

1 STATE OF ALABAMA

2 PUBLIC SERVICE COMMISSION

3 ADMINISTRATIVE LAW DIVISION

4

5 IN THE MATTER OF:

6 Donald Gomien d/b/a Modern Limousine

7 DOCKET NUMBER: 31457

8 To extend the existing operation on motor care

9 certificate of necessity 3847 as a common carrier

1 0 by motor vehicle in the tri-state commerce with

1 1 irregular routes and transportation of passengers

1 2 and their baggage in luxury limousines with a

1 3 seating capacity of fourteen or less between all

1 4 points in the state of Alabama.

1 5 \* \* \* \* \*

1 6 TESTIMONY AND PROCEEDINGS before the

1 7 Honorable John Garner, Administrative Law Judge,

1 8 Council Chambers of the Gulf Shores City Hall, 1905

1 9 West First Street, Gulf Shores, Alabama 36542 on

2 0 Thursday, September 2nd, 2010, commencing at

2 1 approximately 1:00 p.m.; and reported by Paul

2 2 Morse, Certified Court Reporter and Commissioner

2 3 for the State of Alabama at Large.

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1 7 APPEARANCES

1 8 APPEARING FOR THE APPLICANT: DONALD

1 9 GOMIEN, 1110 Leroy Steven Road, Mobile, Alabama

2 0 36695.

2 1 APPEARING FOR THE PROTESTANT: TERRY

2 2 WILSON, ESQ., 1785 Taliaferro Trail, Montgomery,

2 3 Alabama 36117.

1                   THE COURT:  Let's go ahead  
2     and go on the record.  For the record  
3     we're here this afternoon, September 2,  
4     2010, in the matter of Docket 31457, which  
5     concerns the application of Donald Gomien,  
6     DBA Modern Limousine to extend the  
7     existing operation on motor care  
8     certificate of necessity 3847 as a common  
9     carrier by motor vehicle in the tri-state  
10    commerce with irregular routes and  
11    transportation of passengers and their  
12    baggage in luxury limousines with a  
13    seating capacity of fourteen or less  
14    between all points in the state of  
15    Alabama.

16       The applicant currently holds  
17    certificate 3847 that authorizes  
18    transportation of passengers and their  
19    baggage in luxury limousines with seating  
20    capacity of fourteen or less between all  
21    points in Mobile County and to, A, on  
22    number one, to all points in Alabama and  
23    to, B, from all points in Alabama to

1 points in number one. The application was  
2 filed with the commission on or about May  
3 the 8th, 2010. Notice of today's  
4 proceedings was served by the commission  
5 on August 9, 2010.

6 For the record, we need to note that  
7 there are protests in this matter from  
8 Harold Linville, DBA Professional  
9 Limousine Service; Terry D. Surovich, Sr.,  
10 DBA Any Occasion Limousine Service, Fresh  
11 Air Accessible of Alabama, LLC, DBA EMT of  
12 Alabama, Luxury Limo, LLC, and Mobile Bay  
13 Transportation Company.

14 I would note that it appears that the  
15 protest of Fresh Air may have been  
16 resolved. And we'll deal with that  
17 shortly when we deal with other  
18 preliminaries. Let's take appearances for  
19 the record.

20 Who's appearing on behalf of the  
21 applicant?

22 MR. GOMIEN: I am, your  
23 Honor.

1 ALJ GARNER: And you are?

2 MR. GOMIEN: Donald Gomien.

3 ALJ GARNER: And what is  
4 your mailing address for the record,  
5 please, sir?

6 MR. GOMIEN: 1110 Leroy  
7 Stevens Road, Mobile, Alabama 36695.

8 ALJ GARNER: Further  
9 appearances?

10 MR. WILSON: May it please  
11 the commission. Terry B. Wilson, 1785  
12 Taliaferro Trail, that's  
13 T-a-l-i-a-f-e-r-r-o, Montgomery, Alabama  
14 36117. Appearing for protestants Harold  
15 L. Linville, doing business as  
16 Professional Limousine Service; for Luxury  
17 Limousine or Luxury Limo, LLC; and for  
18 Mobile Bay Transportation Company  
19 Incorporated.

20 ALJ GARNER: Is there anyone  
21 else that needs to enter an appearance?

22 MR. GOMIEN: Your Honor,  
23 I'll be able to present one witness.

1 ALJ GARNER: All right.

2 Let's clarify that there are no other  
3 individuals that need to enter an  
4 appearance.

5 And let's go ahead also and deal with  
6 the restrictive amendment you apparently  
7 agreed to with Fresh Air.

8 MR. GOMIEN: Yes, sir.

9 ALJ GARNER: And that is  
10 against the provision of nonemergency  
11 medical transportation services?

12 MR. GOMIEN: Yes, sir.

13 ALJ GARNER: You're willing  
14 to amend the application in that regard?

15 MR. GOMIEN: Yes, sir.

16 ALJ GARNER: Okay. The  
17 application will be so amended as per the  
18 letter that I received that was dated  
19 August 31. That seems to be consistent  
20 with your agreement with Fresh Air. And  
21 based upon this agreement, I will agree to  
22 withdraw the protest.

23 MR. GOMIEN: Yes, sir. And

1       that was under the stipulation with their  
2       attorneys that it could be revisited  
3       through the commission if I decided to go  
4       into that type of business at a later  
5       date.

6                       ALJ GARNER:   Yeah.   With  
7       another application?

8                       MR. GOMIEN:   Yes, sir.

9                       ALJ GARNER:   Sure.   All  
10      right.   Any other preliminaries?   I  
11      believe you were talking about witnesses.  
12      Is there something you wanted to address  
13      regarding that?

14                      MR. GOMIEN:   Yes, sir.   I'll  
15      have one witness, Mr. Randy Matson,  
16      M-a-t-s-o-n.

17                      ALJ GARNER:   Okay.   Any  
18      other preliminaries we need to address  
19      before we proceed?

20                      DONALD GOMIEN  
21      having first been duly sworn, was examined  
22      and testified as follows:

23                      ALJ GARNER:   If not, let me



1 swear in Mr. Matson and you can go ahead  
2 and make your case. Are you going to have  
3 a presentation before you get to  
4 Mr. Matson or what's your process.

5 MR. GOMIEN: I think, Judge,  
6 if I could just ask him a few questions,  
7 he could put on the record a few things  
8 and then I'll probably send him on about  
9 his business.

10 ALJ GARNER: We'll also need  
11 a presentation from you regarding your  
12 fitness. And that won't have to come from  
13 Mr. Matson, but we'll need a presentation  
14 from you regarding, you know, generally  
15 your operation.

16 MR. GOMIEN: Yes, sir. Like  
17 an opening? I'm no lawyer.

18 ALJ GARNER: Well, you will  
19 be subject to cross but we will need  
20 something in the record from you regarding  
21 your application about the fitness and  
22 equipment you operate and things of that  
23 nature.

1                   MR. GOMIEN: Yes, sir. I am  
2     a licensed limousine service out of  
3     Mobile, Alabama, whereas, I have several  
4     limousines that are currently in the fleet  
5     and have numerous contractors which are  
6     drivers who also operate the limousines on  
7     a call-to-call basis as has been testified  
8     by other owners as similar to the same  
9     thing they do, Judge.

10           I have an office where I operate  
11   business out of. It's not an apartment  
12   complex. I don't operate off of cell  
13   phones. It's a landline. Also with an  
14   e-mail address, a full staff, day time  
15   personnel including a secretary, a  
16   bookkeeper, and I have an accounting firm  
17   who also handles all of the bookkeeping  
18   and filing of whatever paperwork is  
19   necessary from jurisdiction to  
20   jurisdiction and/or for the federal  
21   government.

22           I also provide and just got a license  
23   in the city of Mobile to provide van

1 shuttle service, which I've extended to.  
2 And I believe one of the vans have been  
3 added on to the Public Serve Commission.  
4 My authority, as it stands right now,  
5 which I'd like to extend that also as I do  
6 this process.

7 So basically that's what I do. It's a  
8 full-time job for everybody -- anybody  
9 that's in the limousine business if you  
10 provide twenty-four hour services. I'm  
11 not aware of any limo service that does  
12 not provide full-time service.

13 But I do provide that service, Judge.  
14 I can show you and I'll be able to testify  
15 to where there is a need for my company to  
16 expand over here into Baldwin County. It  
17 is time that I do that in a legal manner.

18 And at some point, I'll be able to  
19 provide if you want me to do now some  
20 statistics that will support that and be  
21 able to go further from there.

22 ALJ GARNER: Is this  
23 evidence that you intended to introduce

1       yourself or through Mr. Matson?

2                       MR. GOMIEN:   No, I'll  
3       introduce it myself.

4                       ALJ GARNER:   Well, first  
5       though, let's clarify, how many limousines  
6       do you have?

7                       MR. GOMIEN:   Currently I  
8       have four.

9                       ALJ GARNER:   What are the  
10      makes and models?

11                      MR. GOMIEN:   Yes, sir.   I  
12      have a stretch H2 Hummer.   I have a  
13      stretch Ford Excursion.   And I have a  
14      stretch Lincoln Navigator.   And I have a  
15      stretch Lincoln Town Car.

16                      ALJ GARNER:   And you said  
17      you had numerous drivers.   How many  
18      drivers do you have.

19                      MR. GOMIEN:   Right now I  
20      have approximately nine drivers.

21                      ALJ GARNER:   I think you  
22      indicated, are they all full-time or are  
23      some of them contractors.

1                   MR. GOMIEN: No, sir,  
2       they're all contract labor. The jobs are  
3       booked and the appropriate driver is put  
4       with whatever type of contract it is. And  
5       we'll assign out to the drivers and their  
6       contract for labor.

7                   ALJ GARNER: And where is  
8       your office located.

9                   MR. GOMIEN: It's the 1110  
10      Leroy Stevens Road address.

11                  ALJ GARNER: Okay. That is  
12      your office address.

13                  MR. GOMIEN: Yes, sir.

14                  ALJ GARNER: Okay. All  
15      right. And you indicated you had some  
16      statistical information. You'll need to  
17      give the background about where you  
18      acquired it to support the validity of the  
19      information. That is probably coming up.  
20      So just lay the predicate for what you're  
21      presenting it and why you're presenting  
22      it.

23                  MR. GOMIEN: I think, Judge,

1     it may be better at the end or some kind  
2     of a closing to summarize it.

3                   ALJ GARNER: Well, if it  
4     comes in a closing statement, that's not  
5     evidence of record that I can consider.  
6     If you want it to be considered as part of  
7     the record that will actually go towards  
8     formulating a recommendations to this  
9     matter, you'll have to get it subject to  
10    cross-examination.

11                  MR. GOMIEN: Sure. I'll be  
12    glad to.

13                  ALJ GARNER: All right. I  
14    mean, just whatever your preference is.  
15    But I'm just telling you --

16                  MR. GOMIEN: I'll wait.

17                  ALJ GARNER: All right. Any  
18    other testimony you want to give at this  
19    point in time?

20                  MR. GOMIEN: No, sir.

21                  ALJ GARNER: Okay. Then  
22    you'll need to make yourself available for  
23    cross-examination to the protestant's

1 attorney.

2 CROSS-EXAMINATION

3 BY MR. WILSON:

4 Q. Am I correct that you have  
5 not attached a financial statement of any  
6 sort with your application? I didn't see  
7 any coming off the commission's web site.  
8 Did you provide any financial information  
9 with your application?

10 A. No, sir.

11 Q. Okay. So we don't have any  
12 information concerning the assets or your  
13 debt on your equipment or any of that  
14 information. Is that correct?

15 A. Other than my testimony.

16 Q. Other than what you've  
17 testified to thus far?

18 A. Yes, sir.

19 Q. Okay. Now, you've got four  
20 limos. Are those currently in use?

21 A. Yes, sir.

22 Q. What years are they? The  
23 year of manufacture?

1           A.     I'm not positive. I can  
2     tell you that -- and I'll try to summarize  
3     and get as close as I can. I just  
4     recently sold three other limousines. The  
5     H2 Hummer is a 2003 and what is called a  
6     2005 conversion.

7           If you want to me to explain what that  
8     is, I will. The Excursion is, I believe,  
9     a 2005, and it's a 2007 conversion. The  
10    Lincoln Navigator, I believe, is a 2001.  
11    I'm not sure of the year of the  
12    conversion. And then I believe the  
13    Lincoln Town Car is a 2000 model.

14           Q.     What are the capacities  
15    passengerwise of each of those vehicles?

16           A.     The Lincoln Town Car is what  
17    is called a 120, and those are generally  
18    ten passenger vehicles. I think you're  
19    generally safer with six or eight  
20    passengers. I don't mean safetywise. I  
21    mean it's just more comfortable with eight  
22    people. So we usually kind of recommend  
23    eight people and that's what I recommend



1       that they book them under is eight people.

2       The trucks --

3               Q.       But they're listed as ten  
4       passenger?

5               A.       Some people do; some people  
6       don't.

7               Q.       Okay.

8               A.       Let me explain that if you  
9       would like for me too. It depends on the  
10      conversion of that vehicle, who stretched  
11      it as to what type of seats were put in  
12      it.

13              Q.       Okay. Your other vehicles?

14              A.       The fourteen passenger  
15      Hummers -- the Hummers fourteen -- well,  
16      any SUV truck to go over into county --  
17      across county lines, you can only put  
18      fourteen people in those from what I  
19      understand. So they're fourteen  
20      passengers. Some people call them sixteen  
21      passengers and they're advertised a lot as  
22      sixteen passengers, and that's what would  
23      be done inside the city limits if you

1        stayed inside the city.  And also I  
2        believe that would also include the  
3        driver.

4                Q.        So that's the Hummer, the  
5        Excursion, and the Navigator are all  
6        fourteen passenger?

7                A.        Yes, sir.

8                Q.        Okay.  But you advertise  
9        those as being sixteen passenger vehicles.  
10       Is that correct?

11              A.        Yes, sir.

12              Q.        Okay.  And that's in your  
13       newspaper -- I mean your telephone book ad  
14       where you indicate that you have ten and  
15       sixteen passenger limousine services.

16              A.        Correct.

17              Q.        Now, do you ever use those  
18       for more than fourteen passengers?

19              A.        If I did, it's only in the  
20       city of Mobile.  You have to specify.  And  
21       again, that's not something that -- it's  
22       rare that you would want sixteen  
23       passengers except for in the peek times

1     like Mardi Gras and prom. But generally  
2     that's how they're advertised, yes, with  
3     sixteen passengers.

4             Q.     Okay. And you understand  
5     that your current authority and the  
6     authority you're requesting is limited to  
7     luxury limousines with a seating capacity  
8     of fourteen or less?

9             A.     Correct. But not in the  
10    city of Mobile.

11            Q.     So you're saying that those  
12    vehicles which are at least three of your  
13    current four vehicles, you can only use in  
14    the city of Mobile and you can't use them  
15    outside?

16            A.     No, sir. I'm saying if you  
17    put sixteen people in that limousine, you  
18    have to stay within the city limits of  
19    Mobile.

20            Q.     But you're saying they have  
21    a capacity of sixteen people?

22            A.     Well, capacity is a matter  
23    of opinion. I've seen people put

1       twenty-five people in a limousine before.

2               Q.       Those vehicles within the  
3       city of Mobile, you're actually using them  
4       for up to sixteen vehicles (SIC) during  
5       Mardi Gras or whatever then?

6               A.       Inside the city of Mobile,  
7       yes.

8               Q.       Okay. But you're using  
9       those same vehicles that you can put  
10      sixteen people in, in the city of Mobile.  
11      You're using them outside of the city of  
12      Mobile. Is that correct?

13              A.       Yes, sir.

14              Q.       Okay. Those same vehicles  
15      you're using to points in Baldwin County  
16      and from points in Baldwin County to  
17      Mobile County and elsewhere, where ever  
18      you have authority currently?

19              A.       Correct.

20              Q.       And you intend to use those  
21      same vehicles for your expanded operations  
22      if you're granted the authority you're  
23      seeking today?

1                   A.     Yes, sir.

2                   Q.     Okay.  Even though in the  
3     city of Mobile you're actually using them  
4     for up to sixteen passengers?

5                   A.     You use them for up to what  
6     the law will allow you to use them for.  
7     Correct.

8                   Q.     So are you saying the law  
9     won't allow you to use them for a maximum  
10    capacity of sixteen outside of the city of  
11    Mobile?

12                  A.     I'm saying if the Alabama  
13    Public Service Commission says that H2  
14    Hummer which is one hundred seventy-five  
15    inches long, we're only going to authorize  
16    you to put six people in it, then that's  
17    what I'd put in it, six people.

18                  Q.     At least three of those  
19    vehicles is sixteen because you've  
20    indicated you're using them within the  
21    city of Mobile for sixteen passengers.  
22    And you're using those same sixteen --  
23    vehicles that hold sixteen passengers

1 outside of the city of Mobile. You're  
2 just not putting sixteen in them?

3 A. Correct.

4 Q. But it's the same vehicles  
5 you are putting sixteen in within the city  
6 of Mobile?

7 A. Correct.

8 Q. Okay. You've got one  
9 vehicle then that is of a lesser capacity,  
10 and that's the Lincoln -- is it a Town Car  
11 did you say?

12 A. I have a Lincoln Town Car.  
13 And I have a Lincoln stretch limousine.  
14 The limousine in question, yes, is an  
15 eight to ten passenger limousine.

16 Q. Okay. And the rest of them  
17 are that fourteen, sixteen?

18 A. Well, with the exception of  
19 the Town Car that holds four people.

20 Q. Right. With the exception  
21 of the Town Car, the rest of them are the  
22 vehicles you talked about that you use  
23 within the city of Mobile?

1                   A.     Yes.

2                   Q.     Okay.  Now, I note that the  
3       commission's records reflect -- somewhere  
4       in here I saw it -- it reflected that you  
5       had received tickets for violations.  Is  
6       that correct?

7                   A.     Correct.

8                   Q.     And at least two violations.  
9       One hauling for hire.  And what were the  
10      violations for?

11                  A.     I really don't remember to  
12      be honest with you.  I don't know.  I just  
13      paid them.

14                  Q.     Well, let's see.  One of  
15      them, ticket number 3865 indicates -- and  
16      this is out of the commission's records --  
17      that company picked up passengers in  
18      Baldwin County and took them to  
19      Orange Beach; no APSC certificate.

20                  And there's another one here,  
21      certificate number 3866, the first one was  
22      3865, where your company picked up  
23      passengers in Bay Minette and delivered

1       them to Orange Beach and you had no  
2       authority to cover that. Is that correct?

3               A.     Yes, sir, that's correct.

4               Q.     Okay. Now, have you had any  
5       other violations, for instance, since the  
6       application was filed or other violations  
7       other than those two that are listed in  
8       the commission's records?

9               A.     No, sir. I haven't been  
10      back.

11              Q.     Now, which vehicles were  
12      using for those operations?

13              A.     Sir, I don't remember. I  
14      wasn't driving.

15              Q.     Let's just have a brief look  
16      again. One was a Hummer, ticket number  
17      3865. And the other one was 3866. What  
18      was that vehicle?

19              A.     2000 Lincoln.

20              Q.     Was that the ten passenger  
21      or was that the stretch fourteen, sixteen?

22              A.     Sir, I do not know.

23              Q.     So one of those was one of



1       those vehicles you use in the city of  
2       Mobile as well that holds up to sixteen  
3       passengers for your city of Mobile  
4       operation?

5               A.       Both of them were.

6               Q.       Okay. Both of them were the  
7       sixteen passenger or fourteen passenger?

8               A.       No, sir. I didn't say that.

9               Q.       Okay.

10              A.       The Hummer definitely is,  
11       but the other was a 2000 Lincoln. That  
12       may have been a ten passenger vehicle.

13              Q.       Okay. Do you hold a city  
14       license in Mobile?

15              A.       Yes, sir.

16              Q.       And it's under your name as  
17       well?

18              A.       Yes, sir. It may be under  
19       Don Gomien, doing business as Modern Tans  
20       and Limousines.

21              Q.       Modern, what was that?

22              A.       Modern Tans and Limousines.

23              Q.       How do you spell that middle

1 word?

2 A. Tans. Like a tanning salon.

3 Q. Like a sun tan?

4 A. Yes, sir.

5 Q. Oh, okay. You have more  
6 than one business?

7 A. Yes, sir.

8 Q. What other businesses are  
9 you involved in?

10 A. I own a tanning salon and a  
11 limousine business and that's basically  
12 it. I run a security business on the  
13 side.

14 Q. You have a security  
15 business. So you have three businesses  
16 that you're running?

17 A. Yes, sir.

18 Q. So you're not full-time in  
19 the limousine business then?

20 A. I think I am. Yes, sir, I  
21 am.

22 Q. But you have those other two  
23 businesses that you're running as well?

1 A. Yes, sir.

2 Q. Okay. So you're involved in  
3 three businesses. And you've got the same  
4 seven days in a week the rest of us do?

5 A. Currently, yes.

6 Q. Where do you keep your  
7 equipment.

8 A. At the business that I  
9 bought. The building that I bought.

10 Q. And that's the building on  
11 Leroy Stevens Road?

12 A. Yes.

13 Q. And what's the building  
14 like? What type of building is it? What  
15 do you have there?

16 A. It's like a little, small,  
17 little strip mall that I purchased. It's  
18 a metal frame building. The limousines  
19 are now locked behind an eight foot fence  
20 with barbed wire over it because what's  
21 not nailed down has been recently stolen  
22 or broken into. And I run my businesses  
23 and I have my offices -- one of my offices

1       are there with that.   And --

2               Q.       Are all of your businesses  
3       run out of that location?

4               A.       Yes, sir.

5               Q.       Okay.   Under that one roof?

6               A.       Yes, sir.

7               Q.       Okay.   You've indicated --  
8       what else do you have there?   Do you park  
9       your vehicles there?

10              A.       Yes, sir.   That's where  
11       they're kept.

12              Q.       Now, you've indicated you've  
13       recently sold three vehicles?

14              A.       I've sold some limousines,  
15       yes, sir.   Well, when I say recently, in  
16       about the last year I've sold three  
17       limousines.

18              Q.       Because you just weren't  
19       using them enough?

20              A.       No, sir.   I wanted to  
21       upgrade to fleet.

22              Q.       You replaced those vehicles  
23       then?

1                   A.     I'm going to.

2                   Q.     Okay.  You haven't yet.  You  
3     sold off three vehicles and you maintained  
4     the other four vehicles we've talked  
5     about?

6                   A.     Yes, sir.  I've done  
7     upgrades with those.  Yes.

8                   Q.     How long have you had the  
9     four vehicles you've got?  I notice the  
10    most recent one, I think, was an '05, the  
11    Ford Excursion?

12                  A.     Yes, sir.  I think it's an  
13    '05.  I'm not positive.  But I think it's  
14    an '05 with an '07 conversion.  I bought  
15    it two years ago.  This may be the second  
16    year.

17                  Q.     Okay.  And that's the newest  
18    one of your vehicles?

19                  A.     Yes, sir.

20                  Q.     Do you plan to station any  
21    equipment in Baldwin County if this  
22    application is granted?

23                  A.     I am currently purchasing a

1 second home here in Orange Beach. Yes.

2 And I am considering -- I could depending  
3 on how much business actually comes from  
4 here for me and this company.

5 Q. Are you buying a condo as  
6 the second home?

7 A. Yes, sir.

8 Q. But currently you don't have  
9 any plans to station a vehicle here?

10 A. No, sir.

11 Q. Okay. Now, do you also have  
12 a full-time job as a deputy sheriff in  
13 Mobile County?

14 A. Yes, sir.

15 Q. Okay. Is that the security  
16 business you're talking about, or do you  
17 have another security business on top of  
18 being a full-time employee with the Mobile  
19 County Sheriff's Department?

20 A. What's the question again?

21 Q. You indicated one of your  
22 jobs or businesses was a security  
23 business.

1                   A.     Correct.

2                   Q.     Do you have a security  
3     business that is beyond your being a  
4     full-time employee of the Mobile County  
5     Sheriff's Department?

6                   A.     Yes, sir.

7                   Q.     Okay. So you have the  
8     Mobile County Sheriff's Department. You  
9     have the limo service. You have the  
10    tanning salon. And you have a security  
11    business.

12                  A.     Yes, sir. Currently.

13                  Q.     Okay. Who works full-time  
14    for the limo service?

15                  A.     My mother.

16                  Q.     Okay. Is she a paid  
17    employee?

18                  A.     Yes, sir.

19                  Q.     Okay. Does any other  
20    employee work full-time for the limo  
21    service?

22                  A.     No, sir. Everybody's  
23    part-time.

1                   Q.     What was your revenue, I'll  
2     say 2007? Do you have those figures  
3     available?

4                   A.     I do. Well I'm sorry I do  
5     not. I have '09 and '08.

6                   Q.     Okay. '08?

7                   A.     '08. Which company?

8                   Q.     The limo service is the one  
9     we're interested in.

10                  A.     Okay. It was one hundred  
11     seventy-one thousand.

12                  Q.     Okay. That's the gross  
13     revenue generated that year, '08?

14                  A.     Yes, sir.

15                  Q.     Okay.

16                  A.     No. That's '09.

17                  Q.     That's '09?

18                  A.     Yes, sir.

19                  Q.     Okay. '08, what was your  
20     gross revenues in the limo business?

21                  A.     One hundred eighteen.

22                  Q.     One hundred eighteen in '08?

23                  A.     Yes, sir.



1                   Q.     Now, today for 2010, do you  
2     have any figures available?

3                   A.     I do.

4                   Q.     What are they so far?

5                   A.     Approximately one hundred  
6     ninety as of July.

7                   Q.     Okay. And that's with your  
8     reduced vehicle numbers. When did you  
9     sell off the three?

10                  A.     That's been within the last  
11     year or so. Yes, sir.

12                  Q.     Okay. Now, those figures  
13     are just the limo business?

14                  A.     Yes, sir.

15                  Q.     Now, is that the largest  
16     producer of revenue of your multiple  
17     businesses?

18                  A.     Yes, sir.

19                  Q.     Now, you mentioned these  
20     vehicles, but don't you have also some  
21     other vehicles you operate through your  
22     limo service? Don't you have some vans?

23                  A.     I do.

1           Q.     Tell me about the vans you  
2     have and what operations you're currently  
3     involved in with, with those vans.

4           A.     I have a BP contract. That  
5     contracts three vans, which I have 2010  
6     leased vans, which are operated solely  
7     within the city of Mobile for BP.

8           Q.     Okay. And what's the  
9     capacity of those vans?

10          A.     They're eight.

11          Q.     Eight passenger. Minivans  
12     essentially?

13          A.     They're Econo vans.

14          Q.     Okay. And those are only  
15     operated within the city of Mobile and  
16     only in connection with the contract with  
17     BP?

18          A.     Yes, sir. Through a  
19     contractor that's contracted through BP as  
20     a result of the oil spill. Yes.

21          Q.     And you don't intend to  
22     utilize those in your luxury limousine  
23     services then?

1           A.     I'm not going to say that.

2     I'm not sure at this point. I may make an  
3     offer to purchase the vans.

4           Q.     And if so, you're going to  
5     operate them as luxury limousines then?

6           A.     No, sir. I'm going to  
7     operate them as a shuttle service, a van  
8     service.

9           Q.     A van service. Where do you  
10    intend to operate that?

11          A.     Where ever the Alabama  
12    Public Service Commission will let me.

13          Q.     But your current authority  
14    is limited to luxury limousines. Is that  
15    correct?

16          A.     Yes, sir.

17          Q.     Are any of those Econo line  
18    vans luxury limousines?

19          A.     No, sir.

20          Q.     Okay. So you don't intend  
21    to operate them under your current  
22    authority?

23          A.     No, sir. I'll have to add

1       them on if I did if I chose later.

2                   MR. WILSON:   I don't have  
3       any further questions.

4                   ALJ GARNER:   Do you need to  
5       clarify any of the questions that you were  
6       asked?

7                   MR. GOMIEN:   No, sir.

8                   ALJ GARNER:   Can we go to  
9       your witness?

10                  MR. GOMIEN:   Yes, sir.

11                  ALJ GARNER:   Since you have  
12       no further testimony of yourself, we'll go  
13       ahead with your witness who has been  
14       sworn.

15                          RANDY MATSON  
16       having first been duly sworn, was examined  
17       and testified as follows:

18                          DIRECT EXAMINATION

19       BY MR. GOMIEN:

20               Q.     State your name, sir.

21               A.     Randy Matson.

22               Q.     How are you employed?

23               A.     I'm a partner in a real

1 estate company and I also have a  
2 maintenance company.

3 Q. So you have more than one  
4 company?

5 A. I do.

6 Q. Do you think that's crime?

7 A. No.

8 Q. Okay. Where are those  
9 employments at?

10 A. Gulf Shores.

11 Q. Okay. Do you live here?

12 A. I do.

13 Q. In the city of Gulf Shores?

14 A. I do.

15 Q. How long have you lived  
16 here?

17 A. About fifteen years.

18 Q. Have you ever had an  
19 opportunity to do business in the city of  
20 Mobile?

21 Well, let me clarify a little bit  
22 better and rephrase the question. Have  
23 you ever done limousine business or been

1       in limousines or used limousine service in  
2       the city of Mobile?

3               A.     Yeah.

4               Q.     Okay. Did you ever use my  
5       service in Mobile?

6               A.     Yes.

7               Q.     Were you satisfied with that  
8       service?

9               A.     Absolutely.

10              Q.     Okay. Have you and I  
11      discussed business opportunities in  
12      Gulf Shores?

13              A.     Yeah.

14              Q.     Okay. And in your business,  
15      is it common to entertain guests?

16              A.     Yes, sometimes it is.

17              Q.     Or clients?

18              A.     Uh-huh.

19              Q.     Guests or clients. In fact,  
20      recently somebody was in your office while  
21      I was there inquiring -- a guest that you  
22      were going to take out that night?

23              A.     Right.

1                   Q.     Okay.  Would that require  
2     from time to time maybe a limousine  
3     service?

4                   A.     From time to time it might.

5                   Q.     And have you expressed to me  
6     your desire to use my company in the city  
7     of Orange Beach and/or Gulf Shores?

8                   A.     Uh-huh.

9                   Q.     Okay.  That would require me  
10    bringing or contracting a limousine to  
11    come over into Baldwin County in order to  
12    pick up your guests here?

13                  A.     Right.

14                  Q.     And if I was denied the  
15    authority to do that, one, I would not be  
16    able to come over here.  Do you understand  
17    that?

18                  A.     Uh-huh.

19                  Q.     And two, you would have to  
20    use another company specified by somebody  
21    else?

22                  A.     Yeah.

23                           MR. GOMIEN:  Thank you.  I

1       don't have anything else.

2                               CROSS-EXAMINATION

3       BY MR. WILSON:

4               Q.       Now, Mr. Matson, you've  
5       indicated there are times when you may use  
6       a limo service in Baldwin County. Tell me  
7       the last time you used a limo service in  
8       Baldwin County.

9               A.       Well, I haven't.

10              Q.       You haven't?

11              A.       No, sir.

12              Q.       But there may be a time in  
13       the future when you might?

14              A.       Absolutely.

15              Q.       Now, if you need a limo  
16       service in Baldwin County, where would it  
17       be going from and to?

18              A.       Well, it could be going to  
19       the boats. It could be, you know, local  
20       around here to some of the local  
21       establishments, restaurants, bars.

22              Q.       So it would be around in  
23       Gulf Shores, Orange Beach, along the coast



1       here.  Would some of it maybe even be in  
2       Pensacola?

3               A.       Sure.  I mean possibly.  I  
4       don't know.

5               Q.       So you're basically talking  
6       about a limousine that would pick somebody  
7       up at one of the hotels or condominiums  
8       along the coast and take them to  
9       restaurants or lounges along the coastal  
10      area?

11              A.       Uh-huh.

12              Q.       Have you ever contacted any  
13      of the existing limousine services to  
14      determine what's available to you out  
15      there?

16              A.       No, I never have contacted.  
17      I look in the phone book and see what's  
18      available.

19              Q.       You've never done that thus  
20      far?

21              A.       As far as contacting local  
22      service?

23              Q.       Right.

1                   A.     No, I haven't.

2                             MR. WILSON:   I don't have  
3     any further questions.

4                             MR. GOMIEN:   Your Honor, may  
5     I ask him another question?

6                             ALJ GARNER:   Yeah.  
7     Redirect.

8                             REDIRECT EXAMINATION

9     BY MR. GOMIEN:

10                   Q.     Why have you not contacted  
11     another service in the past when you used  
12     a limousine?

13                   A.     Well, I know you.   I like  
14     dealing with your company whenever I used  
15     you in Mobile.   You've always done a good  
16     job.   Your limos are clean and nice.

17                   Q.     It's Mr. Matson?   M-a-t --

18                   A.     M-a-t-s-o-n.

19                   Q.     Mr. Matson, you would use my  
20     limousine service if I was able to provide  
21     the service in this area?

22                   A.     If I had a need to use you,  
23     yes.

1 MR. GOMIEN: Thank you.

2 RECROSS-EXAMINATION

3 BY MR. WILSON:

4 Q. Mr. Matson, do you know that  
5 you could use his services in Gulf Shores  
6 or Orange Beach today for exactly what you  
7 indicated you might have a need for? No  
8 authority needed from this Public Service  
9 Commission. Have you called on him for a  
10 variety of those services?

11 A. No.

12 Q. Okay. You can.

13 MR. WILSON: I don't have  
14 any further questions.

15 ALJ GARNER: Do you have  
16 anything further? If there's nothing  
17 further, Mr. Matson is excused. Thank you  
18 for your testimony. I appreciate you  
19 coming.

20 Did you have anything else you needed  
21 to present other than that closing  
22 statement?

23 MR. GOMIEN: No, sir.

1 ALJ GARNER: If the  
2 applicant is resting, then let's go ahead  
3 and go into the protestant's case.

4 Let me go ahead and swear in all the  
5 protestant witnesses.

6 SHANNON LINVILLE  
7 having been first duly sworn, was examined  
8 and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. WILSON

11 Q. Can you tell me your name,  
12 please?

13 A. Shannon Linville.

14 Q. And the company with which  
15 you do business?

16 A. Professional Limousine  
17 Service.

18 Q. Now, are you related to  
19 Mr. Harold L. Linville (SIC) in any way?

20 A. Yes, that's my husband.

21 Q. And in connection with  
22 Professional Limousine Service, where are  
23 your offices located?

1           A.     Daphne, Alabama, 104 Pagan  
2     Circle, Daphne.

3           Q.     And how many vehicles do you  
4     currently operate?

5           A.     Three.

6           Q.     And do you currently have  
7     authority from this commission, from the  
8     Public Service Commission under  
9     certificate number 3742?

10          A.     Yes.

11          Q.     And is that authority on  
12     record with the commission?

13          A.     Yes.

14          Q.     Now, are you currently  
15     providing limousine services under that  
16     certificate?

17          A.     Yes.

18          Q.     Tell me a little bit about  
19     the operations that you're currently  
20     providing under that certificate.

21          A.     We do weddings,  
22     anniversaries, nights out on the town,  
23     proms, Mardi Gras.

1                   Q.     Now, the only witness here  
2     today that testified as to any need for  
3     services of a limousine company was  
4     Mr. Matson. Were you here when he  
5     testified that he might at some point need  
6     services along the Baldwin County Gulf  
7     Coast?

8                   A.     Yes.

9                   Q.     Is that something you could  
10    provide today since it's in the exempt  
11    area?

12                  A.     Yes.

13                  Q.     Would that be desirable  
14    business for you?

15                  A.     Yes.

16                  Q.     Now, do you have competition  
17    in Baldwin County right now for business?

18                  A.     Yes.

19                  Q.     How many companies do you  
20    normally compete with?

21                  A.     In Baldwin County,  
22    basically, I believe there's about five.  
23    And if you want to include Mobile, you're

1 looking at probably about five legal ones.

2 Q. Companies that are based in  
3 Mobile that also operate in Baldwin  
4 County?

5 A. Operate and come into  
6 Daphne.

7 Q. So you've got about ten  
8 legal competitors currently?

9 A. Yes.

10 Q. Now, how has your business  
11 been affected fairly recently?

12 A. It's gotten ugly. It's not  
13 very good.

14 Q. Now, has the BP oil spill  
15 affected --

16 A. Yes. The BP oil spill  
17 affected us because there's hardly any --  
18 we used to carry a lot of people down to  
19 the beach area for dinner and going out on  
20 the town. And now very few people are  
21 coming down to the beach.

22 And then of course, we mentioned it,  
23 the Wharf is fixing to foreclose. We used

1 a carry a lot of people down there, and we  
2 won't we carrying that many down there.

3 Q. Now, where is the Wharf  
4 located and exactly what is it?

5 A. The Wharf is -- I would call  
6 it kind of like a resort area. It's on  
7 Canal in Orange Beach, Canal Street. And  
8 it holds concerts, has restaurants and  
9 shops, and auditoriums, theater,  
10 condominiums. But it's all fixing to  
11 close.

12 Q. Well, will that affect your  
13 business?

14 A. Most certainly, yes.

15 Q. Now, are there any  
16 restaurants and lounges that have been  
17 affected in Baldwin County by the BP oil  
18 spill and the economy?

19 A. Oh, yes. There's two or  
20 three in Foley, the restaurants. One of  
21 them is Cici's. They had to close their  
22 doors. And we used to take a number of  
23 young people there. They like to go



1       there.

2                   Q.       Now, does Cici's have a big  
3       sign in front of it now?

4                   A.       Yeah.

5                   Q.       What's that sign say?

6                   A.       It says closed due to the  
7       spill.

8                   Q.       Now, the fact that  
9       restaurants and lounges are closing, how  
10      does that relate to your business as a  
11      luxury limo service?

12                  A.       Well, normally we would  
13      carry people around to dinner and to  
14      lounges and clubs and places. And they  
15      would prefer to go in limousines. They  
16      could take a group of people and split the  
17      cost and also not worry about getting a  
18      DUI.

19                  Q.       So there are less  
20      restaurants and lounges to take them to?

21                  A.       Well, to go to, yeah.

22                  Q.       Okay. You've mentioned you  
23      have several vehicles, several luxury

1       limousines.  Would you tell us about what  
2       kind they are, what age they are, and what  
3       their capacity is?

4               A.       We have two Cadillac  
5       limousines.  One is built in 2000.  One is  
6       '99.  The black Cadillac -- both Cadillacs  
7       are five door limousines, which means the  
8       whole side panel opens up for easy access.  
9       A lot of older people and young people  
10      alike like to get in so they don't have to  
11      keep sliding back through.

12             Q.       And what's the capacity on  
13      them?

14             A.       Seven in the white Cadillac  
15      and eight in the black.

16             Q.       And did you indicate you  
17      have a third vehicle as well?

18             A.       Yes, our newest one.  It's a  
19      Lincoln Nighthawk.  It says it carries up  
20      to ten people, but we don't put ten in it.

21             People nowadays have gotten a little  
22      larger than they used to be.  So instead  
23      of saying are you small or large, we just

1       try to keep, you know, eight or nine in  
2       there and not worry about asking.

3               Q.       Do you have equipment that's  
4       available that's not being used fully?

5               A.       Yes.   Foley prom, which a  
6       number of people in this area were  
7       ticketed for, for not having a license in  
8       there, we didn't even have one limousine  
9       because there was ten ticketed that night  
10      that were running out of their areas.

11              Q.       That were unauthorized?

12              A.       Unauthorized vehicles, yeah.  
13      And then --

14              Q.       And you had three vehicles  
15      that were available?

16              A.       Sitting.   Sitting available,  
17      including our new one.   So it wouldn't  
18      make any difference what the age of them  
19      are.   Our's are all nonsmoking, leather  
20      interior, clean as a pin.

21              Q.       Now, do you have a  
22      percentage of how much your business has  
23      decreased over the past year or so?

1           A.     According to my husband,  
2     it's dropped considerably. He says it's  
3     almost down to seventy percent, I believe.

4           Q.     It's dropped seventy  
5     percent?

6           A.     Right.

7           Q.     And that's based on your  
8     company's records of gross revenues  
9     received?

10          A.     Right.

11          Q.     Now, can you afford to have  
12     another competitor in the marketplace?

13          A.     No. Basically, whether it's  
14     a legal competitor or a nonlegal  
15     competitor, we can't afford it. Nonlegal  
16     competitors, they undercut you down to  
17     where you can't even afford to pull them  
18     out of your shop area. And we just don't  
19     need any more right now. You know, if  
20     things were better, that might be  
21     something else. But they're not good now.

22          Q.     Why are you opposing this  
23     application today?

1           A.     Because we really can't  
2     afford to have another limousine service  
3     come into our area when we're just barely  
4     hanging on. And this is not against the  
5     law. This is our only business.

6           Q.     Okay?

7                     MR. WILSON: I have no  
8     further questions.

9                     CROSS-EXAMINATION

10          BY MR. GOMIEN:

11           Q.     Ms. Linville, I'm not an  
12     attorney.

13           A.     Yes. I know who you are.

14           Q.     So I'm going to try to be as  
15     tactful and fast as I can with my  
16     questions. So if I don't come over real  
17     clearly, just ask me again and we'll try  
18     to figure out where I'm trying to go with  
19     this.

20           Now, your business is 104 Pagan Circle  
21     in Daphne?

22           A.     Yes.

23           Q.     Is that your house?

1           A.     That's where the phone calls  
2     come into, yes.

3           Q.     Do you guys have a business  
4     office?

5           A.     That is our office.

6           Q.     That's your house.

7           A.     But it's not where the  
8     limousines are housed.

9           Q.     Oh, okay.   Where are they  
10    housed at?

11          A.     They have been housed at  
12    Pollard Road in Daphne.

13          Q.     Is that somebody's house  
14    also?

15          A.     No, that's a business.

16          Q.     Okay.

17          A.     Chained, linked, as you well  
18    know how you need to keep them chained.  
19    Eight foot chains.

20          Q.     You guys have to do that in  
21    Daphne too?

22          A.     Oh, certainly.   You have to  
23    do that all over.

1                   Q.     Good.  I don't feel so bad  
2     now.

3                   A.     You might check your  
4     competitors.

5                   Q.     Well, I think I'm doing that  
6     now.

7                             ALJ GARNER:  Let's keep it  
8     to question and answers.

9                   Q.     Let me ask you this, you  
10    have three limousines?

11                  A.     Yes.

12                  Q.     What are the inches of those  
13    limousines?  And I think I've testified  
14    earlier -- did you hear me testify when I  
15    said my stretched cars are one hundred  
16    twenty inch limousines?

17                  A.     Yes.

18                  Q.     Is that what your's are?

19                  A.     The Nighthawk is a one  
20    hundred twenty.

21                  Q.     What's the Cadillac's?  How  
22    many inches are they?

23                  A.     One hundred.

1 Q. They're one hundred?

2 A. Uh-huh.

3 Q. So they're six to eight  
4 passengers. They're called an eight pack,  
5 aren't they?

6 A. Eight pack. Uh-huh.

7 Q. And that one hundred twenty  
8 is called a ten pack, isn't it?

9 A. Right.

10 Q. In reality it's like you  
11 testified, we only put seven in there?

12 A. We don't like to put that  
13 many into it.

14 Q. Okay. Well good.

15 A. That's what it says when you  
16 read the ads. All one hundred twenties  
17 usually say ten passenger, but as we all  
18 know, they're not really.

19 Q. I was sitting in the  
20 audience earlier today and I heard you  
21 testify that you've been in the  
22 business -- correct me if I'm wrong --  
23 eleven years?



1                   A.     Yeah.   Eleven years.

2                   Q.     Eleven years.   Do you own an  
3   H2 Hummer limousine?

4                   A.     No.

5                   Q.     Why?

6                   A.     We basically haven't had a  
7   need other than at prom time.   Just until  
8   recently did people even start getting  
9   into them, the last two or three years.  
10   But as a whole, unless it's prom time, we  
11   don't get that many calls.

12                  Q.     Sure.   Yes, ma'am.   And I  
13   see the smile on your husband's name.   I  
14   think he knows where I'm going with this.  
15   So in eleven years you've never thought  
16   that there's a need in Baldwin County for  
17   a stretched limousine truck?

18                  A.     Yeah, I wouldn't say there  
19   wasn't necessarily a need.   But when we  
20   have all the illegals coming in and  
21   bumping us off where we could afford to  
22   maybe buy an H2 Hummer, that kind of  
23   changes the outlook on the cost of buying

1       one.

2                   Q.       Okay.   But you've been in  
3       business eleven years?

4                   A.       Right.   But up until the  
5       last two or three years, there wasn't  
6       really -- as you know, there wasn't many  
7       H2 Hummers, and there wasn't any  
8       Navigators or anything like that.

9           When you first went into business, I  
10       don't believe there was any of those.

11                  Q.       If there were, they were  
12       rare, weren't they?

13                  A.       Very rare.   And they were  
14       brought in from out of town.

15                  Q.       Oh, good point.   So why now?  
16       Why are people buying them?   Why am I  
17       buying them?   Why do I have an H2 Hummer  
18       and Navigator and Excursion?

19                           MR. WILSON:   Objection, your  
20       Honor.   He's asking her why he did  
21       something.

22                           MR. GOMIEN:   Okay.   I'll  
23       restate it, Judge.

1 ALJ GARNER: A different  
2 approach.

3 MR. GOMIEN: Yes, sir.

4 Q. Do you own a Lincoln  
5 Navigator, stretch Navigator?

6 A. No.

7 Q. Okay. Do you own a Ford  
8 stretch Excursion?

9 A. No.

10 Q. Okay. Let me see here. So  
11 you don't own any of those three here?

12 A. No.

13 Q. Well, what do you charge an  
14 hour?

15 A. Seventy-five an hour.

16 Q. Seventy-five an hour. Would  
17 that be the same that I charge?

18 MR. WILSON: Objection, your  
19 Honor. I mean, rates are on file.

20 MR. GOMIEN: I think she can  
21 testify to it, Judge, because based on the  
22 next question I'm going to ask her, she  
23 would know that.

1                   MR. WILSON: Your Honor,  
2 rates are on file before this commission.

3                   ALJ GARNER: I understand  
4 that. But you need to stay away from  
5 asking her questions phrased in the manner  
6 you're phrasing them because the way  
7 you're asking them, you're asking her  
8 questions about your operation. So go  
9 bout it a different way.

10                  MR. GOMIEN: Can I go about  
11 it this way?

12                 Q. Do you know about my  
13 operation? Are you familiar with it?

14                 A. I'm somewhat familiar with  
15 your operation, yes.

16                 Q. Tell the judge why.

17                 A. Why what?

18                 Q. Why your company is familiar  
19 with my operation. Tell him.

20                 A. We worked with you --

21                 Q. You've had to call me in the  
22 past, haven't you?

23                 A. No, I have not called you in

1 the past. Oh, yeah, we did too call you  
2 in the past one time.

3 Q. How many times?

4 A. Once. Once. And that was  
5 for a friend of Hal's.

6 ALJ GARNER: One question.  
7 One answer.

8 A. And we didn't realize that  
9 you weren't legal to come out of Mobile at  
10 the time either, so, you know, otherwise  
11 we wouldn't have ever have called and  
12 subjected that they use you.

13 Q. So you're aware of your  
14 company contacting me and my company only  
15 once?

16 A. Once. Yeah.

17 Q. And you know, I don't really  
18 answer the phone, but I would say it's  
19 quite a few more times than that. But  
20 we'll come back to that in just a second.  
21 That's okay.

22 Let me ask you this, have you ever  
23 received any tickets?

1 A. No.

2 Q. How did you know that there  
3 were ten tickets written at the Wharf that  
4 night?

5 A. I was there.

6 Q. Okay. Why were you there?

7 A. I was doing a prom.

8 Q. So you were in a limousine?

9 A. Yeah.

10 Q. Working?

11 A. Yeah.

12 Q. I thought you just testified  
13 that all of your limousines were sitting  
14 in the parking lot?

15 A. Foley. At Foley's prom.  
16 Not Bay Minette's prom in Orange Beach,  
17 Foley's prom. Weren't you a Foley's prom?  
18 You had a limousine Foley's prom.

19 ALJ GARNER: Ma'am, don't  
20 ask him questions. Just respond to the  
21 question he has on the table.

22 Q. You called me in the past to  
23 do work for you in Baldwin County?

1           A.     You've already asked me  
2     about that, and I answered one time.

3           Q.     Did you get a complaint  
4     about that?

5           A.     Pardon?

6           Q.     Did the customer call you up  
7     and say, that's a terrible limo company,  
8     in fact, they were illegal the whole time  
9     they were here?

10          A.     No. They said that your  
11     driver didn't know where they were going.  
12     And they had to keep trying to give her  
13     directions. It was a lady driver and she  
14     wasn't used to handling a vehicle that  
15     large. And he didn't know if he would  
16     ever use you again.

17          Q.     Is that the same lady that  
18     quit my company and went to work for  
19     Baldwin --

20          A.     No. No. No. No. No. No.  
21     No. No. No. No. It was not.

22          Q.     That's okay.

23          A.     You have a number of lady

1 drivers. I believe your wife even drove  
2 for a while.

3 ALJ GARNER: Okay. You're  
4 not responding to questions. You're  
5 interjecting things that are beyond the  
6 scope of the questions asked. You let  
7 your attorney handle all of that on  
8 redirect.

9 Q. Ma'am, is this a bad  
10 economy?

11 A. Pardon me?

12 Q. Is this a bad economy? Is  
13 it a bad economy?

14 A. Yeah, I think so.

15 Q. Do you think there are other  
16 businesses and other families struggling  
17 in this economy?

18 A. Sure there are. That's what  
19 we just got through saying that businesses  
20 were closing and you know.

21 Q. Do you own any other  
22 businesses?

23 A. No.



1                   Q.     Do you do any other kind of  
2     business work?

3                   A.     No.

4                   Q.     Does your husband?

5                   A.     No. As you said before, I  
6     believe you did, it's a twenty-four hour  
7     business. Somebody has to stay there and  
8     run the shop.

9                   Q.     They do, don't they?  
10    Somebody has to run it. It's 24/7, isn't  
11    it? And I think there's been other  
12    testimony, it's 24/7, isn't it?

13                  But if you're struggling in today's  
14    economy and today's world, what do you do?  
15    Do you just succumb to the depression that  
16    our country is in, or do you get another  
17    job?

18                  A.     Well, if I got another job,  
19    then I would have to leave the limousines  
20    and not be there to answer the phone or  
21    take care of the business or clean them  
22    up.

23                  Q.     Thank you. Did you ever

1       testify today that there are times when  
2       you guys don't answer the phone?

3               A.       No.    You never heard us say  
4       that.   That was somebody asking us did we  
5       not answer the phone.   We always answer  
6       the phone.   If we're not there, we usually  
7       forward the phones, or if we know that  
8       we're going to be in an area or possibly  
9       working a funeral, we might let the  
10      machine get it.   And then we would call  
11      the machine back to find out --

12             Q.       How many high schools are  
13      there in Baldwin County?

14             A.       There's seven.

15             Q.       There's seven?

16             A.       Uh-huh.

17             Q.       How many public schools are  
18      there?

19             A.       There's seven and that  
20      includes Bayside Academy.

21             Q.       In Baldwin County?

22             A.       In Baldwin County, high  
23      schools.

1                   Q.     No, ma'am. How many -- are  
2     you aware of how many schools there are in  
3     Baldwin County?

4                   A.     No, I'm not. Are you aware  
5     of how many are in Mobile?

6                   ALJ GARNER: Ma'am, you need  
7     to respond to questions only. You don't  
8     get to ask questions. Don't go beyond  
9     question and answer.

10                  Q.     How many McDonald's  
11     restaurants are there in Baldwin County?

12                  A.     I don't know.

13                  Q.     How many tanning salons?

14                  A.     How many what?

15                  Q.     How many tanning salons?

16                  A.     What? I still don't  
17     understand.

18                  Q.     How many tanning salons,  
19     where people go and get tan?

20                  A.     I have no idea.

21                  Q.     See this tan (indicating)?

22                  A.     Yeah, I know.

23                  Q.     Okay. Let me ask you this.

1 Let me do it like this for you then.

2 You understand that they're going  
3 to -- hopefully Baldwin County is still in  
4 business. Right?

5 A. I hope so.

6 Q. Okay. I don't think the  
7 county is going anywhere. But let me ask  
8 you this, are there going to be kids  
9 graduating from high school this year?

10 A. I hope so.

11 Q. I think so. Wouldn't it be  
12 safe to say there are?

13 A. Uh-huh.

14 Q. Do you think that kids are  
15 going to go to homecoming dances coming up  
16 pretty soon?

17 A. Yeah.

18 Q. In fact, I'm already getting  
19 calls about it. What about graduation?  
20 Prom? Senior proms?

21 ALJ GARNER: Are you giving  
22 a response? Are you asking a question?

23 THE WITNESS: I don't know

1        what he's doing.

2                    Q.        On prom night, how many  
3        people can you carry at one time in  
4        Baldwin County.    Just say Baldwin County.

5                    A.        Just --

6                    Q.        I'll tell you what, let's  
7        just narrow it down to one school.    How  
8        many people, ma'am, can you take on one  
9        night?    How many kids -- if I fill this  
10       whole room with witnesses which are kids  
11       graduating from high school --

12                   A.        About twenty-five.

13                   Q.        You can do twenty-five in  
14       one night?

15                   A.        Yeah.    That's about it for  
16       me.

17                   Q.        What about the rest of the  
18       kids?

19                   A.        Well, there's other services  
20       in our area.    So they can help handle a  
21       lot.

22                   Q.        Well, let's just say  
23       hypothetically there's four hundred kids

1     graduating from high school this year -- I  
2     think the numbers are probably a little  
3     bit higher. In fact, I think I have some  
4     numbers that prove that. Let's just say  
5     four hundred kids, do you think there's  
6     enough legal limousine companies in  
7     Baldwin County to take four hundred kids  
8     back and forth to prom on their prom  
9     night?

10           A.     I don't know.

11           Q.     No?

12           A.     I don't know.

13           Q.     What about graduation?

14           A.     We don't do a lot of  
15     graduation.

16           Q.     Okay. Should there only be  
17     one McDonald's if you wanted a Big Mac?

18           A.     No, there shouldn't be just  
19     one McDonald's.

20           Q.     Well why should there not be  
21     more than one --

22                   MR. WILSON: Your Honor, I  
23     mean, the regulations before this

1 commission have been in place for seventy  
2 years. It's different from the general  
3 economy. And there's no reason to argue  
4 about what law should be in place or what  
5 law shouldn't be in place. The law is as  
6 it is.

7 MR. GOMIEN: We have to  
8 address availability, Judge. It's why  
9 we're here.

10 ALJ GARNER: Well, you do  
11 that through witnesses who can testify  
12 about a need for the service. You don't  
13 do it through statements about how you  
14 feel about the law or what it ought to be.  
15 I don't make the law. I just enforce it.  
16 So unless things change, that's what we're  
17 here to do.

18 MR. GOMIEN: That's all.  
19 Thank you.

20 REDIRECT EXAMINATION

21 BY MR. WILSON:

22 Q. I have a few more questions.  
23 Now, if four hundred kids wanted limo

1 services and you knew in advance about  
2 that, could you make some arrangements?  
3 Could you acquire additional equipment?

4 A. Oh, sure. You could get  
5 fleets coming out of all over the place to  
6 add to your fleet by notifying the state  
7 and putting them under your wing or  
8 whatever.

9 Q. Now, how much -- when do you  
10 know what prom dates are? How much  
11 advanced notice do you have that a prom is  
12 going to be on a certain date?

13 A. Usually we try to check to  
14 see when the proms are. I know when --  
15 some of the schools close by us, I know  
16 when they are because my grandchildren go  
17 to them. And they inform me right away at  
18 the beginning of the year. Other than  
19 that, you just have to call the schools  
20 and check on it.

21 Q. For instance, a prom is not  
22 scheduled a week ahead of time?

23 A. Oh, no.



1 Q. It's a lengthy period?

2 A. Right.

3 Q. Okay. Now, if you were  
4 called upon with sufficient demand to  
5 acquire a stretch Hummer, would your  
6 company buy a stretch Hummer?

7 A. Oh, sure. If we could  
8 afford it, sure we would.

9 Q. Okay. Would the same thing  
10 apply to any other vehicle that falls  
11 within the authority you're capable of  
12 providing if the demand is there for you?

13 A. Yes.

14 Q. Well, have you gotten enough  
15 demand to warrant that?

16 A. The only time we ever get a  
17 demand for the Hummers is really at prom  
18 season. And then the rest of the time --  
19 and I think some of the other companies in  
20 our area can attest that the larger  
21 vehicles are not being used that often  
22 except at prom time. So we can go -- I  
23 can only go by the calls I get, the

1 requests I get. Do you have one, you  
2 know.

3 Q. Okay. And in fact, you just  
4 had another case and you appeared in which  
5 the applicant has Hummers and can  
6 currently provide service in parts of  
7 Baldwin County. Isn't that correct?

8 A. Correct. Up to twenty-five  
9 I believe.

10 Q. And how many companies did  
11 you say you do business with or compete  
12 against in the Baldwin County area that  
13 provide limo services?

14 A. Probably five.

15 Q. Now, would you say that prom  
16 season or Mardi Gras is a peak or a spike?  
17 It's not like that all along. It's just a  
18 little jump?

19 A. It's just a nice big rock in  
20 the road that helps you out.

21 Q. And you're providing  
22 equipment and services or holding out  
23 yourself and ready to provide services

1       three hundred sixty-five days a year?

2               A.       Yes.

3               Q.       You're paying insurance and  
4       maintenance and upkeep and paying drivers  
5       and so forth to be around and provide  
6       service in Baldwin County all the time,  
7       not just that peak time. Is that correct?

8               A.       Yes.

9               Q.       Now, you indicated you're  
10       not exactly busy every minute of every  
11       day. Are you out soliciting business to  
12       hope to get more business?

13              A.       Yes. Lots of times we'll go  
14       out and take brochures and fliers and  
15       stuff and go to other businesses that  
16       might pertain even -- bakeries, florists,  
17       you know.

18                      MR. WILSON: I have no  
19       further questions.

20                      MR. GOMIEN: Judge, just one  
21       or two more questions, please.

22                      RE CROSS-EXAMINATION

23       BY MR. GOMIEN:

1                   Q.     So eleven years, never had a  
2     phone call for a Hummer in eleven years?

3                   A.     I didn't say that.

4                   Q.     Okay.  You get them every  
5     year, don't you?

6                   A.     At prom time.

7                   Q.     You call me when you get  
8     them, don't you?

9                   A.     No, I don't call you.

10                  Q.     Yes, ma'am.

11                         ALJ GARNER:  You're being  
12     argumentative.

13                         MR. GOMIEN:  I know, you  
14     Honor.  But it really is aggravating when  
15     people are under oath and not doing what  
16     they're supposed to be doing here.

17                         MR. WILSON:  Objection, your  
18     Honor.

19                         ALJ GARNER:  I understand.  
20     But you've got to maintain your composure  
21     and get what you want in the record.  
22     You're not serving any other purpose  
23     otherwise.

1                   Q.     If you've been in business  
2     for eleven years and you've had people  
3     call for H2 Hummers -- and I'm just using  
4     Hummers as an example. And in fact, I  
5     have a Lincoln Navigator, a pretty nice  
6     vehicle.

7                   A.     Oh, yeah. Yeah.

8                   Q.     It's got a big sign on the  
9     back of it. It says -- have you seen it?

10                  A.     Oh, yeah.

11                  Q.     It says Mobile's only  
12     Lincoln Navigator. In fact, I could take  
13     that out --

14                         MR. WILSON: Objection, your  
15     Honor. He's testifying again.

16                         MR. GOMIEN: I'm sorry.

17                         ALJ GARNER: Question and  
18     answer.

19                  Q.     Now, why would you not buy  
20     one if I've proven in my business that  
21     there's a need for it because I'm in  
22     business for that --

23                         MR. WILSON: Object, your

1 Honor.

2 ALJ GARNER: I'll take it as  
3 he's proposing a hypothetical.

4 Q. Why would you not buy a  
5 Hummer if my business or another business  
6 in here can prove that they've been  
7 successful at it? Why would you not buy  
8 one?

9 A. Well, I probably would if  
10 they could prove that they had been  
11 successful other than prom season to take  
12 out more than, you know, ten people.

13 Q. Do you think I've been  
14 successful?

15 MR. WILSON: Objection, your  
16 Honor.

17 A. I don't know.

18 Q. But you've testified --

19 ALJ GARNER: You're going to  
20 have to go a different avenue.

21 Q. Well, what was your  
22 company's income for 2008?

23 A. I have no idea.

1 Q. 2009?

2 A. I don't know.

3 Q. Wow.

4 A. I don't run that part of the  
5 business.

6 Q. Who does?

7 A. My husband.

8 Q. Is that why he's not  
9 testifying?

10 MR. WILSON: Objection, your  
11 Honor.

12 ALJ GARNER: Sustained.

13 Q. Should the Alabama Public  
14 Service not allow me to conduct business  
15 in Baldwin County because I'm an  
16 entrepreneur?

17 MR. WILSON: Objection, your  
18 Honor.

19 MR. GOMIEN: She's here  
20 testifying against me.

21 ALJ GARNER: You're serving  
22 no purpose. The law is what the law is.  
23 To prove your case, you've got to stay in

1 the law and demonstrate a need for the  
2 service. Complaining about your  
3 interpretation of the law, it's not going  
4 to serve any purpose here today.

5 MR. GOMIEN: Yes, sir. And  
6 Judge, that's not what I'm trying to do.

7 Q. My question is -- and let me  
8 try it a different way. Should I be  
9 denied to operate in Baldwin County simply  
10 because I have made a good enough business  
11 to be able to provide a better service in  
12 this community?

13 MR. WILSON: Objection, your  
14 Honor. It's totally irrelevant to the  
15 issues before this commission.

16 ALJ GARNER: You've got to  
17 prove a lay a predicate for the question  
18 you're asking. And you haven't done that.

19 I don't even know that it would be  
20 appropriate anyway. Your whole line of  
21 questioning is really off base from what  
22 we're here to prove and what your burden  
23 is to prove.



1 MR. GOMIEN: If the  
2 testimony --

3 ALJ GARNER: You've got to  
4 prove it through witnesses other than  
5 yourself.

6 MR. GOMIEN: So if she  
7 testifies, Judge, that she's been in  
8 business eleven years and she only has  
9 three vehicles --

10 ALJ GARNER: That's already  
11 in the record. Your testimony is already  
12 in the record. But you're making  
13 statements at an inappropriate juncture in  
14 the proceeding when you're supposed to be  
15 asking questions of this witness.

16 MR. GOMIEN: Okay. I'll  
17 save it for later. Sorry.

18 ALJ GARNER: Thank you,  
19 ma'am, you're excused.

20 PAM KLEINATLAND  
21 having first been duly sworn, was examined  
22 and testified as follows:

23 DIRECT EXAMINATION

1 BY MR. WILSON:

2 Q. Could you tell us your name,  
3 please?

4 A. Pam Kleinatland.

5 Q. And spell it for the court  
6 reporter.

7 A. K-l-e-i-n-a-t-l-a-n-d.

8 Q. And the company with which  
9 you're employed?

10 A. Luxury Limo, LLC.

11 Q. And what's your capacity  
12 with the company?

13 A. I own Luxury Limo.

14 Q. You're the sole member of  
15 the company?

16 A. Yes.

17 Q. I've handed the  
18 administrative law judge a copy of what  
19 purports to be the authority held by your  
20 company and would ask that it be  
21 identified for record?

22 ALJ GARNER: The document  
23 will be marked as Luxury Limo Exhibit 1.

1 (Whereupon, Luxury Limo  
2 Exhibit No. 1 was  
3 marked for  
4 identification  
5 purposes.)

6 Q. What's your business  
7 address?

8 A. 24948 Wolf Bay Terrace,  
9 Orange Beach, Alabama.

10 Q. Are you involved in the  
11 day-to-day operations of the company?

12 A. Yes, I am.

13 Q. Tell me about the type  
14 operations you have. You provide luxury  
15 limousine service?

16 A. Luxury limousine service,  
17 right, for dinners, birthdays, proms, any  
18 type of transportation where they wanted  
19 luxury limousine service. Weddings,  
20 especially.

21 Q. And tell me about the  
22 equipment you currently operate.

23 A. All of my cars are white. I

1       have a 2001 Lincoln Town Car. In stretch  
2       a 2007 and I have a Ford Excursion.

3               Q.       Okay. Now, are these cars  
4       or vehicles, do you have a safety program  
5       in effect that covers these vehicles and  
6       the drivers that drive them?

7               A.       Yes.

8               Q.       Do you have a maintenance  
9       program in effect that covers maintenance  
10       on these vehicles?

11              A.       Yes.

12              Q.       Now, do you have a telephone  
13       service where people can call in to use  
14       your services?

15              A.       Right.

16              Q.       Okay. Do you advertise  
17       locally in Baldwin County?

18              A.       Baldwin County. Some in  
19       Mobile County. Television commercials,  
20       I've had some on the radio, a lot of  
21       internet, business cards, whatever I can  
22       get out. I'm a member of the business  
23       networking, you know, a member of the

1 chamber. Just whatever I can for people  
2 to see that we're there and we're  
3 available.

4 Q. Are you trying to increase  
5 your business?

6 A. I have been since I've been  
7 on it, yes.

8 Q. Okay. Have you expanded  
9 your number of vehicles?

10 A. I have.

11 Q. And when did you last add a  
12 vehicle?

13 A. In '08.

14 Q. Now, has there been any  
15 effect on the revenue you've generated as  
16 a result of doubling or tripling the  
17 number of vehicles you have?

18 A. No. Actually it has not  
19 helped me whether I have an eight  
20 passenger or fourteen passenger. It  
21 doesn't matter because they're either  
22 going to rent them or they're not. It  
23 hasn't helped.

1                   Q.     Now, has your company been  
2     affected by the BP oil spill?

3                   A.     Yes.

4                   Q.     Now, how does that affect  
5     your company as a provider of luxury  
6     limousines?

7                   A.     Well, people aren't renting  
8     luxury limousines. It is a luxury.  
9     People are not spending the money on that.  
10    We have no tourists down here hardly.  
11    And, you know, people are not going out  
12    and enjoying spending money the way that  
13    we hoped they would this year.

14                  Q.     Okay. Now, do you also have  
15    a fourteen passenger vehicle?

16                  A.     I do.

17                  Q.     And how do you use that  
18    vehicle?

19                  A.     Most of the time we use it,  
20    people want to go, like, from bar to bar,  
21    go to dinner if they've got, you know, a  
22    mother, dad, and the kids, or groups.  
23    Occasionally maybe to the Wharf for a

1 concert. We really don't do a lot of the  
2 concerts at the Wharf, especially now.  
3 But mostly it's bachelor/bachelorette  
4 parties that want to go around town to  
5 Flora-Bama and stuff like that.

6 Q. Is that within the exempt  
7 area of Gulf Shores, Orange Beach?

8 A. Right.

9 Q. Now, do you have competitors  
10 in the business, the luxury limousine  
11 business in Baldwin County?

12 A. I do. Legal and illegal.

13 Q. Well, tell me about the  
14 legal ones.

15 A. What do you want to know  
16 about the legal ones?

17 Q. Well, roughly how many  
18 companies are you competing with in  
19 Baldwin County for luxury limousine  
20 services?

21 A. Oh, okay. I would estimate  
22 about five, I guess, in the area.

23 Q. What about companies that

1       are in Mobile but also provide services in  
2       Baldwin County?

3               A.       Right. There are some as  
4       well over there. Off the top of my head,  
5       I can't remember the name of those out of  
6       Mobile. But there is always someone over  
7       there that can provide service here if we  
8       can't cover it, which is not very often.

9               Q.       Okay. Are you providing or  
10       holding yourself available for services  
11       three hundred sixty-five days a year?

12              A.       Three hundred sixty-five  
13       days a year.

14              Q.       And do you have equipment  
15       stationed in Baldwin County year round  
16       that you're maintaining and paying  
17       insurance on and drivers that you're  
18       using?

19              A.       Yes.

20              Q.       Now, there's been some  
21       discussions of proms and Mardi Gras. Is  
22       that desirable business for your company?

23              A.       It is. I mean we do look



1 forward to prom in March or April, which  
2 is about if you look at it, three or four  
3 days out of the year. And if we can rent  
4 all of our limos at that time, that is  
5 helpful to us.

6 Q. Do you have occasions when  
7 you have equipment available even then?

8 A. The last prom that we did,  
9 in fact, it's the one where everybody was  
10 ticketed, I still had one available. And  
11 I was right there.

12 Q. Now, what would the effect  
13 of having another competitor be in your  
14 area?

15 A. It's not going to help me  
16 one bit. It's going to hinder my  
17 business.

18 Q. And why are you opposing  
19 this application today?

20 A. Because I do not see the  
21 need for another company at this time to  
22 be in the luxury limo business.

23 Q. Now, if you saw a need in

1       your business to acquire even additional  
2       equipment through the demand and calls and  
3       so forth for it, would you acquire the  
4       additional --

5               A.       I would and I have tried to  
6       do that. It has not helped me in the last  
7       few years, but I have given it my best  
8       effort.

9               Q.       And will you continue to do  
10      that?

11              A.       I will continue do to do  
12      that.

13                      MR. WILSON: I have no  
14      further questions. We would offer the  
15      exhibit subject to cross-examination.

16                      ALJ GARNER: The document  
17      will be admitted subject to cross.

18                      CROSS-EXAMINATION

19      BY MR. GOMIEN:

20              Q.       What was your last name?

21              A.       Kleinatland.

22              Q.       Kleinatland. I'm sorry.

23      We've never met.

1                   A.     No, we haven't.

2                   Q.     Okay. Well, again, you  
3     heard the state earlier that I'm not an  
4     attorney and I'm not trying to be and I  
5     don't want to be. Well, I would love to  
6     be. I just can't be. I think I've got  
7     enough going on.

8                   All right. Can I ask you a few  
9     questions?

10                  A.     Sure.

11                  Q.     Out of all of your  
12     limousines, ma'am, what's the total number  
13     of people can you move at, say, one time?

14                  A.     Fourteen.

15                  Q.     Fourteen?

16                  A.     Uh-huh.

17                  Q.     And that's including all of  
18     your limousines. Fourteen people. Right?

19                  A.     Right. And then -- what do  
20     you mean? We have two eight passengers.

21                  Q.     Well, here's what I mean.

22     If some kids call you up for Foley High  
23     School here and say we're having our

1       senior prom and there's thirty of us. Do  
2       you have enough limousines to provide for  
3       thirty people that night?

4               A.       That's a bus.

5               Q.       So the answer is no?

6               A.       I don't have that. No.

7               Q.       Okay. So the answer is no?

8               A.       No.

9               Q.       Okay. Do you have an H2  
10      Hummer?

11              A.       No.

12              Q.       Okay. And I heard you  
13      testify you don't have a Navigator either.  
14      Is that correct?

15              A.       Right.

16              Q.       But you do have an SUV  
17      limousine?

18              A.       Yes.

19              Q.       I didn't know that. And  
20      that's good to know because I guess I'm  
21      going to ask you a question that I would  
22      have an answer for at times to. Sometimes  
23      do you get booked up?

1 A. No.

2 Q. Never?

3 A. Sometimes. Not hardly.

4 Q. You never call Professional  
5 Limousine Service and say, hey, I'm booked  
6 up tonight and I'm going to send you this  
7 client?

8 A. Rarely.

9 Q. Rarely?

10 A. Rarely.

11 Q. You testified that prom is,  
12 like, two or three nights a year. Is that  
13 correct?

14 A. Right.

15 Q. So all the proms are held in  
16 one night?

17 A. We're in Baldwin County --

18 Q. Yes, ma'am. Baldwin County.

19 A. -- which has seven high  
20 schools.

21 Q. That's correct. Would it be  
22 safe to say, don't middle schools have --  
23 I don't know if they call it prom. Don't

1       they have the dances too at the end of the  
2       year?

3               A.       They're restricted from  
4       limousines.

5               Q.       They're restricted from  
6       limousines?

7               A.       Uh-huh.

8               Q.       Okay. Well, then we'll just  
9       stick to the high schools. I'm not sure  
10      if that's correct because I've been to  
11      some middle schools here over the years  
12      and I'm kind of concerned there.

13              A.       Uh-huh.

14              Q.       Okay. That's interesting.  
15      Out of all the high school proms, do you  
16      think there are enough limousine companies  
17      in Baldwin County that could take every  
18      kid that wanted to graduate from high  
19      school this year and graduate in a  
20      limousine, or go to graduation or prom, do  
21      you think there are enough limousines in  
22      this town or in this county to do that?

23              A.       Yes.

1 Q. There are?

2 A. Uh-huh.

3 Q. How can that be if  
4 there's -- I counted four, but somebody  
5 said there's five limousine companies in  
6 Baldwin County. That's not using the  
7 first one out of Mobile. How could that  
8 be possible?

9 So only about forty -- less than a  
10 hundred kids would use the limousines for  
11 the whole year?

12 A. Yes.

13 Q. Ma'am. Okay. And you've  
14 never booked for Mardi Gras? You've never  
15 gone to Mardi Gras with your limousines?

16 A. I do not get a lot of calls.  
17 That's an hour and a half over. And very  
18 seldom do we have calls for Mobile's Mardi  
19 Gras. No. We do Mardi Gras in Gulf  
20 Shores and Orange Beach, which we have --  
21 I think they have three balls.

22 Q. What do you charge per hour  
23 for, say, the SUV?

1                   A.     The rates are on file.

2                   Q.     Well, okay. I haven't been  
3     able to look at that. Can you tell the  
4     court what you charge an hour for the SUV?

5                   ALJ GARNER: If you know.

6                   A.     Yes. It's one hundred  
7     twenty.

8                   Q.     One hundred twenty?

9                   A.     Uh-huh.

10                  Q.     So you charge one hundred  
11    twenty dollars an hour? If I told you I  
12    charge more than that, then how would I be  
13    stealing business from you?

14                  MR. WILSON: Objection,  
15    you're Honor. We're not in an argument  
16    about rates. In fact, rates aren't  
17    typically a factor to be considered in a  
18    need for additional services.

19                  ALJ GARNER: No. But they  
20    can be. I'll allow her to respond to the  
21    question.

22                  Q.     Can you answer the question?

23                  A.     What was the question?



1                   Q.     How could I be stealing  
2     business from you if I charge more than  
3     you do to come over here?

4                   A.     I don't understand why  
5     you're asking that question.   What do you  
6     mean by that?

7                   Q.     Let me help you with that.  
8     Do you think people shop for limousines or  
9     do you think they just open a book and  
10    close their eyes and put their finger on  
11    one?

12                  A.     I don't know what people do.

13                  Q.     You don't know?

14                  A.     I don't know what they  
15    think.

16                  Q.     How long have you been in  
17    the limousine business?

18                  A.     I've been in the business  
19    for four and a half or five years.

20                  Q.     And you don't know if people  
21    shop the prices?

22                  A.     I'm sure they shop for  
23    everything.

1                   Q.     Do you ever go to the Foley  
2     outlets?

3                   MR. WILSON:  Objection, your  
4     Honor.  Again, this is irrelevant to what  
5     we're here for.

6                   ALJ GARNER:  Let's see where  
7     he's going.

8                   Q.     Do you go to one store or do  
9     you shop for sales?

10                  A.     Personally, I know what I'm  
11     going to get and that's where I go.

12                  Q.     Do you think it would be  
13     common that people would shop for the best  
14     price?

15                  MR. WILSON:  Again,  
16     objection, your Honor.  It's talking about  
17     what other people are doing.  She can  
18     testify from her own knowledge.

19                  ALJ GARNER:  In her  
20     experience.

21                  Q.     In your experience, do you  
22     think people shop for the best price in  
23     limousine service?

1           A.     I would say they would. I  
2     would hope so, yeah.

3           Q.     If you were going to go to  
4     Mobile and do limousine service there,  
5     say, during Mardi Gras time -- that's a  
6     big time over there -- there's probably a  
7     lot of money to be made there I would say,  
8     wouldn't you?

9                   MR. WILSON:  Objection, your  
10    Honor.  Again, it's --

11                  ALJ GARNER:  I don't know  
12    exactly where you're going, but get there  
13    quickly.

14          Q.     Okay.  If you were going to  
15    go to Mobile, would you charge extra money  
16    to drive all the way over there, to take  
17    their clients over there?  Would you  
18    charge extra money?

19          A.     Travel time?  Is that what  
20    you're talking about.

21          Q.     Yes, ma'am.  I think  
22    Southern Comfort calls it a fuel surge  
23    charge?

1           A.     Well, yeah, you have, you  
2     know travel time.  Is that what you're  
3     talking about?

4           Q.     Yes, ma'am.

5           A.     Yeah.

6           Q.     Okay.  Well, the reason I  
7     ask is that if you are going to go from  
8     one county to the next, you've got to  
9     charge enough money to pay for our high  
10    fuel cost today, don't we?

11          A.     Right.  Yeah.

12          Q.     So if I was going to come  
13    over here, it's going to cost me money --  
14    it's going to cost the client for me to  
15    even come over here, isn't it?

16          A.     Yeah.

17          Q.     I don't come a lot, do I?

18          A.     I don't know.

19          Q.     I come during prom, don't I?  
20    I came during prom, didn't I?

21          A.     Yeah.

22          Q.     Because everybody was  
23    standing there watching, weren't they?

1                   A.     I don't know. I wasn't  
2     there.

3                   Q.     Do you know what I had to  
4     charge those clients that night?

5                   A.     I don't know that either.

6                   Q.     Do you know why I came over  
7     here that night?

8                             MR. WILSON: Objection, your  
9     Honor.

10                            ALJ GARNER: On what  
11     grounds?

12                           MR. WILSON: On the grounds  
13     that what she knows about why he came is  
14     totally irrelevant to this proceeding.

15                           ALJ GARNER: I'm not so sure  
16     about that. I don't know where you're  
17     going exactly, but get there quickly.

18                   Q.     Do you know why I was here?

19                   A.     Because someone called you  
20     for a limo.

21                   Q.     Right. Were you booked up  
22     that night?

23                   A.     No.

1 Q. You weren't?

2 A. No.

3 Q. Okay. And you're a member  
4 of the chamber of commerce?

5 A. I am.

6 Q. And that's the same chamber  
7 of commerce that says they have 1.5  
8 million inquiries on their web site and  
9 seven thousand requests?

10 A. For a limo?

11 Q. Yeah.

12 MR. WILSON: Objection, your  
13 Honor. That's a mischaracterization of  
14 the testimony.

15 A. No, that's not true.

16 Q. Do you know how many hits  
17 Yellow Book had for limousine service in  
18 the last six months?

19 A. No.

20 Q. Would it surprise you if I  
21 told you --

22 MR. WILSON: Objection, your  
23 Honor.

1 ALJ GARNER: Either she  
2 knows or she doesn't know.

3 Q. Do you know?

4 A. No.

5 Q. Would it surprise you if I  
6 told you it was about --

7 MR. WILSON: Objection, your  
8 Honor. He's again trying to bootstrap  
9 testimony in through himself and not  
10 through the witness.

11 MR. GOMIEN: I'm having to  
12 represent myself, Judge.

13 ALJ GARNER: It's nothing I  
14 didn't hear you do either, Mr. Wilson.

15 Q. Ma'am would it surprise you  
16 if I told you that Yellow Book had one  
17 hundred fifty-six requests on their web  
18 site this month in Baldwin County for  
19 limousines? One hundred fifty-six. Would  
20 that surprise you?

21 MR. WILSON: Continuing  
22 objection.

23 ALJ GARNER: Granted.

1 A. No.

2 Q. You never farm out? You  
3 never tell clients you're booked up?

4 A. I very seldom am booked up.

5 Q. Well, it's either yes or no.  
6 Tell the judge yes or no.

7 A. Yes.

8 Q. You do book up?

9 A. Maybe twice a year.

10 Q. And I think this is a good  
11 point we'll make for the Court and then  
12 we'll stop.

13 A. Okay.

14 Q. You said you advertise all  
15 over the place?

16 A. Yes.

17 Q. Why?

18 A. For business.

19 Q. For business. So do I. So  
20 do you think that I should not be granted  
21 authority here because I own another  
22 business somewhere else?

23 MR. WILSON: Objection, your



1 Honor.

2 A. No.

3 Q. Thank you. I appreciate  
4 that. And you are licensed in Mobile?

5 A. Yes.

6 Q. And you do business in  
7 Mobile, don't you?

8 A. Hardly ever.

9 Q. Would you just please tell  
10 the judge yes or no? Let me rephrase it.

11 ALJ GARNER: She's already  
12 answered the question.

13 Q. Do you leave Baldwin County  
14 and do business in other counties?

15 MR. WILSON: Asked and  
16 answered.

17 MR. GOMIEN: Okay. I think  
18 that's all. Thank you.

19 MR. WILSON: A couple more  
20 questions.

21 REDIRECT EXAMINATION

22 BY MR. WILSON:

23 Q. Did you hear the applicant

1 earlier indicate that he didn't have the  
2 authority, but he did come to provide  
3 service at a prom?

4 A. Right.

5 Q. Now, you had one or more  
6 limos that were available for that  
7 business. Right?

8 A. Yes.

9 Q. Now, that is at least one  
10 trip that you didn't have because somebody  
11 that didn't have appropriate authority  
12 took it away from you?

13 MR. GOMIEN: Your Honor, if  
14 I could object to that?

15 ALJ GARNER: On what  
16 grounds?

17 MR. GOMIEN: Here are the  
18 grounds. The Court has no way of knowing  
19 whether she had a limousine available in  
20 her lot, nor do I, whether or not I had  
21 one available in my lot.

22 ALJ GARNER: We have her  
23 sitting here. She's under oath and giving

1 her testimony. That's as good a we can  
2 get.

3 Q. And if you had -- you've  
4 only had to refer out business on two  
5 occasions this year?

6 A. Right.

7 MR. WILSON: I don't have  
8 any further questions.

9 MR. GOMIEN: Last question.

10 RECROSS-EXAMINATION

11 BY MR GOMIEN:

12 Q. Ma'am, do you do any other  
13 kind of business?

14 A. No.

15 Q. Nothing? No other kind of  
16 income whatsoever?

17 A. I am a bookkeeper.

18 Q. For who?

19 A. For a furniture company  
20 here.

21 MR. GOMIEN: Thank you.

22 ALJ GARNER: Nothing

23 further? Thank you, ma'am. You're

1       excused.

2                               JULIA WILCOX

3       having first been duly sworn, was examined  
4       and testified as follows:

5                               DIRECT EXAMINATION

6       BY MR. WILSON:

7               Q.       Can you tell us your name,  
8       please?

9               A.       My name is Julie Margaret  
10       Wilcox and my nickname is Margie.

11              Q.       And the company with which  
12       you're employed?

13              A.       I'm employed by Mobile Bay  
14       Transportation, Yellow Cab of Mobile and  
15       Baldwin County, and Pensacola Bay  
16       Transportation.

17              Q.       And what's your business  
18       address?

19              A.       8341 Airport Boulevard,  
20       Mobile 36608. And then 82 Macks Street,  
21       Mobile, Alabama 36607. 3100 McCormick  
22       Street, Pensacola, Florida 32503. Santa  
23       Rosa, Milton, Florida.

1           Q.     And what's your position  
2     with the company?

3           A.     I'm had the president and  
4     chief stockholder.

5           Q.     Are you familiar with the  
6     company's day-to-day operations?

7           A.     Yes, sir.

8           Q.     I'm handing you what is  
9     labeled as a certificates from this  
10    commission.

11                  MR. WILSON:   First of all,  
12    could we have it identified, your Honor?

13                  ALJ GARNER:   Yes.   It will  
14    be identified as Mobile Bay Exhibit 1.

15                  (Whereupon, Mobile Bay  
16                   Exhibit No. 1 was  
17                   marked for  
18                   identification  
19                   purposes.)

20           Q.     And are you familiar with  
21    that, Ms. Wilcox?

22           A.     Yes, sir.   These are my  
23    certificates of authority to operate from

1 the Alabama Public Service Commission.

2 Q. Do those certificates allow  
3 you to perform luxury limousine operations  
4 in Mobile and Baldwin Counties?

5 A. Yes, sir.

6 Q. Okay. Now, do you have  
7 luxury limousine equipment?

8 A. Yes, sir.

9 Q. Would you explain what  
10 luxury limousine equipment that you have?

11 A. I have a Ford Expedition and  
12 I have a Lincoln Town Car. I just  
13 recently sold a Cadillac Limousine. And  
14 then I have a specialty vehicle that we  
15 get called upon for.

16 Q. And what is it?

17 A. It's an antique checker cab.

18 Q. Now, you indicated you  
19 recently sold a vehicle. Why did you sell  
20 that vehicle?

21 A. Diminished demand for it.

22 Q. Okay. Now, you've indicated  
23 the luxury limousine equipment you've got,

1 do you have drivers for that equipment?

2 A. Yes, sir. We have licensed  
3 chauffeurs with the city of Mobile.

4 Q. Do you have a maintenance  
5 program in effect for the vehicles?

6 A. We have a maintenance  
7 program. As a matter of fact, we have  
8 three full-time maintenance personnel.

9 Q. And do you have driver  
10 training?

11 A. Yes, sir, we do.

12 Q. Do you have a safety program  
13 in effect?

14 A. We have a safety program and  
15 we have a safety manager.

16 Q. Great. Now, do you have an  
17 investment in your transportation  
18 operations over the years?

19 A. We have an investment of  
20 probably over a million dollars and then  
21 all of my adult life, which is the bigger  
22 of the two I think.

23 Q. Okay. And what's your total

1     number of units, total equipment that you  
2     have?

3             A.     Well, the total, we have  
4     about thirty taxies, fifteen passenger  
5     vans, and then we have sedans, we have  
6     wheelchair vehicles so the exact total --

7             Q.     And the vehicles you've  
8     already described as limousines?

9             A.     Yes, sir.

10            Q.     Okay. Now, roughly how many  
11    employees do you have within your company  
12    in the Mobile County and Baldwin County  
13    area?

14            A.     We currently have about  
15    fifty employees and independent contractor  
16    drivers. Fifty employees and forty-four  
17    independent contractors depending on the  
18    day and who's still with us.

19            Q.     Now, is luxury limousine  
20    business desirable for your company?

21            A.     Yes, it is.

22            Q.     Would you like to do more of  
23    it?



1           A.     Yes, I would.

2           Q.     Okay. Now, do you currently  
3 have competitors in that business?

4           A.     Yes, we do.

5           Q.     And could you tell us the  
6 companies that legally compete with you?

7           A.     Well, there's Southern  
8 Comfort, Modern, Luxury, Professional, I  
9 guess we also have Willy Britches just  
10 went out of business this past year.

11          Q.     Do you compete with Any  
12 Occasion?

13          A.     Yes. Any Occasion in  
14 Baldwin County.

15          Q.     Southern Comfort?

16          A.     Right.

17          Q.     Okay. Now, what effect has  
18 the economy had on your business recently?

19          A.     Well, there's certainly been  
20 a diminished demand for luxury vehicles  
21 and a diminished demand in the taxi  
22 business.

23          Q.     And why the diminished

1 demand in the luxury business?

2 A. Well, the economy is not  
3 doing well. And so therefore, people's  
4 disposable income that they'd use for  
5 nights out on the town and the added touch  
6 of a luxury limousine is limited. And  
7 people aren't throwing as lavish of  
8 weddings. So the economy affects people's  
9 spending habits.

10 Q. And have you seen a decrease  
11 in, for instance, the number of tourists  
12 along the gulf coast this year as a result  
13 of the oil spill problem?

14 A. Oh, yes. Yes. It's been  
15 almost nonexistent tourists in Baldwin  
16 County.

17 Q. And what effect has that had  
18 on the luxury limousine business?

19 A. Well, your vacationers and  
20 tourists are the ones that are out there  
21 to spend disposable income on pleasure.  
22 And they're not out here doing that.

23 Q. Does your company hold

1       itself available for business three  
2       hundred sixty-five days in Baldwin County?

3             A.       Yes.   Holidays, weekends,  
4       nights.

5             Q.       Now, if you had a sufficient  
6       demand to add a Hummer or a Lincoln  
7       Navigator, would your company acquire that  
8       equipment?

9             A.       Yes, we have the credit  
10       lines available to make chose purchases.  
11       If the demand is there, I'd respond to it.

12            Q.       In fact, do you acquire  
13       additional equipment as different parts of  
14       your company have increased demands?

15            A.       Oh, yes.   Specifically, I  
16       guess most in the last couple of years  
17       I've added wheelchair equipment.   So as I  
18       see trends, you know, the population is  
19       getting older, the demands for certain  
20       types of equipment, yes, I've responded.

21            Q.       Well, have you seen any  
22       increase in demand for luxury limousine  
23       services?

1           A.     No, sir.

2           Q.     Did you take that into  
3     account when you sold your limousine just  
4     a couple of weeks ago?

5           A.     Yes, sir.

6           Q.     Why are you opposing this  
7     application today?

8           A.     Well, I'm opposing it  
9     because granting of this authority would  
10    basically divert business that I might  
11    otherwise enjoy.

12          There's business now that I have that  
13    I do in Baldwin County, and if this is  
14    granted, then I might not otherwise get  
15    that business.

16          Q.     Do you have idle equipment  
17    that you could use the business for?

18          A.     Oh, yes. Right. I could  
19    use more business. And like I said, if  
20    the demand was there, I could and would  
21    buy a stretched limousine and station it  
22    over here. I have opened offices and shut  
23    offices. I think over my thirty years of

1 experiences I've responded to the ebb and  
2 flow of business, and I obviously am,  
3 thank goodness, still a survivor.

4 And unfortunately I have other friends  
5 and counterparts in the business that I  
6 can't say that about anymore.

7 MR. WILSON: I have no  
8 further questions. Would offer the  
9 exhibit subject to cross-examination.

10 ALJ GARNER: The document  
11 will be admitted subject to cross.

12 CROSS-EXAMINATION

13 BY MR. GOMIEN:

14 Q. Can I call you, Margie?

15 A. Please do.

16 Q. I think I can call you  
17 Margie because we know each other well,  
18 don't we?

19 A. Well, we certainly have been  
20 getting to know each other this past year,  
21 yes, sir.

22 Q. In fact, I think I'd say  
23 we're friends, wouldn't you?

1           A.     I'd say we're acquaintances.

2           Q.     But you and I sit on a board  
3     together in Mobile, don't we? Or at  
4     committee?

5           A.     A taxi advisory committee.

6           Q.     That's right. And we both  
7     are members of that, aren't we? In fact,  
8     neither one of us that I'm aware of -- you  
9     haven't missed a meeting and I certainly  
10    haven't.

11          In fact, I showed up the other day and  
12    I was the only one there. The meeting  
13    cancelled and the guys didn't tell me  
14    about it. But we'll address that later.  
15    Some other day.

16          A.     What?

17          Q.     I showed up to a meeting and  
18    there was nobody there.

19          A.     Bless your heart.

20          Q.     It had been rescheduled and  
21    I was --

22                   ALJ GARNER: Okay. Question  
23    and answer.

1 Q. I'm sorry. Ms. Margie --

2 A. You can call me Margie, not  
3 Ms. Margie.

4 Q. Okay. You don't have any  
5 limousines, do you?

6 A. Any luxury stretch  
7 limousines?

8 Q. Right.

9 A. I do have vehicles that I  
10 consider in that category.

11 Q. But they're not limousines.  
12 Right?

13 A. I don't have some of the  
14 same equipment that you have.

15 Q. Right. And I think the  
16 judge can read between the lines and know.  
17 So what do you do when somebody calls for  
18 a limousine?

19 A. Well, I try to sell them on  
20 the equipment that I have first and  
21 foremost.

22 Q. And if that doesn't work and  
23 they say, I want that Hummer. It's spring

1 break. I want that Hummer.

2 A. Then I refer them.

3 Q. Out, don't you?

4 A. Yes, I do.

5 Q. How many Hummers are there  
6 in Mobile to refer to? People who have  
7 Hummer limousines, how many are there?

8 A. I want to say two or three  
9 or maybe even four. I know that Joe Joe's  
10 has Hummers. I know that you have a  
11 Hummer. I think that Southern Comfort has  
12 a Hummer.

13 Q. No, ma'am, they don't.

14 A. I thought they did.

15 Q. They don't. And I don't  
16 think Joe Joe's currently has one. I'm  
17 not sure about that. It's kind of hard to  
18 keep up with it.

19 A. Are we testifying or  
20 questioning?

21 Q. Okay. I do have a Hummer,  
22 don't I?

23 A. Yes.



1           Q.     And if somebody calls and  
2     requests one, you refer them to me  
3     sometimes, don't you?

4           A.     I have in the past.

5           Q.     Have you ever told a  
6     customer you're booked up during prom time  
7     or, hey, BayFest?   How about BayFest?  
8     Have you ever been booked up for BayFest?

9           A.     No.   There's not been a time  
10    when I had absolutely no equipment, no,  
11    sir.

12          Q.     Would it surprise you if I  
13    told you your dispatchers that call other  
14    companies have called me and said, we're  
15    booked up; we need some help?

16          A.     What's the question?

17          Q.     Are you aware that your  
18    company books out sometimes in Mobile?

19          A.     That they refer people?

20          Q.     Yes, ma'am.

21          A.     Yes, I'm aware that we refer  
22    people.   I've already testified to that  
23    fact.

1                   Q.     You have a license in  
2     Baldwin County. Right? Correct? To  
3     operate business in Baldwin County?

4                   A.     Yes.

5                   Q.     And I think you own a taxi  
6     service over here?

7                   A.     Yes, sir.

8                   Q.     And van service, shuttle  
9     service?

10                  A.     Yes, sir.

11                  Q.     Okay. Well, with that, you  
12     said that you're interested in the  
13     limousine business. In fact, let me quote  
14     you if I don't mind, I have my finger on  
15     the pulse. Which means you're interested  
16     in it, don't it?

17                  A.     Yes. That's what I mean  
18     when I say that.

19                  Q.     So what are you going to do  
20     when you get calls when you get calls for  
21     limousines in Baldwin County and you just  
22     bought a brand new H2 hummer that looks a  
23     lot prettier than mine? Are you going to

1       just call me because we don't want to take  
2       no money away from anybody else. We need  
3       to give the money to everybody else.

4           So what are we going to do? Are you  
5       going to come do the job, or are you just  
6       going to give it away because it's in  
7       Baldwin County?

8           A.       If I have an H2 Hummer and I  
9       get a call for an H2 Hummer, I'm going to  
10      do the H2 Hummer work.

11          Q.       Well, isn't that the very  
12      reason why you're here? To prevent  
13      anybody from taking away any more  
14      limousine services from here?

15          A.       I'm sorry. I don't  
16      understand the question.

17          Q.       Isn't that why you're here,  
18      Margie, to protest? You're saying -- you  
19      told the Court that there's enough  
20      limousine services in Baldwin County.

21          If we add any more limousines into  
22      Baldwin County, everybody else in this  
23      room is going to go out of business. I

1       don't think that's true, but that's what  
2       the testimony has been.

3                       MR. WILSON:  Objection, your  
4       Honor.  He's testifying again.

5                       ALJ GARNER:  Question and  
6       answer.  This is not your testimony.

7               Q.       Aren't you here to protest  
8       me using a limousine service in Baldwin  
9       County?

10              A.       I am protesting your  
11       application before the Alabama Public  
12       Service Commission.

13              Q.       Okay.  So if you bring a  
14       limousine into Baldwin County, aren't you  
15       taking money from these companies too?

16              A.       I already have the  
17       authority.

18              Q.       Well, why should you have it  
19       and I not?

20              A.       Well, I got it before you.

21                       MR. WILSON:  Objection, your  
22       Honor.

23              Q.       How long have you had your

1 authority, Margie?

2 A. Well, since I bought the  
3 company in 1991 and then of course since  
4 then.

5 Q. But now you're paying enough  
6 attention to the limousine business to say  
7 that you've got your finger on the pulse.  
8 You're watching it to see what happens,  
9 aren't you? To see whether or not, hey, I  
10 need to get in this thing. And in fact,  
11 get another piece of the pie. Right? If  
12 we're going to use a pie.

13 A. What's the question?

14 ALJ GARNER: I've lost the  
15 question too.

16 Q. You did testify that you're  
17 interested in the limousine business?

18 A. Yes, sir. I testified and  
19 I'm testifying today that I have the  
20 authority. And should the need arise,  
21 should the demand be there, I can be back  
22 in it great guns a blazing.

23 Q. So you should be allowed to

1 provide a limousine service?

2 A. I am allowed. I have the  
3 authority.

4 Q. And if you have a limousine,  
5 you're going to come over here and use it  
6 if you buy the limousine?

7 A. If I see the demand, I'm  
8 going to use it.

9 Q. So it's going to take money?

10 A. I've got money.

11 Q. Okay. So you recently in  
12 the last few years bought a cab company in  
13 Baldwin County?

14 A. Yes, sir.

15 Q. And that also entails moving  
16 more than two or three people at a time  
17 because you have shuttle vans. Right?

18 A. Yes, sir.

19 Q. Why did you do that?

20 A. Because there's a demand.

21 Q. It's a good demand, isn't  
22 it?

23 MR. WILSON: That is not the

1 question before this commission. Again  
2 we're off the track.

3 ALJ GARNER: I don't know  
4 about the relevance for the need for van  
5 service.

6 MR. GOMIEN: Transportation  
7 needs. Ground transportation needs.

8 ALJ GARNER: But we're  
9 talking specifically about the limousine  
10 business. So there is a relevancy issue  
11 particularly at five o'clock.

12 Q. You've referred business to  
13 me in the past.

14 A. Is that a question?

15 Q. I'm just recapping.

16 A. Okay.

17 Q. And you said you've got  
18 plenty of money to go into the limousine  
19 business if you want to over here.  
20 Correct?

21 A. Well, you know, I have an  
22 available credit line. And yes, by the  
23 grace of God I'm still in business and

1 have the resources to buy equipment.

2 Q. Ms. Wilcox, how many schools  
3 are there in Baldwin County?

4 A. I do not know.

5 Q. You don't know?

6 A. No.

7 Q. How many proms are there  
8 every year?

9 A. I do not know.

10 Q. Do the people of Baldwin  
11 County celebrate New Year's Eve?

12 A. I do not know. I guess they  
13 do.

14 Q. You do business here. Do  
15 they celebrate Valentine's Day?

16 A. Yes.

17 MR. WILSON: Your Honor --

18 MR. GOMIEN: I'm asking  
19 questions about the need for  
20 transportation.

21 ALJ GARNER: If you can tie  
22 it to transportation.

23 Q. Do you think people use



1       limousines for Valentine's?

2               A.       Yes, sir.

3               Q.       Do you think they use them  
4       for Christmas holidays?

5               A.       Yes, sir.

6               Q.       They don't?

7               A.       I said yes, sir.

8               Q.       Oh, I'm sorry. Do they use  
9       them for New Year's Eve?

10              A.       Yes, sir.

11              Q.       Do they use them for Jimmy  
12       Buffet to come to the coast? To the  
13       Wharf?

14              A.       Yes, sir, some people do.

15              Q.       Do they use them for  
16       Mardi Gras?

17              A.       Yes, sir.

18              Q.       And all those things that  
19       would be celebrated in Baldwin County?

20              A.       There's lots of things  
21       celebrated in Baldwin County. I don't  
22       know that all celebrations call for a  
23       luxury limousine.

1           Q.     Are there weddings on the  
2     beach here every year?

3           A.     I read about them in the  
4     social section.

5           Q.     Ma'am?

6           A.     I read about them in the  
7     social section.   Yes.

8           Q.     There are.   There's a lot,  
9     aren't there?

10          A.     I don't know.   I read that  
11     there are diminished beach weddings.

12          Q.     This year, aren't there?

13          A.     Yeah, that's what I heard.

14          Q.     This year.   What about  
15     birthdays?

16          A.     There's birthdays in Baldwin  
17     County.

18          Q.     Anniversaries?

19                   MR. WILSON:   Your Honor --

20                   ALJ GARNER:   Again, tie it  
21     to transportation.

22          Q.     How many people used  
23     limousines in Baldwin County last year?

1           A.     I don't know.

2           Q.     Okay.  Last scenario here.

3     Let's just go back to our number of four  
4     hundred.  There's four hundred kids  
5     graduating from high school this year.

6           A.     There is?

7           Q.     I think there's probably  
8     more.  Let's just say hypothetically  
9     there's four hundred kids graduating from  
10    high school this year.

11          Should they all have to use the  
12    limousine services that are provided here  
13    only?  And if there's not enough  
14    limousines, then they just simply don't  
15    get to go --

16          A.     I have never heard of every  
17    student in the county using a limousine.  
18    I have just never heard of that.

19          Q.     That's correct.  And what if  
20    only half used them?

21          A.     I've never even heard of  
22    half using them.

23                   MR. GOMIEN:  That's all.

1 Thanks.

2 REDIRECT EXAMINATION.

3 BY MR. WILSON:

4 Q. What's been your experience  
5 on uses of limousines at proms, whether  
6 it's fifty percent of the people that use  
7 them or five percent?

8 A. It's a limited amount  
9 because that is a large expenditure.

10 MR. WILSON: No further  
11 questions.

12 ALJ GARNER: Any recross?

13 MR. GOMIEN: No, sir.

14 ALJ GARNER: Is that all  
15 your witnesses, Mr. Wilson?

16 MR. WILSON: Yes, your  
17 Honor.

18 ALJ GARNER: The documents  
19 that were previously introduced are all  
20 admitted into the record. Anything  
21 further on behalf of this application?

22 MR. GOMIEN: If I could just  
23 say something in closing? I know it's

1 late, Judge. And I'm sorry I had to go  
2 last. I would have preferred to have gone  
3 first today.

4 But I would like to say this, I did  
5 come over here -- or my company did. Not  
6 me personally but my company did. And I  
7 have in the past, I've taken my chances.  
8 Is it right? No. But I had to do it.

9 For one, for the money. Because it is  
10 a tough economy. I mean, we are in a  
11 recession. And based on the depression of  
12 the forties, the only thing people ever  
13 did that survived was drink and party.  
14 They did do that. History has proven  
15 that. And they still go out.

16 In fact, your Honor, I've had plenty  
17 of BP executives and TK executives in my  
18 limousines recently plenty of times. So I  
19 think it's not fair to you and to this  
20 court to say that the business is just  
21 gone kaput. That's not true. That's not  
22 true.

23 It is there, and if you market it

1 right and if you work together instead of  
2 against each other, it is a profitable  
3 business because people do get agitated to  
4 the point where they don't even want a  
5 limousine any more. And I've seen that  
6 because people beat each other up over  
7 prices. And I've seen it come down to  
8 five dollars. It happens.

9 In Baldwin County, Judge, just hear me  
10 out for just a second. There are in  
11 Baldwin County nineteen schools listed  
12 right here I took off the chamber of  
13 commerce internet. Nineteen schools. If  
14 they say out of nineteen schools that five  
15 percent of them are going to graduate from  
16 high school or are going to a dance or any  
17 kind of a function that only five percent  
18 use a limousine -- if we did say five  
19 percent used a limousine, Judge, they  
20 still couldn't provide the services for  
21 them.

22 I'm not asking to come over here and  
23 take over the business. I'm asking to be

1 a part of it because I've had to come over  
2 and be a part of it, and I want to be a  
3 legal part of it. I'm not one of the  
4 pirates that run around out here as she  
5 testified to about the people that come  
6 over here, the -- well, I call pirates and  
7 they just throw a limousine together, jump  
8 in it, come over here, and make some money  
9 and disappear. It's not why I'm here.

10 I don't want to come over here and  
11 open up a business. I'm going to stay in  
12 Mobile. However, when somebody calls, I'd  
13 like to be able to provide them a service  
14 and offer them a price, a competitive  
15 price. My prices are usually always  
16 higher. In fact, your Honor, I tell the  
17 customer have you called a limousine  
18 company in Baldwin County? You can  
19 probably get one cheaper. I've told them  
20 that many, many times, Judge.

21 And the response is, they are booked  
22 up. And do you know why, Judge? They are  
23 booked up. That's the truth. And that's

1     what this is about.

2           I've been in law enforcement, since it  
3     came out on the record, for twenty-one  
4     years, and when you in front of a Court,  
5     you are supposed to sit in that chair and  
6     tell the truth. That's what you're  
7     supposed to do, not twist it.

8           And there is a demand for limousines  
9     over here. And they are right; there are  
10    times when it's slow. But if it's slow,  
11    get another job. I did. You know, it's  
12    not my business how they generate their  
13    income.

14          There was some testimony -- Ms. Margie  
15    and the other companies have testified  
16    that they do have other businesses. I  
17    think that's been left out all day long.  
18    We want to focus on just what I make and  
19    what I do. And I think that's wrong.

20          If I couldn't sit here before this  
21    Court and say I get no phone calls over  
22    here, but I want to come over here and be  
23    a part of it, I could almost understand



1       this Court telling me to stay out of here.

2       But that's not the truth.

3           There is a demand for it. And to say  
4       that the service can be provided -- for  
5       just high school alone. I just took high  
6       school. I left out anniversaries. I left  
7       out New Year's Eve. I left out the times  
8       at the Wharf I would bring people from  
9       Mobile to the Wharf to New Year's Eve.  
10      Two times, two years I spent at the Wharf  
11      for New Year's Eve.

12           And I guarantee you, Baldwin County is  
13      a great town. And there will be something  
14      for New Year's Eve in this county. And I  
15      guarantee you people from Mobile are going  
16      to want to come over here, and we're going  
17      to bring them.

18           And when we're here, I couldn't tell  
19      you the countless people, Judge, that came  
20      up to me looking for a way home and said  
21      I'll give you a hundred dollars to take me  
22      to Flora-Bama and drop me off. I'll give  
23      you a hundred dollars to take me to the

1 Hangout, to a hotel in that area.

2 There is a demand. Does it fluctuate?

3 Yes, sir, it does. So does any other

4 business in this country. And this

5 country is about free enterprise.

6 All I'm asking is to be a part of it

7 and be allowed to come over here if there

8 is a demand. And when the calls come

9 in -- because they are going to come in,

10 Judge. I'm listed in the phonebook over

11 here. I'm on the web sites and the

12 internet over here. I am a part of this

13 over here. I'm going to buy a house here.

14 I'm going to be a part of the community.

15 And a part of that is to be able to run

16 legally and not have to tell kids, you've

17 got to meet me on the causeway to go to

18 high school prom because I can't legally

19 go over there.

20 It's time to move on. And that's

21 exactly what I want to do, and that's all

22 I'm asking to do.

23 ALJ GARNER: Mr. Wilson?

1                   MR. WILSON: Your Honor, I'm  
2     a bit concerned about fitness. Simply  
3     base not only on just the testimony, but  
4     just what we've heard about a cavalier  
5     attitude about abiding by the rules and  
6     regulations of this commission.

7           Your records show two violations  
8     already. He's admitted to more. He's  
9     told us about instances at the Wharf for  
10    two years in a row.

11                  MR. GOMIEN: Judge, that was  
12    the people I brought from Mobile.

13                  ALJ GARNER: This is the  
14    closing statement and you have already  
15    made your's.

16                  MR. WILSON: I'm just a bit  
17    concerned about the fitness of the  
18    applicant to expand the operations with  
19    the attitude that has been shown about  
20    that.

21           He's well aware that he's violating  
22    the rules and regulations of this  
23    commission, and he's admittedly continued

1 to do so. So I have great concern about  
2 that.

3 Second, public convenience and  
4 necessity, we've heard him talk about all  
5 this need for additional service. But  
6 where are the witnesses that have talked  
7 about that? We have one witness whose  
8 traffic is totally exempt and that the  
9 applicant can provide today.

10 That's all we've had in public  
11 testimony from any supporting witness as  
12 to a need for additional services. But  
13 we've had plenty of testimony as to the  
14 potential losses of business in a tight  
15 economy for the people that are protesting  
16 this application today.

17 They need to be given the continued  
18 opportunity to stay in business, to  
19 provide that business three hundred  
20 sixty-five days a year.

21 And if the economy grows, they have a  
22 chance to step in and make the profits  
23 that need to be made before another

1 service is allowed. But they need to be  
2 given that opportunity. Nothing has been  
3 shown about advantages to the public of  
4 the proposed service.

5 So we submit as I've indicated in  
6 other cases we have a pie that's shrinking  
7 in size. If you make smaller pieces, you  
8 make it that much more difficult for each  
9 of the companies to survive in a tough,  
10 tough economy that's been affected by  
11 matters totally beyond their control, BP  
12 and the problems that go along with that.

13 It's affected all of us. It's  
14 affected them. They need the  
15 opportunities to recover their business.  
16 So I'm asking the commission to deny the  
17 expanded application.

18 ALJ GARNER: Thank you, sir.  
19 All right. Having heard the closing  
20 arguments, the matter will be taken under  
21 advisement and that will complete the  
22 hearing. Thank you.

23 (The hearing ended at 5:09 p.m.)

1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA,

3 MOBILE COUNTY,

4 I, Paul Morse, Certified Court  
5 Reporter and Commissioner for the State of  
6 Alabama at Large, do hereby certify that  
7 the above and foregoing proceedings was  
8 taken down by me by stenographic means,  
9 and that the content herein was produced  
10 in transcript form by computer aid under  
11 my supervision, and that the foregoing  
12 represents, to the best of my ability, a  
13 true and correct transcript of the  
14 proceedings occurring on said date and at  
15 said time.

16 I further certify that I am  
17 neither of kin nor of counsel to the  
18 parties to the action nor in any manner  
19 interested in the result of said case.

20 /s/ Paul Morse

21

22 Paul Morse, CCR

23 ACCR #588 Expires 9/30/11