 49:15 again. 47:7 agencies 10:3 15:22 agency 12:3 32:5 aging 42:15, 20 agree 34:10, 12 air 20:15 26:7, 8 ALABAMA 1:1, 2, 18, 22 2:7 10:2, 20 15:17 22:11 25:22 26:4 27:21 32:4 42:14, 17 50:2, 6, 19 Alabama. 13:10 26:1 Ala-Three 3:16 ALJ 2:19 4:7, 13, 19, 22 5:1, 6, 11, 15, 19 8:20 10:15 18:14, 21 19:2 20:9, 16, 20 21:4, 7, 11, 16 23:16 29:8, 15 32:14 33:4, 9, 16 39:22 40:3 42:9 43:11, 17 44:1, 8, 13 45:21 46:2 48:15 all 11:15 21:16 34:18 also 24:15 also. 37:6 ambulatory 26:16 an 5:9 6:3 15:12 16:16, 17 28:9 40:13 analysis 45:2</p>
<p>< 2 > 2 50:9 2,117 38:22 2,386 38:22 20 48:23 49:4, 10 2006 13:12 2008 16:9 2009 42:21 2010 37:12 2010. 42:21 2011 37:10 42:16 2011. 16:10 23:10 2012 1:19 2:21 3:12 42:16 50:7 2012. 3:14 50:16 2013 50:21 20-year 11:17 22 2:15 239,900. 13:18 26,241 37:12 27 19:10 36:2 28 3:12</p>	<p>< 6 > 6 2:12</p> <p>< 7 > 7 12:14, 15, 15 7,956. 37:15 7. 12:14</p> <p>< 8 > 8 3:14 888-976-8748. 17:10</p> <p>< 9 > 9 2:13 9,436 37:15 9:10 1:19</p> <p>< A > a 3:2 8:4, 6 9:5, 8, 11, 13, 16, 18, 21 10:18 11:3, 9, 12, 15 12:2, 10, 14, 17, 21 13:1, 14, 16, 19, 22 14:5, 8, 9, 11, 14, 18, 19, 21</p>		

<p>and 1:20 3:9 4:4 6:11, 22 7:7 8:12 11:20 15:14, 17 16:1 20:5 22:4 26:17 30:14 36:15 38:8 42:18, 22 48:11 answer 10:16 17:16, 18, 19 24:21 46:7 answer. 48:1, 3 answering 17:21 any 4:15 7:23 8:20 21:11 30:4 34:21 46:2 APPEARANCES 2:1 3:20 applicant 2:22 applicant. 3:21 APPLICANT: 2:2 APPLICATION 1:5 3:11, 15 appointments. 7:8 approved 17:23 27:1 44:19 approximately 1:19 25:9 27:19 April 1:18 2:21 10:21 50:7, 16 are 12:11 25:10 35:8, 22 39:4 area 7:14 14:16 23:20 25:7 29:4, 23 33:1 35:9 36:19 42:3 area. 15:19 16:3 36:22 areas 14:13 Arkansas. 14:2 as 6:11 22:4 32:19</p>	<p>asked 15:23 31:1 37:1 asking 34:2 48:6 assessing 42:16 assets 18:8 assigned 35:9, 23 36:1 assist 20:1 assisting 20:18, 20 associate 5:10 16:18 associate. 5:5 associates 7:5 Association 10:13, 19 at 11:5 35:12 42:11 49:17 attention. 45:20 attorney 4:11 Attorneys 2:6 audience 37:5 August, 42:20 Autauga 3:9 23:22 24:8 30:14 36:15 37:15 38:22 authority 25:21 27:4 authority. 18:6 authorization 13:4 available 11:16 33:5, 18 < B > back 7:7 23:19 46:15 48:16 background 11:17 19:7 backup 14:23 25:14, 16 36:18 baggage 3:6 base 47:15, 18 Based 28:23 43:21 basically 24:19 30:1 46:12</p>	<p>basis 22:18 25:12 be 5:12 11:1, 23 12:5, 7 15:4 17:3 31:23 37:2 be. 16:14 Beach 10:2, 20 because 20:1 36:12 been 3:15 13:23 48:2 behalf 3:21 believe 37:5 39:5 believe. 10:14 benefit 31:11 besides 16:15 between 47:18 Birmingham 24:19 36:1 40:18 41:1, 18 Birmingham, 22:23 bit 5:22 22:19 board 14:22 bought 36:9, 11 41:12 break 14:23 breaks 14:16, 18 bring 41:11 44:1 brother 13:22 brought 19:16 Bryan 2:3, 6, 13, 15 4:10, 11 8:20, 22 20:7 21:18, 20 23:11, 17 29:6 31:13 44:8, 10, 19 46:4 Bryan. 4:14 29:9 BRYAN: 9:2 22:7 Building 1:17 built 46:12 bunch 38:15, 16, 17 bus 13:13</p>	<p>business 3:17 5:8, 22 6:21 9:3 11:14 12:12 15:3 20:13, 22 34:16 business. 4:1 9:18 19:8 businesses 15:22 34:13, 17 But 18:3 45:18 buy 40:11 41:12 by 3:19 9:2 13:5 19:16 22:7, 14 29:17 35:2 38:2 < C > C. 4:3 6:14 call 11:22, 23 12:4, 7 14:19, 19 17:13, 15 24:11, 17, 20, 22 25:1 28:14, 14 45:1 called 26:7 calls 12:4, 5, 7 25:5 30:7 calls. 22:20 25:8 can 19:2 23:5 31:20 43:18 capacity 29:3 Capital 31:5 career 19:9 caregivers 42:18 Carl 1:15 CARRIER 1:7 3:3 carry 26:17 cars 38:18 40:7, 10, 15 cause 50:9, 14 CCR 50:20 cell 12:9, 10 17:1, 4 center 12:4 24:20 28:15 Central 15:17</p>
---	--	---	---

<p>certificate 13:18 50:1</p> <p>certificates 25:22</p> <p>Certified 1:21 13:23 50:4</p> <p>certify 50:6, 12</p> <p>changed 39:11</p> <p>checked 14:1</p> <p>Cherry 32:3</p> <p>Chief 1:15</p> <p>church 11:7, 8</p> <p>church. 11:6</p> <p>churches 11:20</p> <p>citizens 37:3</p> <p>city 11:8, 11 12:19 31:5</p> <p>claiming 30:9, 12</p> <p>clear 39:23</p> <p>client 47:3</p> <p>clients 47:17</p> <p>clients. 46:14</p> <p>Coleman 2:3, 11, 12, 16 4:2, 4, 19, 21, 23 5:3, 9, 12, 14, 20 6:8, 13, 15 8:21 10:10, 16 19:17 29:10, 13 32:17 33:6, 13, 22, 23 34:21</p> <p>Coleman, 32:14</p> <p>Coleman. 4:8</p> <p>COLEMAN: 29:17</p> <p>come 8:9 11:23 14:20 18:21 34:14, 17 39:7 45:1</p> <p>comes 11:22</p> <p>coming 12:5, 6, 8 45:14</p> <p>commencing 1:19</p> <p>comments 49:5, 8</p> <p>commerce 3:4</p>	<p>COMMISSION 1:1 27:10 49:8, 12 50:21</p> <p>Commissioner 1:21 50:5, 19</p> <p>COMMON 1:5 3:3</p> <p>communicate 24:14</p> <p>companies 31:1 32:23</p> <p>company 6:18 7:18 13:8 31:3 32:5</p> <p>company. 23:15</p> <p>complaint 48:4, 5, 10</p> <p>complete 10:6</p> <p>completely 32:1</p> <p>Complex, 1:16</p> <p>compliant 14:7</p> <p>comprehensive 44:20</p> <p>concerned 14:21</p> <p>concluded 49:16, 17</p> <p>confirmation 30:3</p> <p>consider 19:13</p> <p>constantly 36:7</p> <p>contact 8:9 10:3 39:7</p> <p>contain 50:10</p> <p>contained 41:2</p> <p>contingency 14:15</p> <p>contract 47:6</p> <p>contracting 10:5 12:3 47:21</p> <p>Coordinated 37:10</p> <p>Coordination 15:18 16:8</p> <p>correct 26:10 40:7 47:13</p> <p>counsel 50:13</p> <p>counseling 8:6,</p>	<p>15</p> <p>counselor 8:5</p> <p>counties 3:8 12:20 27:19 36:16</p> <p>counties. 43:1, 5</p> <p>county 11:7 23:22, 22, 23 24:9 30:14, 14 38:22 50:3</p> <p>county, 27:23</p> <p>County. 11:9</p> <p>couple 24:16 36:3</p> <p>course 28:8</p> <p>Court 1:21 50:5, 18</p> <p>cover 13:3 30:9</p> <p>covers 30:11</p> <p>CPR 28:8</p> <p>criteria. 41:10</p> <p>CROSS 2:13, 16, 17</p> <p>cross- 33:11</p> <p>CROSS-EXAMIN ATION 9:1 29:16 35:1 43:18</p> <p>cross-examine 33:21</p> <p>Current 23:8, 14 37:19</p> <p>Currently 8:6 9:14 17:6 22:21 23:2 25:17 37:11</p> <p>customer 30:2</p> <p>customers. 31:8</p> <p>< D ></p> <p>date 2:20 23:9</p> <p>day 15:4 25:2, 4, 13, 18 26:21, 22 38:3, 4 39:11 50:16</p> <p>day. 27:22 35:16 41:8</p>	<p>days 12:15 26:19 48:17 49:1, 5, 11</p> <p>day-to-day 22:18 25:11</p> <p>DCI 32:2</p> <p>dealing 8:15 19:12, 14</p> <p>December 23:10</p> <p>decided 7:15</p> <p>defensive 28:6, 7</p> <p>definitely 11:19</p> <p>degree 8:5</p> <p>Depending 17:19</p> <p>depends 12:2 28:17 35:16</p> <p>determine 15:12</p> <p>development 44:20</p> <p>Dialysis 31:6</p> <p>Dialysis. 32:5</p> <p>did 41:2</p> <p>didn't 23:13</p> <p>difference 39:8</p> <p>different 10:3 11:21 15:22 43:1</p> <p>DIRECT 2:15 22:6</p> <p>directly 12:7</p> <p>disability 42:20</p> <p>disabled 37:4 38:14</p> <p>discussed 19:19</p> <p>discussing 23:21</p> <p>dispatch 25:3, 4</p> <p>do 7:15 9:23 22:17 24:11, 22 29:1 35:20 45:21</p> <p>DOCKET 1:5 2:22</p> <p>doctorate 8:7</p> <p>document 23:5</p> <p>documentation 29:20 30:17</p>
---	--	--	---

<p>documents. 43:21</p> <p>doing 3:16 19:20 20:3</p> <p>dollar 13:6</p> <p>done 9:21</p> <p>don't, 18:23</p> <p>Dothan 23:1 36:2</p> <p>drive 9:6, 20</p> <p>driver 9:10, 12 28:12</p> <p>driver. 9:11</p> <p>drivers 16:12 28:5</p> <p>drivers. 25:4</p> <p>driving 12:13 21:13 28:7, 8</p> <p>drop 31:7</p> <p>drove 14:1</p> <p>duly 6:9 22:2</p> <p>duty 35:12</p> <p>< E ></p> <p>earlier 6:14 30:10</p> <p>economic 44:20</p> <p>eight 36:3</p> <p>either 41:3 42:13</p> <p>elderly 37:14 38:7, 14</p> <p>Eleven. 24:6</p> <p>Elmore 23:22 24:8 30:14 36:16 37:14 38:21</p> <p>Elmore. 3:10</p> <p>else. 38:20 40:4</p> <p>employed 16:12 22:14</p> <p>employee 16:17</p> <p>employee. 16:20</p> <p>employees 16:15, 19 24:20</p> <p>EMT 22:15, 18, 21 27:6, 9</p> <p>EMT. 22:11</p> <p>ended 7:22</p>	<p>enforcement 19:10 21:5</p> <p>enter 44:12</p> <p>entering 44:11</p> <p>enterprise 34:8, 11</p> <p>entire 44:21</p> <p>evaluate 46:8</p> <p>Evans 1:15</p> <p>everybody 43:7</p> <p>everybody's 30:3</p> <p>evidence 23:13 32:20 33:15</p> <p>Exactly 45:14</p> <p>Exactly. 39:18 47:11</p> <p>EXAMINATION 2:10 22:6</p> <p>examination. 33:12</p> <p>example 40:14 47:19</p> <p>excellent 13:22</p> <p>exceptions 49:1, 3, 6, 9</p> <p>Excuse 40:8</p> <p>exhibit 23:12</p> <p>existing 29:3</p> <p>expect 48:20</p> <p>experience 5:23 8:1 20:5, 23</p> <p>experience. 21:15</p> <p>experiences 8:15</p> <p>Expires 50:20, 21</p> <p>EXPRESS 2:3 3:17 4:12 26:2, 6, 9 29:2</p> <p>extensive 28:10</p> <p>extent 34:12</p> <p>extra 41:23</p> <p>< F ></p> <p>Face-to-face 32:22</p> <p>faith 15:2</p>	<p>familiar 31:3 32:4 34:7</p> <p>families 8:10, 11, 11, 16</p> <p>family 7:5 8:7</p> <p>far 27:9</p> <p>far. 9:9</p> <p>faxing 17:5</p> <p>February 3:12 42:21</p> <p>feel 13:20</p> <p>Ferguson 2:3, 17 5:5, 7 6:7 10:12 16:16 17:19 18:15, 18, 23 19:5, 6 20:11, 14, 18 21:2, 6, 9, 14 29:11 34:22 39:22 40:1, 5 42:5, 11 43:14, 22 44:3, 14 45:21, 23 46:5, 8 47:22 48:14</p> <p>FERGUSON: 35:2</p> <p>few 31:7</p> <p>few. 20:10</p> <p>field 42:19</p> <p>file 13:9 23:14 46:17 49:1, 5</p> <p>filed 3:12 7:19 18:7 49:3, 9</p> <p>filing 13:11</p> <p>fill 7:16, 17 8:19 15:23</p> <p>financial 18:7 23:7, 8, 14</p> <p>financially 27:12</p> <p>find. 39:17</p> <p>fine. 10:23 42:10</p> <p>Finished. 48:14</p> <p>First 3:20 6:9 22:2</p> <p>first. 19:4 44:2</p> <p>fiscal 42:15</p> <p>five 48:21</p> <p>fleet 14:5 23:3 24:5 25:10</p> <p>fleet. 23:19</p> <p>FM 31:3</p> <p>FMCNA 31:5</p> <p>follows: 6:12 22:5</p> <p>follow-up 46:3</p> <p>for 1:22 2:2, 3 19:15 27:6 45:15</p> <p>for. 48:9</p> <p>Ford 13:12</p> <p>foregoing 50:9</p> <p>Form 13:9, 10</p> <p>former 19:9</p> <p>forth 7:8 45:16</p> <p>forwarded 17:4, 20</p> <p>found 16:2</p> <p>four 48:21</p> <p>franchise 26:10</p> <p>free 34:7, 10</p> <p>frequently 32:8</p> <p>Fresh 26:7, 8</p> <p>from 15:16 31:11 37:9 41:20</p> <p>from. 30:21</p> <p>front 10:21</p> <p>full 22:8</p> <p>further 29:6 34:6, 22 43:13 50:12</p> <p>future 16:14</p> <p>future. 20:3</p> <p>< G ></p> <p>gap 7:16</p> <p>General 22:13</p> <p>get 14:15</p> <p>get. 39:19</p> <p>getting 7:7 23:19 37:9</p> <p>Give 18:10, 16, 18 19:3 40:13</p> <p>go 2:19 12:14, 18 14:12 17:16, 21 24:18 25:1, 2 28:6 39:19</p>
---	---	---

41:8 46:13
goes 24:19
going 10:8
 11:13, 15, 20
 12:12, 13 13:4
 16:23 18:16
 20:12 21:19
 23:5 31:14, 15
 32:19 34:14, 19
 37:2 38:2
 40:17 43:19
Good 4:2
 13:20 27:9
Grove 22:10
guess 35:12
 36:21 42:12
 47:4
Gwendolyn
 1:20 50:4, 18,
 18

< H >

had 19:18
half 26:15, 15
hand 23:5
handle 40:23
handles 43:4
happens 41:18
hard 7:6, 7
 34:16 35:15
has 12:3 36:1
have 14:18
 26:15 31:19
 41:13
have. 21:17
health 8:3
heard 29:1
Hearing 1:16
 3:13 49:16
hearsay 33:9
hearsay, 31:14
help 8:18
 14:19 19:23
 31:2
here 2:21 33:18
here. 7:22 41:5
Highland 32:2
highlighted 45:6
him 19:23

him. 20:19
hit 34:19
hold 25:21
home 11:4
Honor 4:3
 23:11 31:13
 42:6, 7 46:1, 5
Honor. 21:21
 46:4
Honorable 1:14
hour 28:18
hour. 28:18
hours 12:12
 26:22 32:9
hours. 26:23
how 4:19 15:3
 27:18
Hull 2:7
Human 15:17
 16:7 37:10
husband 19:18

< I >

I 5:16 6:13
 7:20 10:13
 21:14 23:11
 36:8 37:4 38:7
 39:22 46:21, 23
 47:3 48:15
idea 15:7
idle 25:18
If 5:15 25:14
 36:13 49:2
I'll 15:7
Improve 45:12
improvement
 45:7
IN 1:4 3:3, 6
 6:21 8:5 10:1,
 19 13:1 14:12
 19:9 20:14, 23
 26:3 30:13
 36:3 38:15
 40:17
in, 34:17
in. 5:17
include 26:12
income 8:11
income, 37:3

inconvenient
 32:10
increases 27:23
INDEX 2:10
industry 6:22
 8:2 21:1
industry. 6:1
 8:3
information
 13:7 32:16
 37:9 43:16
initially 11:5
institute 3:2
insurance
 12:23 13:1, 5, 8
intend 12:18
 16:21, 21
interact 38:1
interested 6:21
 50:14
intrastate 3:4
introduce 32:19
 43:15, 19
irregular 3:4
is 4:10 5:6
 16:6, 8 20:11
 25:20 33:2
 37:14 38:6
 42:5
is, 41:7
it 17:13 25:1, 2
 26:6 35:15
it. 17:15 20:6,
 15 44:12 46:1
its 27:7
it's 5:3 18:4

< J >

Jackson 31:6
January 6:19
 9:4
Jay 2:3, 11 4:3
 6:8, 14
Judge 1:15, 16
Judkins 2:3
 4:11
jumped 20:1
just 5:1 43:14
 44:15

< K >

keep 46:17
kin 50:13
kind 19:11
 21:12 24:12
know 25:16
 27:9, 15 31:22,
 22 32:12 34:7,
 15 38:8 41:10,
 10 47:2
knowing 7:3
 30:7
knowledge 25:5

< L >

land 16:22 17:4
Large 50:6, 19
Large. 1:22
last 27:14
later. 18:22
Law 1:14, 16
 2:6 19:10 21:5
law. 49:13
let 43:22
liability 13:2
limit 13:7
limits 12:19
line 17:3, 4, 5
lines 16:23
Link 48:6
listed 13:11
little 5:21 22:19
live 34:10
live. 11:10
LLC 1:5 3:1, 16
LLC. 4:6
local 24:16
located 11:2, 3
 24:2
location 28:2
long 7:10
 22:14 26:2
 28:11
long-term 41:15
looked 7:12
 42:11
looking 6:20
 36:12
loss 34:16

lot 8:10, 10
16:3 46:23
lot. 15:2
low 8:11 37:3

< M >
ma'am. 40:20,
22 42:4
machine 17:21
make. 15:8
making 15:5
34:1
man 15:2
manager. 22:13
manner 50:14
many 21:18
March 3:14
market 11:14,
20
marketplace
7:13
Master's 8:5
matter 50:8
matters 4:16
may 17:20
maybe 47:22
me 44:1
me. 10:22
14:20
mean 31:18
35:15
means 34:8
38:10, 18
mechanic 13:23
14:20
media 11:16, 18
Medicaid 17:23
18:2, 3, 4 27:1
MEDICAL 1:5
2:3, 23 3:7, 17
4:5, 12 6:16
7:1, 8, 18 14:5
16:4 26:2, 6, 9
29:2 45:20
meet 29:3 34:3
36:14, 20 37:17,
22, 23 39:10, 13,
15 41:13 42:2
meeting 30:3
35:22

members 7:5
46:23
Mendel 24:3
mental 8:3
met 29:23
30:13 39:7
met. 43:10
metropolitan
43:2
miles 13:15
million 13:6
mine. 5:10
ministry 8:7
missed 41:14
misunderstandin
g 39:3
misunderstandin
g. 39:21
Mobile 36:4
Mobile. 23:1
moment 46:21
Monday 12:16,
17
MONTGOMERY
1:2, 18 2:7 3:9
11:9, 10, 11
12:19, 20 23:1,
21 24:8 30:15
31:4 32:2
36:15 37:13
38:21 40:21
41:21 50:3
Montgomery,
32:3
Montgomery.
24:1
month, 10:20
monthly 46:20
more 15:20
more. 31:21
morning 4:17
morning, 4:2
Morris 1:14
2:19 4:7, 13, 19,
22 5:1, 6, 11, 15,
19 8:20 10:15
18:14, 21 19:2
20:9, 16, 20
21:4, 7, 11, 16
23:16 29:8, 15

32:14 33:4, 9,
16 39:22 40:3
42:9 43:11, 17
44:1, 8, 13
45:21 46:2
48:15
motor 3:3
mouth. 11:19
move 28:2
39:12 40:4, 7,
10 41:4, 20
Mr 2:3, 3
Ms 2:3
my 8:14 11:3
20:4
myself. 12:8

< N >
name 3:23 4:3,
10 6:14 10:11
19:5 22:8 31:4
42:22 44:3
names 47:10
national 18:3
26:10
nature 22:17
necessary 7:20
13:5
need 5:17 8:17
10:15 15:13
22:20 24:7
25:15 27:23
30:13 35:22
38:5 39:11
40:3, 9, 18
41:11, 15 43:9
45:15, 19
need. 15:10
32:11 33:3
37:22 39:14
41:14, 17
needed 39:13
41:4
needing 7:3
needs 16:1, 3
29:3, 21, 22
30:4 34:4
36:15, 21 37:18,
23 38:23 39:5,
8, 15 41:13

42:2, 17 44:18
45:18
neither 50:12
never 25:8
30:4 41:22
NEW 1:5 3:2
6:20 19:15
36:8
next 25:3
night 12:15
nine 25:14
35:11, 17 36:17
no 20:7, 9
44:10
no. 21:3 27:5,
8 40:14 41:9
non-emergency
3:7 6:23 16:4
normal 25:13
Normally 25:13
North 1:17
not 19:6 30:8
36:19 43:9
notice 3:13
now 20:16
Now, 18:14
now. 35:4
47:10
number 16:22
17:1, 7, 9, 10
18:2, 3 24:12
28:19 46:22
numbers 15:16
24:13, 15
numbers. 24:16

< O >
object 31:14
objection 44:11
of 3:5 7:2, 5
8:10 10:21
12:18, 19, 22
18:5 21:12
25:23 27:20
30:6 35:11
38:23 42:2, 19
43:17 49:11, 12
50:10
offer 23:12

<p>office 11:1, 3, 4 12:9 22:23 23:23 officer 21:8 officially 42:7 oftentimes 7:10 Okay 6:13 19:5 40:12 43:22 44:21 Okay. 20:21 23:16 29:15 37:8 40:5 44:13 on 3:20 46:22 once 44:23 48:15 one 28:10 36:17 39:3 46:5 one. 4:21 16:11 45:11 only 10:15 operating 9:14 22:22 25:11 OPERATION 1:5 3:2 49:12 opinion 24:7 29:1 opportunities 44:5 45:3, 5 opportunities. 44:7 opportunity 5:21 6:4 19:23 33:20 options 31:12 options. 31:12 or 17:18 18:16 29:10 41:3, 11 48:7 49:8 Orange 10:2, 20 order 49:2, 10, 11 order, 48:19 organization 10:9 43:3 organizations 48:8 organizations.</p>	<p>11:21 other 49:3 our 33:1 34:15 out 34:12 out. 31:2 outcome 18:5 outside 12:18 owner 4:4 6:15 20:13 30:10 < P > p.m. 49:18 paged. 17:22 pages 50:9 paperwork 7:20 Park 32:3 parking 11:5 Parkway. 24:3 part 20:12 31:18 particular 9:21, 22 35:13 parties 48:23 49:4 50:13 passengers 3:6 patient 14:22 patients 32:8 payment 27:6 Pending 13:3 18:5, 5 people 7:3, 4 19:12 24:12, 13 26:17 30:22, 23 33:4, 17 36:22 37:23 38:15, 18 39:6 42:3 47:5, 17, 20 48:7 people. 19:14 38:16, 17 39:1 performance 46:9, 10 47:16, 18 performing 47:4 personal 15:21 Persons 38:15 perspective 42:17 PETERSON 2:14 22:1, 10 29:18</p>	<p>phone 11:22 12:9 17:17 phone. 12:10 phones. 24:21 picked 30:2 picking 47:17 place 12:23 13:2 17:6 place. 10:7 placed 40:16 places 30:21 plan 14:12, 15 15:1, 3, 5, 18 16:6, 8, 9 37:11 42:15 44:17 planning 18:17 43:3 plans 43:1 Pleasant 22:10 please 3:22 5:16 22:8 23:13 point 6:2 18:9 33:23 34:1 44:15, 16 48:18 49:6 point, 43:11 points 3:8 19:14 police 21:8 population 37:14 38:7, 8 41:7 position 22:12 possibly 37:18 poverty 38:16 pray 15:2 preliminary 4:16 prepare 48:18 presentation 18:16, 19 19:4 presented 19:22 49:7 presenting 5:13 president 4:5 6:15 pretty 26:15 30:16 41:1 previously</p>	<p>19:19 privy 48:12 probably 10:5 17:18 19:3 23:4 25:13 27:22 48:17, 20 problem 25:15 problems 14:17 PROCEEDINGS 1:13 49:17 50:8 proceedings. 50:11 professionals 42:19 profit 34:19, 20 programs 10:4 propose 5:23 proposed 7:14 proposing 12:14 protestant 4:9 protestants 6:3 33:20 protested 3:16 prove 29:23 provide 13:21 26:19 48:8 provider 18:2, 3 47:5, 8, 11, 12 providers 37:20 providing 26:3 47:20 PSC 25:23 PUBLIC 1:1 45:12 purchase 41:3 purchased 7:21 9:7, 8 13:12 14:4 purchasing 36:7 purposes 43:17 purposes. 17:5 pursuing 8:6 put 42:13 < Q > Q 9:3, 6, 10, 12, 14, 17, 19 10:8, 23 11:7, 11, 13, 22 12:9, 11, 16,</p>
--	--	---	--

18, 22 13:11, 15,
18, 20 14:3, 7, 9,
12, 15, 21 15:3,
9, 12 16:4, 6, 12,
15, 21 17:6, 9,
11, 13, 16, 23
18:7, 11 22:8,
12, 14, 17, 21
23:2, 5, 8, 19
24:2, 4, 7, 11, 17,
22 25:5, 9, 17,
20 26:2, 6, 9, 12,
19, 22 27:1, 3, 6,
9, 12, 14, 18, 23
28:5, 13, 19, 21,
23 29:18, 20
30:6, 17, 22
31:3, 9, 16 32:2,
7 33:23 34:10
35:3, 8, 11, 17,
19 36:5, 11
37:8, 23 38:6,
13 39:15, 18, 20
40:6, 9, 12, 21,
23 41:9, 15, 18
42:2 44:14
45:9, 11, 14
46:8, 11, 15, 17,
19 47:2, 8, 11,
15 48:7
question 34:6
35:3 45:22
46:6
question. 10:17
34:2
questionnaire
46:13
questions 6:5
8:21 18:11, 19
20:10 34:22
43:13, 20
questions. 20:8
29:7, 14 34:23
quite 31:7

< R >
radio 11:18
Radio, 11:16
RE: 1:4

ready. 23:18
real 13:16
realized 8:16
really 28:9, 16
reason 28:11
recall 32:6
46:22 47:1
receive 28:14
45:19
received 30:20
recommended
48:19 49:2, 10
record 2:20
25:20
record. 22:9
records 41:7
references
15:15
referencing
15:16
referred 16:17
referring 16:6
regular 13:2
related 5:7
relationship 4:1
rely 38:20
remember 48:11
remove 40:19
repeat 6:5
report 44:23
48:19 49:2, 9
report, 44:11
reported 1:20
50:7
Reporter 1:21
50:5, 18
REPORTER'S
50:1
reports 42:12
reports, 43:6
require 13:8
27:6 38:9
39:12
required 13:5
Research 15:14,
14
response 4:18
28:13, 16
restrictions 27:3

results 50:15
retired 21:5
return 46:15
RICHARD 2:14
22:1, 10
Ride- 48:5
Ride-Link 47:19
Ride-Link, 47:12
Ride-Link. 47:6
48:6
rides 32:9
right 4:7 5:6,
15 11:13 12:11
13:1 14:3, 12
15:3 18:4
20:16 22:21
23:19 28:23
30:6, 8 35:3
right, 5:11, 19
right. 6:7
33:22 38:12
Road 22:11
road. 28:12
routes 3:5
RSA 1:17
rule 33:10 45:9
rule. 45:8
Rural 10:12, 18
14:13, 16

< S >
said 30:10
40:6 50:11, 13
same 43:7
Saturday 12:16
Saturday. 12:17
saying 30:12,
16 36:14 37:16,
22 38:3, 6, 10
39:4, 6 41:16,
20 42:2 43:7,
15 44:17 45:16,
17
Says 32:9 45:7
says, 32:7
Scott 1:14
se 8:2
see 43:23 45:5
seeking 3:1
self- 41:1

senior 37:3
45:12
seniors 42:18
45:16
sensitivity 28:8
September 16:9,
10
served 3:14
30:22, 23
SERVICE 1:1, 5
3:1, 7 7:4, 14,
19 13:21, 22
16:7 26:3 33:2
37:2, 21 47:20,
21 48:8
service. 39:16
Services 4:6
7:9 15:17
23:23 26:20
27:7 31:11, 20
37:10 38:10
Services. 6:17
34:5
servicing 36:23
set 10:7
shape 13:20
she 18:15
short-term
41:17
show 29:20
30:17
shows 13:18
18:8
shuttle 13:13
signed 9:23
33:7, 15
single 26:21
27:22
sir 9:8, 16
16:10, 14 17:15
sir. 4:23 5:14
9:5, 13 12:21
13:14 14:8, 11,
14 15:11 16:5
17:8 18:12
21:6, 9 24:10
28:22 29:5
30:16
sitting 25:18

<p>situation 40:23 Six 12:15 24:20 so 9:8 society 34:11 some 6:4 44:17 somebody 38:20 something 19:17 something. 36:4 somewhere. 13:17 sorry 10:8 23:17 42:5 sound 27:12 source 32:15 South 2:7 31:6 speak 6:10 22:3 specifically 6:23 spoke 30:10 36:23 Sprinters 26:17 stand 5:16 standing 27:10 start 6:20 started 6:19 9:3 startup 9:17, 18 State 1:22 3:23 13:6, 10 18:4 22:8 25:21, 23 27:20 42:14, 14 50:2, 6, 19 state. 30:11 40:16 44:21 stated 6:14 32:10 41:6 STATEMENT 2:12 18:8 23:8, 14 31:17, 19 32:7 statement. 18:7 23:7 statements. 33:8 statewide 35:20, 21</p>	<p>stats 15:16 still 39:20 strategically 40:15 strategy 44:21 Street 2:7 31:6 32:3 Street, 1:17 strength 44:6 45:2 strongest 19:13 SUPERIOR 1:5 2:23 4:5 6:16 7:18 supply 38:23 Sure 8:22 13:16 39:2 46:6 survey 15:20, 21 31:9 surveyed 33:5, 18 surveys 15:23 32:18, 21, 22 33:15 survive. 34:14 swear 5:17, 17 sworn 5:18 6:10 22:3 48:3 SWOT 45:1 system 45:8</p> <p>< T > take 25:1 28:9 49:14 take. 18:10 taken 30:20 takes 28:11 talked 31:23 target 37:5 telephone 24:13 television 11:17 tell 5:21 23:6 40:14 telling 39:10 Ten 27:16 35:8 48:17 terms 21:12 testified 6:11 15:9 22:4</p>	<p>TESTIMONY 1:13 5:13 28:23 33:19 Thank 4:7, 13 18:11, 13 29:8 49:16 that 8:17 9:14 11:22 12:12 24:4, 17, 20 31:17, 18 32:4, 10 35:14 36:18 37:16, 23 42:12 43:3, 15 44:16 45:17 50:7 that. 19:21 38:11 47:1 48:22 That's 5:4 19:12 37:13 42:9 the 1:13 2:19 3:12 5:7 6:2 7:13 10:10, 16 13:4, 9 15:18 18:2 19:7, 22 25:6 28:17 31:4 32:17, 20 33:19 36:14, 21 38:4, 13 39:10, 13 42:13 44:4, 5 47:19 49:1, 5, 7 50:5, 8, 8, 14, 19 their 39:7 them 14:22 41:12 them. 32:6 33:21 then. 13:19 therapy. 8:8 there 16:2 37:17 there. 39:9 thereof. 50:15 these 33:14 they 38:18 44:23 they're 33:6 thing 10:1</p>	<p>43:8 45:17 things 44:22 think 13:9 15:4, 6 20:4 26:5 27:17 29:2 30:9 31:7, 16 32:6 39:20, 20, 23 40:3 48:4, 12 thinking 20:2, 15 38:13 this 14:3 36:9 49:15 this. 39:23 46:7 thoroughly 14:1 thought 8:18 threats. 45:4 Three 26:5, 5, 16, 18 43:4 threw 47:9 throwing 47:10 Thursday 1:18 50:7 Thursday, 2:20 ticket 30:1 tickets 30:19 Timbie 50:4, 18, 18 Timbie, 1:20 time 7:6, 7 9:21 16:2, 2 21:13 28:13, 16 35:13 36:10, 18 43:12 48:11 time. 7:11 times 35:15 title 13:18 to 3:1 7:16 9:19 10:8 11:13 13:2, 20 16:21 28:1, 2 33:20 36:5 38:19, 22 43:19 44:14 47:23 today 17:14 23:21 29:1 Today's 2:20 3:13 told 47:15</p>
--	---	---	---

<p>toll-free 16:22 17:3, 6 28:19 tomorrow, 39:11 took. 32:18, 21 total 18:8 36:12 touch 27:22 trained 28:5 training 9:19, 22 10:1, 4, 6, 9 21:12 28:10 transcription 50:10 transcripts 48:16 transport 14:9 TRANSPORTATI ON 1:5 2:23 3:5 4:6 6:1, 16, 22 7:19 8:1 10:13, 18 15:18 16:1, 4, 8 19:8 21:1 26:20 29:22 31:10, 20 34:4 37:11, 19 38:19 42:23 43:9 45:7, 12, 15, 18 Transportation, 21:2 transportation. 7:1 14:6 Transporters 26:3, 6, 9 29:2 Transporters. 3:18 4:12 TRANSPORTER S: 2:3 transporting 14:22 transports 26:13 traveled 30:20 tricity 15:19 23:20 25:7 29:22 32:23 35:9 36:19, 22 42:3 trips 15:4, 7 truck 11:2 12:13 14:16, 18</p>	<p>trucks 24:4 25:10, 17 27:14 28:2 true 31:17 50:10 truly 9:17, 18 truth 6:10, 10, 11 22:3, 3, 4 try 7:15 28:9, 17 41:23 try. 34:16 trying 36:13 39:2 turn 25:8 turned 25:6 30:4 Twenty-four 26:22, 23 Twenty-seven 21:10 two 5:4 24:15 25:17 32:9 36:18 type 12:22 typical 28:13, 16</p> <p>< U > Uh-huh. 45:10 underprivileged 8:12 underserved. 8:13 understand 40:1 understanding 36:20 Union 1:17, 17 unless 33:10, 16 unmet 8:17 15:9, 13 16:3 24:7 33:3 39:5 unsafe 32:9 up 7:17 30:2 45:14 up. 47:17 Updated 16:11 us 31:1 use 11:15 14:3 31:21 33:14 using, 7:9</p>	<p>usually 25:11, 14</p> <p>< V > van 11:5 40:11 41:4, 11, 12 vans 39:13 vehicle 3:3 7:21 9:7, 8, 10, 15, 20, 23 13:3 14:4 vehicle. 13:11 vehicles 23:2 26:12 35:6, 12, 20 36:8, 17 40:19 vehicles, 41:19 vehicles. 40:18 41:22 42:1 vendor 17:23 27:1 venture 19:15 Veronica 2:3 19:6 versed 19:11 veterans 37:4 38:17 void 7:17 void. 8:19</p> <p>< W > wait 32:8 waits 7:10 want 29:11 44:9, 12 wanted 35:3 44:14, 16 45:23 wants 47:23 Warhurst 37:1 47:23 48:2 was 3:11, 13 34:1 40:12 way 5:8 9:19 30:6 34:18 we 6:18 7:14 19:19 23:17 27:21 28:8 33:13 37:11 weakness 44:6</p>	<p>weaknesses 45:3 web 28:21 website 28:21 week 15:5 26:19 week. 12:15 26:21 weeks 48:21 welcoming 33:1 Well 11:3, 15 12:2 17:2 19:11 21:16 28:6 29:13 33:13 34:1 35:17 37:9 40:12 41:18 we'll 17:21 went 15:21 were 7:4 15:15 37:1 we're 11:15, 20 12:2, 14 13:4 23:4, 20 27:17, 20 31:13, 15 34:12, 18 36:4 39:3, 4, 23 45:16, 17 we've 10:2 30:1, 2, 19, 23 41:22 42:11 48:4 what 5:22 11:7 23:8 39:5 41:15 44:18 wheelchair 14:10 26:12 wheelchair. 26:14 wheelchairs. 26:18 when 28:13 where 31:9 Wherever 22:19 which 13:7 48:16 49:6 WILKERSON 2:6 will 11:18 12:4</p>
--	---	--	--

with 6:6 19:11
 32:22 46:13
 47:4
with. 10:5
 47:21
witness 6:9
 22:2
witnesses 4:20
 5:18 21:19
Word 11:19
work 16:23
 22:11
work. 30:5
worked 8:2
workforce.
 45:13
would 29:13
written 13:16
 48:5
wrong 36:9
wrong. 27:16

< Y >

Yeah 19:2 36:5
Yeah. 35:18
 47:14
year 9:4 27:15
 36:10
year. 6:19
 22:16 36:11
yearly 46:20
years 26:5
 42:15
years. 19:10
 21:10 26:5
Yes. 8:22
 11:12 25:19
 26:11 27:2, 11,
 13 28:4, 20
 29:19 34:9
 35:7, 10 37:7
 40:11 46:11, 16,
 18
yet. 9:16 34:20
you 25:15
 31:22 34:6
 39:6, 15 40:9
 43:12 44:8
 46:19 47:5
you, 4:13 29:8

you. 18:13
 48:13 49:16
your 3:23 5:20
 16:18 21:20
 27:3 32:15
 37:20 38:9
 41:6 42:6 45:2,
 3 47:2, 16
you're 21:4
 35:19, 21 47:9
you've 9:6

< Z >

zero 20:5 38:18