

1 ALABAMA PUBLIC SERVICE COMMISSION

2 MONTGOMERY, ALABAMA

3

4 Kelvin Long, d/b/a
5 K&S Transportation,

6

Applicant,

DOCKET NO.: 32361

7

IN RE:

8 Application to institute a new operation as a
9 common carrier in the intrastate transportation
10 of passengers and their baggage from all
11 airports in the state of Alabama.

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14 * * * * *

15 TESTIMONY AND PROCEEDINGS before the

16 Honorable Scott Morris, Administrative Law

17 Judge, at the Carl L. Evans Chief Administrative

18 Law Judge Hearing Complex, 900 RSA Union

19 Building, 100 North Union Street, Montgomery,

20 Alabama, on Thursday, May 28, 2015, commencing

21 at approximately 9:39 a.m.; and reported by

22 Katie Lane Leah Ross, Certified Court Reporter

23 and Commissioner for the State of Alabama at

Large.

 * * * * *

1 APPEARANCES

2 AS ADMINISTRATIVE LAW JUDGE:

3 Mr. G. Scott Morris
4 ALABAMA PUBLIC SERVICE COMMISSION
5 100 North Union Street, Suite 850
6 Montgomery, Alabama 36104

7 FOR THE APPLICANT:

8 Mr. Kelvin Long
9 Ms. Sherry Long

10 FOR THE PROTESTANT BAY LIMOUSINE:

11 Mr. Bill Hyller

12 FOR THE PROTESTANT CROWN LIMOUSINE:

13 Mr. Ed Chisem

14 * * * * *

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1 ALJ MORRIS: Okay. Let's go on the
2 record. Today's date is Thursday, May 28,
3 2015. We're here for Docket 32361.

4 The applicant is Kelvin Long doing
5 business as K&S Transportation. This is
6 an application to institute a new
7 operation as a common carrier in the
8 intrastate transportation of passengers
9 and their baggage from all airports in the
10 state of Alabama.

11 This application was filed on or
12 about April the 10th, 2015. And notice of
13 today's hearing was published on May the
14 13th, 2015.

15 There have been protests filed in
16 this docket: Medical Transport of
17 Alabama, LLC; Bay Limousine Services
18 Dothan, Incorporated; Crown Limousine and
19 Sedan Service, LLC, doing business as
20 Crown Limousine.

21 Also note for the record that we
22 received a letter dated May 26th, 2015, on
23 behalf of Medical Transport of Alabama,

1 LLC, withdrawing their protest pursuant to
2 an agreement with the applicant to add a
3 restrictive amendment against the
4 provision of nonemergency medical
5 transportation services.

6 With that, let's begin by taking
7 appearances. First on behalf of the
8 applicant, Mr. Long.

9 MR. LONG: Yes.

10 ALJ MORRIS: If you will, please
11 state your name and your business address
12 for the record.

13 MR. LONG: Kelvin Long. Business
14 address, 4909 B Old Seale Highway, Seale,
15 Alabama 36875.

16 ALJ MORRIS: And who do you have with
17 you?

18 MR. LONG: My wife, Sherry Long.

19 ALJ MORRIS: Okay. Will Ms. Long be
20 providing testimony today as well?

21 MR. LONG: Yes.

22 ALJ MORRIS: Okay. Thank you.

23 And for the protestants, we have

1 from Bay Limousine?

2 MR. HYLLER: Bill Hyller.

3 ALJ MORRIS: Thank you, Mr. Hyller.

4 And from Crown?

5 MR. CHISEM: Ed Chisem.

6 ALJ MORRIS: Thank you, Mr. Chisem.

7 Okay. Preliminary matters. I just
8 want to get on the record, Mr. Long, that
9 you have agreed with the restrictive
10 amendment with Medical Transport. Y'all
11 are in agreement with that?

12 MR. LONG: Yes.

13 MR. CHISEM: Yes.

14 ALJ MORRIS: Okay. Thank you.

15 Do you know of any preliminary
16 matters? Have y'all been able to work
17 anything out, or do we still need to the
18 move forward?

19 MR. CHISEM: I said I would drop my
20 protest if they would drop Tuscaloosa from
21 the requested authority.

22 ALJ MORRIS: Okay. Do you not -- are
23 you agreeable to that or do --

1 MS. LONG: Yes.

2 ALJ MORRIS: You are?

3 MS. LONG: Yes, sir.

4 ALJ MORRIS: So you would be
5 accepting of a restrictive amendment?

6 MR. CHISEM: Yes.

7 ALJ MORRIS: You don't want them to
8 come to Tuscaloosa? You want to bring --

9 MR. CHISEM: Originating no runs in
10 Tuscaloosa County.

11 ALJ MORRIS: Originating?

12 MR. CHISEM: Correct.

13 ALJ MORRIS: Okay. So it's okay if
14 they pick somebody up in Seale and take
15 them to Tuscaloosa.

16 MR. CHISEM: Oh, yeah.

17 ALJ MORRIS: Okay. So no runs
18 originating in Tuscaloosa County. Let me
19 see if we can get this -- think about
20 this, get this worded right.

21 MS. LONG: With the limousine --
22 because, you know, we have a charter bus
23 company.

1 ALJ MORRIS: Well, the charter bus is
2 a separate --

3 MS. LONG: Separate. Okay.

4 ALJ MORRIS: This doesn't have any
5 impact on the charter bus.

6 MS. LONG: Okay.

7 ALJ MORRIS: All right. Okay. Y'all
8 give me just a minute. I have to think.
9 It takes a little while.

10 Okay. Let me see if I got this
11 right. This is what y'all had agreed to.
12 A restrictive amendment against luxury
13 limousine service originating in
14 Tuscaloosa County.

15 MR. CHISEM: I would go beyond -- I
16 would say any transportation.

17 ALJ MORRIS: Okay.

18 MR. CHISEM: I don't know what the
19 requested authority means.

20 ALJ MORRIS: Okay.

21 MR. CHISEM: It would not affect your
22 buses.

23 ALJ MORRIS: Right. Okay. So

1 restricting them against services
2 originating in Tuscaloosa County.

3 MR. CHISEM: Correct.

4 ALJ MORRIS: Okay. All right. Is
5 that acceptable?

6 MR. LONG: Yes.

7 MS. LONG: Yes.

8 ALJ MORRIS: Okay. Mr. Chisem, you
9 can go home, unless you just want to stay.

10 MR. CHISEM: I'll stay. Well, I'm
11 here.

12 ALJ MORRIS: Mr. Hyller, have y'all
13 been able to agree?

14 MR. HYLLER: We have not. Judge, I
15 was really a bit confused as if they were
16 applying for transportation for their bus
17 company, or were they trying to include
18 limousines? And upon speaking with them,
19 it's -- sounds to me like they wanted to
20 do luxury limousines, which is what my
21 protest would be for.

22 ALJ MORRIS: Okay.

23 MR. HYLLER: I just don't see a

1 solution because their intent is to
2 operate in the very area where I have my
3 businesses at, which is in the area of
4 Houston, Henry, Dale, Coffee, and Geneva,
5 the -- the entire central and southeastern
6 portion of the state.

7 ALJ MORRIS: Okay. All right. With
8 that, we will move forward.

9 Okay. Mr. Long, I'll tell you how
10 we proceed here. You're going to get an
11 opportunity to make a presentation on
12 behalf of your application. The kind of
13 things we're looking for is why you want
14 to do this service, what led you to come
15 into this. Give us a little bit of
16 background on your experience in the
17 transportation industry.

18 Let's see. Tell us a little bit
19 about how you propose to operate, what
20 kind of vehicles you're going to use.
21 Tell us a little bit about your drivers,
22 if you know anything about that. Are you
23 going to handle, you know, soliciting

1 business, along those lines -- and let's
2 see.

3 Ms. Long, are you also going to
4 make a presentation on behalf or are you
5 going to make the presentation?

6 MS. LONG: I'm -- I'm going to do it.

7 ALJ MORRIS: You're going to do it?

8 MS. LONG: Yes, sir.

9 ALJ MORRIS: Okay. Well, I'm going
10 to go ahead and swear both of you in just
11 so -- in case we have any questions. And
12 once I -- I may have a few. After you
13 make your presentation, I'm going to let
14 Mr. Hyller asked you some questions. Mr.
15 Chisem just gets to watch for now since
16 he's out of this.

17 He's going to have some questions
18 for you. I may only have a few more
19 questions for you. And then we're going
20 to hear -- after your presentation is over
21 with, we're going to hear from Mr. Chisem
22 (sic), who is going to make a
23 presentation. And you ask him some

1 questions. I may have some questions for
2 him. And then we'll wrap it up.

3 MS. LONG: Okay.

4 ALJ MORRIS: Okay. So if you would,
5 please stand and raise your right hand.

6 (Presenters were sworn in)

7 ALJ MORRIS: You may be seated.

8 Okay. So, Ms. Long, you're going
9 to start?

10 MS. LONG: Yes, sir.

11 SHERRY LONG

12 The witness, having been sworn or affirmed
13 to speak the truth, the whole truth and nothing
14 but the truth, testified as follows:

15 EXAMINATION

16 BY ALJ MORRIS:

17 Q. Okay. If you would start out by again
18 stating your name for the record and your
19 position with the company.

20 A. Sherry Long, officer manager with K&S
21 Transportation.

22 Q. Okay. So you are an employee of the --

23 A. Yes.

1 Q. Are you partner -- well, I guess, it's a
2 sole proprietorship, so -- because I'm going to
3 go ahead and just turn it over to you for you to
4 make your presentation, so.

5 A. Okay. Well, we started out in '07, 2007,
6 with vans. But the demand was for more people
7 needed transporting. So that's when we applied
8 for a license to do buses. We did that in '08.
9 So we purchased charter buses in 2008.

10 So we're at this point now where I have
11 about four -- four to five funeral homes that
12 has been calling for limousines, and they need
13 limousine service for funerals.

14 So that's the reason why we came into
15 this, because we have those funeral homes that
16 need service for transporting.

17 Like I said, I was -- I had spoke with Mr.
18 Hyller. I'm about an hour and a half and --
19 from Dothan and all the funerals. They're
20 mostly right there in my area, in Columbus.
21 Columbus and Hurtsboro, Alabama, and Columbus,
22 Georgia and Phenix City that needs these
23 limousines.

1 Q. Okay.

2 A. And I have -- I have four drivers. Very
3 good drivers. I have a perfect safety rating
4 for my company, and I just want to have an
5 opportunity to serve the people there in my area
6 so they don't have to go like 200 miles out of
7 the way for a limo for -- for a funeral.

8 Q. Do you have -- have you purchased any
9 limousines yet?

10 A. Not yet. I wanted to wait to see if we
11 could get this authority before I purchased
12 them.

13 Q. Okay. Too, if you grant me a little
14 leeway here, I want to explore this to -- I may
15 see a possible solution here.

16 MR. HYLLER: Okay.

17 Q. Now, is that going to be the primary
18 focus? Are you going to try to do just
19 funerals, or are you going to do funerals and
20 other --

21 A. Well, if someone else call and I have a
22 limousine there, I'm not going to say that I
23 won't take them.

1 Q. Right. You know, are you --

2 A. But --

3 Q. Are you planning -- well, go ahead.

4 A. But I would not go to his area in Dothan.

5 If he wants it that way, I won't even pick up or
6 do any transportation there in Dothan where he's
7 at.

8 Q. Let me ask you a little bit -- what kind
9 of limousines are you planning to purchase?

10 Because it's my understanding and my experience
11 that a lot of times for the funeral trade, the
12 limousines are typically set up different --

13 MR. HYLLER: They are.

14 A. They is.

15 Q. -- than they are for the luxury. Are you
16 planning on purchasing that setup primarily for
17 the funeral or do you plan on kind of purchasing
18 a typical luxury limousine?

19 A. For right now, the funeral, right now at
20 this point.

21 Q. Okay.

22 A. Until people start requesting that they
23 want a stretch.

1 Q. Okay. What counties are you primarily
2 looking to operate in?

3 A. Muscogee County, Russell County.

4 Q. Muscogee? That's over in the Georgia,
5 right?

6 A. Uh-huh. Oh, I'm sorry.

7 Q. You got to go to Georgia for that. I
8 can't help you on those.

9 A. Lee County.

10 Q. Lee?

11 A. Uh-huh. And Russell County.

12 Q. And Russell?

13 A. Barbour County, Clayton, Clayton County.
14 What's the other one?

15 MR. LONG: Union Springs.

16 A. Yeah. It's about five -- five or six
17 counties -- and Baldwin County.

18 Q. Baldwin?

19 MR. LONG: Baldwin in Alabama?

20 MS. LONG: No. Well, that's in
21 Dothan.

22 MR. LONG: Barbour?

23 A. Barbour County.

1 Q. Barbour.

2 A. So we have Barbour. We have Russell
3 County, Lee County -- County and Clayton. So
4 about four.

5 MR. LONG: Clayton.

6 MS. LONG: Yeah.

7 A. Those are around those areas right in
8 there.

9 MR. LONG: Yeah.

10 A. But I know the main one would be Russell
11 County and Lee County.

12 Q. Okay. Let me -- is that all you have for
13 right now?

14 A. Yes.

15 ALJ MORRIS: I'm going to go ahead
16 and let Mr. Hyller -- I'm going to think
17 about this for a minute.

18 MS. LONG: Okay.

19 ALJ MORRIS: Let's see. I'm going to
20 let you go ahead and explore -- you can
21 kind of take this whenever you want. And
22 I may come back around.

23 BILL HYLLER

1 The witness, testified as follows:

2 EXAMINATION

3 BY ALJ MORRIS:

4 A. Okay. Part of my protest, we're -- not
5 only have offices in Dothan, Alabama, but we
6 have them in Auburn, Alabama also. Out of our
7 Dothan office, we already service funeral homes
8 in Eufaula now and have for the past 20 years.
9 We have recently made a significant investment
10 in a caisson, which is basically -- if you don't
11 know, that is by -- pulled by horses, the black
12 cased-in-plate -- vehicle, if you will, to put a
13 coffin inside. And we're currently marketing
14 that -- that vehicle within our business as
15 well.

16 But we service that area currently and are
17 ongoing -- pursuing clients in Lee County,
18 Barbour County that -- that -- that's --

19 Q. That's where you're --

20 A. That's the focus of it.

21 Q. Well, do you have any questions for Ms.
22 Long?

23 A. I don't.

1 Q. You don't? Okay. Let me see here.

2 A. And, Judge, if I may, one other comment

3 I'd like to make. I've experienced, in Dothan,

4 the funeral homes there do operate what are

5 considered funeral home stretches, which have

6 the -- all seats facing forward. However, when

7 it's -- someone calls and wants to go out and

8 they've got the money, they send those cars out,

9 and that takes it off of our --

10 Q. Right.

11 A. We don't have the option for that.

12 Q. Right.

13 A. So that's a conflict that really

14 doesn't --

15 Q. Okay. I see.

16 SHERRY LONG

17 The witness, testified further as follows:

18 EXAMINATION

19 BY ALJ MORRIS:

20 Q. Ms. Long, do y'all operate anything

21 besides the charter bus right now?

22 A. Vans.

23 Q. Vans? Okay. Do you have a separate

1 authority for that?

2 A. Yes, sir.

3 Q. Do you -- what -- do you know your
4 authority? I mean, your certificate number on
5 that?

6 A. Oh, I don't think I have that. No, I
7 don't have that with me. No. I just have the
8 certificate number for my bus with me today.
9 And that is CB126.

10 Q. It may be in the packet you made. Your CB
11 certificate?

12 A. Yes. It's CB126 for the buses.

13 Q. Okay. I'm showing that your authority --
14 I think, it was C3902 was canceled back in 2008.
15 It was revoked and canceled?

16 A. Okay. Because I no longer have vans. I
17 didn't know that it was -- I'm just doing those
18 buses right now.

19 Q. Okay. So you don't -- you're not
20 operating the vans --

21 A. No.

22 Q. -- any longer. Okay. If you were granted
23 this authority, how would you -- how do you

1 propose that you would handle the maintenance on
2 your vehicles?

3 A. I have a mechanic out of Lee County that
4 works on all of my vehicles, a real good
5 mechanic.

6 Q. Okay. All right. And you are both
7 familiar -- are you familiar with the rules and
8 regulations of the Alabama Public Service
9 Commission as it relates to motor carrier
10 operations?

11 A. Yes, sir.

12 Q. You agree to continue to abide by those
13 rules and regulations?

14 A. Yes, sir.

15 ALJ MORRIS: I think that's all that
16 I have at this point.

17 Mr. Long, do you need to make a
18 statement or anything that you need to add
19 or want to add at this point?

20 MR. LONG: Not right now.

21 ALJ MORRIS: Okay. All right. Well,
22 we're going -- I'm going to let Mr. Hyller
23 at this -- you're going to -- I need to

1 swear you in first, and you probably just
2 need to say everything you said before.

3 (Mr. Hyller was sworn in)

4 ALJ MORRIS: Okay. Be seated.

5 BILL HYLLER

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

9 EXAMINATION

10 BY ALJ MORRIS:

11 Q. Okay. Mr. Hyller, if you would again
12 state your name for the record.

13 A. Bill Hyller, president, Bay Limousine
14 Service.

15 Q. And you may go ahead and make your
16 presentation on behalf of --

17 A. My reason for protest is -- is money and
18 time invested in the area of which the applicant
19 is attempting to gain authority would jeopardize
20 our territorial -- simply intertwines with --
21 with their request.

22 Q. What are your -- refresh my memory. What
23 counties are you authorized to operate in?

1 A. Every county with the exception of Baldwin
2 and Mobile.

3 Q. Okay. So statewide.

4 A. Statewide. But specifically Auburn, which
5 we've just put an office in within the past
6 year, is an area that I've invested in and
7 focus -- well, I'm actually going over there
8 today to meet with different potential
9 clientele. And it's so close to the area where
10 they're at. Not only that, but we already have
11 relationships that we have built and are
12 continuing to build in the funeral home
13 industries specifically for use of our
14 limousines.

15 Q. Okay.

16 ALJ MORRIS: Ms. Long or Mr. Long, do
17 either of y'all have any questions for Mr.
18 Hyller?

19 MS. LONG: No.

20 ALJ MORRIS: Okay. All right.

21 Q. It's obvious you operate in Lee County.
22 Do you operate -- do you know -- do you operate
23 very much in Russell County? Do you do a lot of

1 business over there?

2 A. I don't.

3 Q. You don't? What about --

4 A. Russell being Phenix City?

5 Q. Yeah.

6 A. We're obviously pursuing that being right
7 next door to Auburn. It's so close in
8 proximity, you know. And our marketing research
9 of that entire area, it justified the investment
10 that I've made going in that area. Of course, I
11 want to encompass everything that's there that I
12 can generate.

13 Q. Okay.

14 ALJ MORRIS: All right. I think that
15 probably wraps it up. This one is a
16 little unusual. I've actually taken --
17 I've been hearing -- I'm hearing this
18 case for Ms. Young, she was assigned here
19 to this case. But she had some more
20 important family matters that she had to
21 attend to. So she's actually going to be
22 doing the order in this case.

23 So I'm just going to get her all of

1 my notes. When the transcripts come in,
2 she will be doing that.

3 So you'll actually be hearing from
4 her once this is done and kind of go
5 over -- once the transcripts comes back
6 in, Ms. Young will draft a report of
7 recommended order to the Commission. And
8 each of y'all will be served a copy of
9 that, and you will have 20 days after
10 that's published to file exceptions to
11 that.

12 If no exceptions are filed, that
13 report of recommended order will -- by
14 law, will become the order of the
15 Commission.

16 If exceptions are filed, the other
17 parties will have 20 days after the
18 initial exceptions are filed to file a
19 reply -- comments to that.

20 At that point, if any -- either of
21 those cases, it will be brought before the
22 Commission, again, by Ms. Young, with the
23 final recommendation, whatever she may

1 decide.

2 MS. LONG: Okay.

3 ALJ MORRIS: So with that, we will
4 take this under advisement, and this
5 hearing is concluded. Thank y'all very
6 much.

7 MS. LONG: Thank you.

8 (The proceedings adjourned at
9 10:00 a.m.)

10 * * * * *

11 END OF PROCEEDINGS

12 * * * * *

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1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA
3 ELMORE COUNTY

4 I, Katie Ross, Certified Court Reporter,
5 Commissioner for the State of Alabama at Large,
6 hereby certify that on Thursday, May 28, 2015, I
7 reported the TESTIMONY AND PROCEEDINGS in the
8 foregoing cause and that pages 3 through 25
9 contain a true and accurate transcription of the
10 proceedings set out herein.

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

15

16 /s/ Katie Ross
17 KATIE ROSS, Certified Court Reporter
18 Commissioner for the
19 State of Alabama at Large
20 ACR 626, Expires 09/30/15
21 MY COMMISSION EXPIRES: 10/24/17
22
23

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