

1 ALABAMA PUBLIC SERVICE COMMISSION
2 MONTGOMERY, ALABAMA
3

4 IN RE:
5 ALL STAR TRANSPORTATION SERVICES, INC.
6 DOCKET NO. 32130

7 APPLICATION TO INSTITUTE A NEW OPERATION
8 AS A COMMON CARRIER
9
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12 TESTIMONY AND PROCEEDINGS before the
13 Honorable Scott Morris, Administrative Law
14 Judge, at the Carl L. Evans Chief
15 Administrative Law Judge Hearing Complex,
16 RSA Union Building, 100 North Union Street,
17 Montgomery, Alabama, on Thursday, February
18 27, 2014, commencing at approximately
19 9:36 a.m.; and reported by Gwendolyn P.
20 Timbie, Certified Court Reporter and
21 Commissioner for the State of Alabama at
22 Large.

23 * * * * *

1 APPEARANCES

2 FOR ALL STAR TRANSPORTATION:

3 Mr. Jerry Halicki, Pro se
4 Ms. Deborah Muse, Pro se

5 FOR MEDICAL TRANSPORT OF ALABAMA:

6 Ms. Dana Billingsley
7 WILKERSON & BRYAN
8 Attorneys at Law
9 405 South Hull Street
10 Montgomery, Alabama 36104

11 FOR BAY LIMOUSINE:

12 Mr. Bill Hilyer, Pro se

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1 ALJ MORRIS: Today's date is
2 Thursday, February 27, 2014.
3 We're here for Docket 32130. The
4 applicant is All Star
5 Transportation Services,
6 Incorporated.

7 This is an application to
8 institute a new operation as a
9 common carrier by motor vehicle in
10 intrastate commerce over irregular
11 routes in the transportation of
12 passengers and their baggage
13 between points in the counties of
14 Tallapoosa, Chambers, Elmore, Lee,
15 Macon, Bullock, and Russell.

16 This application was
17 filed on or about October the
18 24th, 2013. Original notice of
19 hearing was published on January
20 the 10th, 2014.

21 Due to inclement weather,
22 pursuant to a notice dated January
23 28, 2014, this hearing was

1 continued and the notice of
2 today's hearing date was published
3 on February the 13th, 2014.

4 Protests have been filed
5 in this matter by Bay Limousine
6 Service of Dothan, Incorporated
7 and by Ala-Three, LLC doing
8 business as Express Medical
9 Transporters.

10 First, let's begin with
11 appearances, first on behalf of
12 the applicant. Whoever is going
13 to be representing the applicant,
14 if you would, please state your
15 name, business address, and
16 relationship with the company.

17 MR. HALICKI: Gerald Halicki.
18 And my relationship -- I'm
19 co-owner with Ms. Muse here of All
20 Star Transportation. The business
21 address is 9593-A Lee Road 246,
22 Smith station, Alabama.

23 ALJ MORRIS: Okay. And for

1 Bay Limousine Service?

2 MR. HILYER: Bill Hilyer. I'm
3 the president.

4 ALJ MORRIS: Thank you,
5 Mr. Hilyer.

6 And for Ala-Three, LLC?

7 MS. BILLINGSLEY: And, Your
8 Honor, Dana Billingsley, Wilkerson
9 and Bryan, PC, 405 South Hull
10 Street, Montgomery.

11 And for the record, Your
12 Honor, we have changed our name to
13 Medical Transport of Alabama, LLC,
14 which is reflected on the
15 protest.

16 Thank you.

17 ALJ MORRIS: Is there any
18 preliminary matters that we need
19 to address?

20 (No response)

21 ALJ MORRIS: And is there
22 anyone else that needs to enter an
23 appearance?

1 (No response)

2 ALJ MORRIS: Let the record
3 reflect that no one else has come
4 forward.

5 How many witnesses do you
6 plan to have, or who's going to be
7 speaking on behalf --

8 MR. HALICKI: I'm going to be
9 speaking on behalf -- and just --
10 just myself and Ms. Muse. That's
11 it.

12 ALJ MORRIS: All right. The
13 two of you.

14 Okay. The way this is
15 going to work, I will give you an
16 opportunity to make the
17 presentation on behalf of your
18 proposed operation. The
19 protestants will have an
20 opportunity to cross-examine you.
21 After that, they will each have an
22 opportunity to make a presentation
23 in support of their protest. And

1 after each of their presentations,
2 you will have an opportunity to
3 cross-examine them on their
4 testimony.

5 So are you going to go
6 first or is Ms. Muse going to go
7 first?

8 MR. HALICKI: I will, Your
9 Honor.

10 ALJ MORRIS: All right. I'll
11 tell you, to make this easier, I
12 -- we'll swear both of you in at
13 the -- at the same time. So if
14 you would, please, just stand and
15 raise your right hand.

16 (Witnesses sworn)

17 ALJ MORRIS: You may be
18 seated. Okay. You may proceed.

19 GERALD HALICKI

20 The witness, having been duly sworn
21 to speak the truth, the whole truth and
22 nothing but the truth, testified as follows:

23 MR. HALICKI: At All Star

1 Transportation, Ms. Muse and I
2 have been in the taxi business for
3 the past 12 years and we've
4 operated contracts with the United
5 States Government to transport
6 troops on and off Fort Benning.
7 And we just recently sold that
8 business, being as we just hit 60
9 and we're looking towards
10 retirement and don't want a
11 business that's open 24 hours a
12 day with 50, 60, 70, 80 people to
13 manage. We just want to run a
14 little medical transport business
15 in our area there. We're
16 getting -- basically, the truth is
17 we're getting too old to do much
18 more than that.

19 And as far as servicing
20 the public in our area there,
21 we -- with our experience
22 operating, you know, with -- with
23 the U.S. Government there and not

1 having any problems, we feel we
2 could do a really good job serving
3 the people in the area there.

4 All our vehicles are
5 equipped with a computerized
6 dispatch system which entails --
7 it tracks every vehicle down to a
8 distance of nine feet. There's
9 emergency panic buttons on a
10 touch-screen screen inside the
11 vehicle in case any of the -- most
12 of the people are in bad medical
13 condition that we do carry --
14 transport -- where help can
15 immediately be dispatched to
16 them.

17 We've also noticed a need
18 in the area -- like I said, I just
19 turned 60 years old this month,
20 and I've done a little bit of due
21 diligence before we entered this.
22 We've seen people waiting in
23 wheelchairs an hour and a half and

1 sometimes two hours in our area
2 there.

3 There's another company
4 that works our -- the area around
5 us called Johnson Express who also
6 holds a Public Service Commission
7 authority from you. And not only
8 did they not protest us, but they
9 called us and offered us the best
10 of luck in any help that we
11 needed. And those are the ones
12 who operate in our immediate
13 area.

14 It just -- we feel that
15 the public would be really well
16 served by granting us our
17 application.

18 ALJ MORRIS: Does that
19 conclude your part of the
20 presentation?

21 MR. HALICKI: Yes, sir.

22 ALJ MORRIS: All right. At
23 this point, I'll go ahead and --

1 Ms. Billingsley, would
2 you rather hear from both of them
3 and then cross-examine the -- do
4 you think that would be the
5 best --

6 MS. BILLINGSLEY: Yes, Your
7 Honor. That would be fine.

8 ALJ MORRIS: All right. That
9 being the case and since you are
10 both the -- I guess the co-owners,
11 Ms. Muse, if you would like to
12 make a statement as well at this
13 time, we'll go ahead, and then
14 we'll turn -- turn you over to --
15 for cross-examination.

16 DEBORAH MUSE

17 The witness, having been duly sworn
18 to speak the truth, the whole truth and
19 nothing but the truth, testified as follows:

20 MS. MUSE: I believe, Your
21 Honor, that he's pretty much said
22 everything that needs to be said.

23 The other company in our

1 immediate area I believe really
2 needs our help, and I think that
3 we would be very beneficial to
4 people in need.

5 That's all I have to say.

6 ALJ MORRIS: All right.

7 Ms. Billingsley, I'll let you
8 start.

9 MS. BILLINGSLEY: Thank you,
10 Your Honor.

11 Good morning to you all.
12 Your Honor, should I direct this
13 to one or the other? Or how do
14 you --

15 ALJ MORRIS: I think -- yeah.
16 We can --

17 (Off the record)

18 MS. BILLINGSLEY: All right.
19 Then, Mr. Halicki --

20 MR. HALICKI: Yes.

21 MS. BILLINGSLEY: -- I'll
22 direct these questions to you.

23 MR. HALICKI: Sure.

1 CROSS-EXAMINATION

2 BY MS. BILLINGSLEY:

3 Q. Your company was incorporated in August
4 of 2010; is that correct?

5 A. Yes, ma'am.

6 Q. And have you been operating since that
7 point?

8 A. No. The company -- All Star
9 Transportation was operating as a taxi
10 cab company -- is what it was
11 originally. Started with our taxies,
12 and we just recently sold off the
13 taxies. As a matter of fact, the deal
14 should close probably next week.

15 Q. So -- but -- so this particular
16 company -- when you were transporting as
17 a taxi service, you've been doing that
18 since August of 2010; is that right?

19 A. Yes, ma'am.

20 Q. You said 12 years.

21 A. Oh, no, no, no. This is since the
22 company moved to Alabama from Georgia,
23 was in 2010.

1 Q. So your prior transportation service
2 occurred in the state of Georgia and not
3 in Alabama?

4 A. Yes, ma'am.

5 Q. All right. And then you moved to
6 Alabama in August of 2010 and
7 incorporated here?

8 A. Yes, ma'am.

9 Q. And sold off the taxi part of the
10 business?

11 A. The business -- the taxi part closes
12 next week.

13 Q. All right. Where have you been
14 providing transportation services since
15 you have come to Alabama under All Star
16 Transportation?

17 A. In the Lee County area and also in
18 Columbus, Georgia and Fort Benning.

19 Q. So you've been -- you've been
20 transporting throughout Lee County from
21 2010 until now?

22 A. Mainly the Smith Station area.

23 Q. I'm sorry?

1 A. Mainly the Smith Station area, where
2 we're located there.

3 Q. So that would go into the county
4 areas --

5 A. Yes, ma'am.

6 Q. -- outside the city limits?

7 Did you -- did you understand that
8 you needed a PSC certificate in order to
9 transport outside municipal boundaries?

10 A. No, ma'am, we did not. When we went to
11 the -- Lee County and asked for a Lee
12 County license, they told us that they
13 didn't issue a Lee County license, that
14 our Smith Station license was plenty
15 sufficient.

16 Q. How did you charge your customers? And
17 I'm presuming -- is this all
18 non-emergency medical transportation
19 that we're talking about?

20 A. No. This was taxies.

21 Q. Your transportation in the Smith Station
22 area --

23 A. Is taxies -- has been taxies. That's

1 why we're here, to get an authority to
2 operate the medical transportation
3 business.

4 Q. That was my question. I'm sorry if it
5 wasn't clear. That was my question.
6 Your previous transports, have -- you've
7 not done any non-emergency medical
8 transportation up to this point?

9 A. Not in that area. We've done some in
10 Georgia but not -- not in Alabama. Our
11 vehicles are sitting at the office.

12 Q. Your application says that you will
13 utilize four vehicles, and three of
14 those are wheelchair vans and one five-
15 passenger mini van. In whose name -- in
16 whose name are those vehicles titled?

17 A. All Star Transportation.

18 Q. And you said that they are kept at the
19 9593 Lee Road address?

20 A. Yes, ma'am.

21 Q. Is that a commercial or residential
22 address?

23 A. Commercial.

1 Q. Do you own those vehicles outright or
2 are they leased or subject to a loan?

3 A. They're outright, free and clear.

4 Q. Are they used for anything other than
5 company business?

6 A. (Witness shook head in the negative.)

7 Q. Is that a no?

8 A. That's no. I'm sorry.

9 Q. For the court reporter. Sorry.

10 A. Excuse me. We're not used to being in
11 any court.

12 Q. That's fine.

13 A. We're just.

14 Q. That's okay.

15 I assume, then, your intent is to
16 transport both ambulatory and wheelchair
17 passengers?

18 A. Yes, ma'am.

19 Q. Have your vehicles been inspected and
20 certified as compliant with ADA?

21 A. They all have ADA stickers on them.

22 Yes, ma'am. But the lifts and

23 everything haven't been recertified. We

1 will do that before we -- before we
2 start operations. And we'll get that
3 done at Phase III Mobility here in
4 Montgomery.

5 Q. Do you have a -- do you have an
6 operating statement with you today that
7 shows your receipts or your expenses or
8 profits or anything other than what you
9 appended to your application in support
10 of your company's financial liability?

11 A. No, we don't have that.

12 Q. When you provide your non-emergency
13 medical transport, will you wait on
14 those passengers or will you drop them
15 off and go back and pick them up later?
16 How will that work?

17 A. Whatever the customer wants, ma'am.

18 Q. How far in advance will a customer be
19 required to arrange for your transport?

20 A. That would depend on scheduling. It
21 could be anywhere from 30, 40 minutes to
22 a day or two in advance. It would
23 depend. That's impossible to

1 determine. We have no idea how busy
2 we're going to be yet.

3 Q. How many trips per day or week or month
4 do you estimate on providing?

5 A. Well, I would like to see about five to
6 ten trips a day per vehicle, but I know
7 it's not going to start out that much in
8 the beginning. But if we do nothing the
9 first few months, we're financially
10 backed well enough to handle it. So...

11 Q. Have you already spoken to any potential
12 facilities or organizations to offer
13 your services?

14 A. No. Because we don't have an approval
15 from the court yet. We have a bunch of
16 fliers that we can send out to all the
17 local nursing homes, but they haven't
18 been sent out yet.

19 Q. Do you intend to serve the outlying
20 areas within the counties for which
21 you're seeking authority, or are you
22 going to concentrate on the municipal
23 areas within those counties?

1 A. We're kind of thinking there's a need in
2 the outlying areas. Like I said, we've
3 seen some people in Phenix City that
4 we've spoken to that have been waiting
5 an hour and a half and two hours to get
6 picked up. Medical appointments for
7 some of these people is -- a lot of us,
8 as we get older, we realize that they're
9 very hard to get. They're not easy to
10 come by. And when someone needs to go,
11 they need to go.

12 Q. Are you using any equipment that's not
13 your own to provide these services?

14 A. Oh, no, ma'am. We own everything free
15 and clear and outright.

16 Q. Will you have any other devices other
17 than your lifts to assist people getting
18 in and out of the vehicles?

19 A. Yes, ma'am. We have -- we have steps
20 for ambulatory people to get in and out
21 of the vans, and we also have portable
22 wheelchair ramps for people to come down
23 out of their homes in the event that

1 they don't have -- they don't have one
2 installed at their home.

3 Q. How many drivers do you have?

4 A. Well, we have two right now, and we're
5 in the process of hiring more. But we
6 can't hire more until we're allowed to
7 open up.

8 Q. What kind of experience or training will
9 you require them to have?

10 A. Number one is a perfectly clean driving
11 record, number two is a drug test,
12 number three is a criminal background
13 check. The same thing I did with the
14 taxies. The drug tests are continually
15 random, along with alcohol tests are
16 continually random. We have a training
17 video from Sherlock Restraint Systems
18 that tie wheelchairs down. We have a
19 defensive driver's course that we have
20 on CD.

21 We have -- as far as safety, taxi
22 companies run ungodly amount of miles
23 per year. In the past 12 years, our

1 loss ratio has been 6.5 percent, which
2 is unheard of for a taxi company. Most
3 of them run in the 40 to 50 percent
4 range. And we feel we can do better
5 than that with a medical transportation
6 company.

7 Q. Who will be providing the maintenance
8 and the service for your vehicles?

9 A. We have a business right next door to us
10 called Knuckle Busterz. They have eight
11 ASE certified mechanics. And they are
12 right next door to our facility.
13 Anything other than that would be a
14 dealership.

15 Q. How do you plan to advertise for your
16 services, or have you already begun
17 doing so?

18 A. No, ma'am. We haven't advertised
19 because we don't have authority to
20 operate yet. But we will put out fliers
21 to the local nursing homes and doctors'
22 offices and things like that in the
23 local vicinity area there.

1 Q. And will you have someone responsible
2 for dispatching your vehicles, receiving
3 those calls, and scheduling appointments
4 in dispatch?

5 A. Yes, ma'am. As I said, we have someone
6 in the office, and we have a complete
7 computerized system that automatically
8 picks the closest appropriate vehicle by
9 a GPS and dispatches it saving time.
10 And that system also tracks any
11 vehicle. If it goes five miles an hour
12 over the speed limit, it sets off an
13 alarm in the office. If a medical
14 emergency happens, it sets off an alarm
15 in the office.

16 Q. Do you have a nonprofit certificate from
17 the Commission, or are you an approved
18 vendor for Medicaid?

19 A. No, we are not. We're waiting on our
20 operating authority, and then we're
21 going after that.

22 Q. Will you be filing a tariff with rates
23 for -- other than Medicaid patients?

1 A. Yes. If we're required to. Yes, ma'am.

2 Q. Do you know what that rate may be?

3 A. Nothing is etched in stone, but we
4 believe \$30 lift fee and \$3 a mile.
5 This is what we're intending.

6 MS. BILLINGSLEY: I think
7 that's all the questions I have,
8 Your Honor. Thank you.

9 ALJ MORRIS: Mr. Hilyer, do
10 you have any questions?

11 MR. HILYER: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. HILYER:

14 Q. Sir, do you have any intent on providing
15 transportation via luxury sedans or
16 luxury limousines?

17 A. Sir, I -- a few years -- many years --
18 probably 15 years ago, I -- we moved up
19 to Detroit and started a business
20 manufacturing custom limousines for
21 people and owned a limousine service. I
22 don't want to look at or see another
23 limousine in my life. I have no

1 interest whatsoever.

2 Q. Would you have any objection as I --

3 A. Excluding --

4 Q. -- sent you a letter excluding --

5 A. No objection whatsoever. It can be
6 restricted from limousines.

7 ALJ MORRIS: So you would --
8 you would agree to that?

9 MR. HALICKI: Oh, yes, sir.

10 ALJ MORRIS: We can send
11 Mr. Hilyer on his way.

12 MR. HALICKI: Yes, sir. We
13 have no desire whatsoever.

14 MS. MUSE: No more taxies, no
15 more limos.

16 ALJ MORRIS: We will note that
17 the applicant was willing to --

18 MR. HALICKI: We just want to
19 run a little business --

20 ALJ MORRIS: Right.

21 MR. HALICKI: -- in our area
22 there. And that 65 is getting
23 real close, and we can't wait to

1 see it. But we need something to
2 do in the meantime.

3 ALJ MORRIS: Right. So we
4 will --

5 MR. HALICKI: We're not
6 looking to get big or bother
7 anybody or infringe on anybody's
8 area or anything like that.

9 ALJ MORRIS: Note for the
10 record that the applicant has
11 agreed to a restrictive amendment
12 against the provision of servicing
13 luxury limousines.

14 Is that sufficient?

15 MR. HILYER: Yes, sir.

16 ALJ MORRIS: Okay,

17 Mr. Hilyer.

18 MR. HILYER: I'm excused?

19 ALJ MORRIS: You're excused.

20 MR. HILYER: Thank you, sir.

21 ALJ MORRIS: Have a safe trip
22 home.

23 Ms. Billingsley, do you

1 have any questions for Ms. Muse?

2 MS. BILLINGSLEY: No, I
3 don't. Thank you.

4 ALJ MORRIS: So you've
5 completed --

6 MS. BILLINGSLEY: Yes, sir.

7 ALJ MORRIS: All right. I
8 guess we're ready for your
9 presentation. Who are you going
10 to have testifying today?

11 MS. BILLINGSLEY:
12 Mr. Peterson.

13 RICHARD PETERSON

14 The witness, having been first duly
15 sworn to speak the truth, the whole truth
16 and nothing but the truth, testified as
17 follows:

18 DIRECT EXAMINATION

19 BY MS. BILLINGSLEY:

20 Q. Good morning, Mr. Peterson.

21 A. Good morning.

22 Q. Would you please state your name and
23 your address and occupation for the

1 record?

2 A. Richard Peterson. The address is 1927
3 11th Avenue North, Bessemer, Alabama,
4 35020.

5 Q. For Medical Transport of Alabama --

6 A. Yes. Yes, ma'am.

7 Q. -- LLC? And you were formerly known as
8 Ala-Three doing business as Express
9 Medical Transporters?

10 A. Yes, ma'am.

11 Q. And what is your position with the
12 company?

13 A. General manager.

14 Q. And how long have you been employed in
15 that capacity?

16 A. Right at three -- three years, something
17 like that.

18 Q. What is the nature of your involvement
19 with MTA?

20 A. Nature of involvement?

21 Q. What do your responsibilities entail for
22 the company?

23 A. A little bit of everything. From

1 watching the maintenance of the vehicles
2 to making sure every trip gets out and
3 gets done on time. Pretty much a little
4 bit of everything that is involved with
5 the company. There's -- there's not too
6 many -- I mean, I'm into everything.

7 Q. Are you familiar with the financial
8 condition of the company?

9 A. Yes, ma'am, I am.

10 Q. Are you familiar with its equipment?

11 A. Yes, ma'am.

12 Q. Are you familiar with its general mode
13 of operations?

14 A. Yes, ma'am.

15 Q. Maintenance and safety?

16 A. Yes, ma'am.

17 Q. Human resources?

18 A. Yes, ma'am.

19 Q. Regulatory compliance?

20 A. Yes, ma'am.

21 Q. Marketing?

22 A. Yes, ma'am.

23 Q. Where does the company presently have

1 offices within the state?

2 A. We have an office in Birmingham, we have
3 an office in Montgomery, we have an
4 office in Mobile, and we have an office
5 in Ozark.

6 Q. Which office would be the one that would
7 primarily be responsible for
8 transportation services needed in the
9 areas proposed by the applicant?

10 A. Montgomery.

11 Q. And so you would service Tallapoosa,
12 Chambers, Elmore, Lee, Macon, Bullock,
13 and Russell Counties through the
14 Montgomery office?

15 A. Yes, ma'am.

16 Q. Does the company have statewide
17 authority?

18 A. Yes, ma'am.

19 Q. And it's exclusively for non-emergency
20 medical transportation service?

21 A. Yes, ma'am.

22 Q. How long has the company been providing
23 services, to the best of your knowledge?

1 A. Before I came, it was already providing
2 services. So I think -- if I'm correct,
3 I think Janice took over in 2009. But
4 before that, I think it -- the company
5 was required -- it was acquired after
6 she took over, but it was already
7 performing statewide.

8 Q. Yes. She took over a preexisting
9 company.

10 A. Yes. Yes, ma'am.

11 Q. How many -- how many transports would
12 you estimate that you're currently doing
13 in the areas proposed to be served by
14 the applicant? And you can take a day,
15 a week, a month, however it's easiest
16 for you.

17 A. We are probably transporting right now
18 in those -- in those counties alone per
19 day, probably altogether -- probably
20 like 30 transports a day. And that
21 could change. I mean, January is a
22 little higher. There's certain months
23 that are higher and then they go down.

1 But yeah. Probably about 30 a day in
2 those counties alone.

3 Q. Does that include wheelchair transports?

4 A. Yes, ma'am.

5 Q. Are you actively looking to expand the
6 business or is your business expanding?

7 A. We are always trying to expand.

8 Q. Are you receiving requests from these
9 areas to provide additional service?

10 A. Yes, ma'am.

11 Q. What's the general nature of the
12 transports that you provide in those
13 counties?

14 A. The general nature? Anywhere from
15 dialysis, doctor visits, I think even a
16 couple of dentist appointments, doctors'
17 appointments.

18 Q. And how long would it take you to
19 dispatch a vehicle from Montgomery to
20 one of these areas for requests?

21 A. It depends on where they're at. Because
22 we do have vehicles that are stationed
23 closer than Montgomery, because some of

1 the drivers take their vans home. It
2 really just depends on what -- what city
3 we're talking about at the time.

4 But to dispatch for them, we're --
5 we're -- we do 24-hour notice so that
6 we're able to dispatch on a timely
7 manner. But for us, it's probably 20 to
8 30 minutes. It depends. Even at the
9 furthest, I think it would be probably a
10 45-minute ride.

11 Q. So you do have the ability to meet more
12 immediate requests --

13 A. Yes.

14 Q. -- than 24 hours? But 24 hours provides
15 you sufficient notice for scheduling?

16 A. Right. Yes, ma'am.

17 Q. And are you an approved vendor for
18 Medicaid?

19 A. Yes, ma'am.

20 Q. Do you have a nonprofit certificate?

21 A. Yes, ma'am.

22 Q. Do you have any restrictions on your
23 authority?

1 A. No, ma'am.

2 Q. The company is in good standing with the
3 Commission?

4 A. Yes, ma'am.

5 Q. Let's talk about -- let's talk about
6 profitability and expansion of the
7 business.

8 First, let me ask you, how many --
9 how many drivers do you have?

10 A. Right now? Are you talking in that city
11 or all over?

12 Q. Just statewide.

13 A. In general, we probably have right
14 now -- we're probably pretty close to
15 about 76 employees.

16 Q. And you have the ability to dispatch and
17 move drivers and vehicles to wherever
18 the need is --

19 A. Yes, ma'am.

20 Q. -- throughout the state?

21 A. Yes, ma'am.

22 Q. And how many vehicles do you currently
23 have?

1 A. We're right at -- almost close to 60
2 right now.

3 Q. Looking to acquire more?

4 A. More. Always.

5 Q. How competitive has the non-emergency
6 medical transport business been for MTA?

7 A. It's very competitive. Since I've been
8 here, it's -- there's company startup
9 every day that basically never even come
10 in here. And it's -- you're taking a
11 lot of little jobs to make a lot -- to
12 make a little bit of money. It's not --
13 you're not getting rich off of taking
14 one transport. You have to take a lot
15 of transports to even break even. So it
16 does take quantity to make a profit.

17 Q. So how profitable has the company
18 been --

19 A. I think we --

20 Q. -- since your time with the company?

21 A. I think we -- we just barely break
22 even. I mean, there's times that I
23 think we get there and then, you know,

1 you have something else that sets back.

2 But I don't think we've actually totally
3 been profitable since I've been here in
4 three years.

5 Q. So is every transport important to your
6 company?

7 A. Yes, ma'am, it is.

8 Q. How are your drivers screened, and what
9 are the requirements that you have for
10 your drivers?

11 A. Well, we have -- first, we have -- they
12 have to have a clean MVR, motor vehicle
13 run -- report. We take them through a
14 background check. We do a sensitivity
15 test, basically -- actually do a
16 sensitivity training. We do a defensive
17 course training for driving. And then
18 we take them through a certification to
19 certify them for locking them in and
20 securing them in the vehicle.

21 Q. Do they get Red Cross training as well?

22 A. Yes. And we do actually first aid and
23 red -- we do first aid and CPR.

1 Q. And are they subject to continuing
2 education requirements?

3 A. Yes. Yes. They have to keep their
4 certifications up.

5 Q. And your vehicles are regularly
6 inspected?

7 A. Yes, ma'am.

8 Q. How do you advertise?

9 A. We -- we put out fliers. We also put --
10 we have two 1-800 numbers. We actually
11 have a webpage, and that's actually
12 being reworked right now for the -- for
13 the new name. But -- and we advertise
14 in the paper.

15 Q. Do you have existing relationships with
16 nursing homes or other medical
17 facilities within these counties; for
18 example, Elmore, Lee, Macon --

19 A. Yes.

20 Q. -- Tallapoosa?

21 A. Yes, we do.

22 Q. Can you talk a little bit about that?

23 A. I can't name all the facilities because

1 we -- we do work for quite a few. But
2 we do a lot of work for these facilities
3 because they have dialysis patients and
4 they're required -- and they need to get
5 there at least three times a week.

6 Almost every one of those counties we
7 have probably at least two to three
8 centers that we do work for, and some of
9 them actually have more than that. But
10 I know for a fact at least two or three.

11 Q. Are you familiar with Johnson Express?

12 A. I've heard of them. I've never seen
13 them. It's kind of -- we know there's
14 more out there. We just don't get to
15 always see all of them.

16 Q. Do you advertise in local telephone
17 directories as well?

18 A. Yes, ma'am.

19 Q. Based on your experience with the
20 industry and Mr. Halicki's testimony
21 this morning, do you believe in your
22 opinion that you have the ability to
23 absorb five to ten additional transports

1 per day that the applicant is projecting
2 to --

3 A. Yes, ma'am.

4 Q. -- provide?

5 A. Yes, ma'am. Very easily.

6 Q. And can you absorb more than that?

7 A. Yes, we can.

8 MS. BILLINGSLEY: I believe
9 that's all I have, Your Honor.
10 Thank you.

11 Q. Thank you, Mr. Peterson.

12 ALJ MORRIS: Mr. Halicki, do
13 you have any questions?

14 MR. HALICKI: Oh, absolutely.

15 CROSS-EXAMINATION

16 BY MR. HALICKI:

17 Q. You said you're not turning a profit?

18 A. We -- we're -- we're not -- we're barely
19 making a profit.

20 Q. Then how are you planning on expanding?

21 A. The only way to make a profit is to
22 expand so that we can have more work and
23 do more work.

1 Q. And I have many vehicles running around
2 Lee, Russell, Chambers County, and I
3 have yet to see an EMT van in that area
4 over the past year.

5 How many trips a day do you do in
6 Lee County, Russell County?

7 A. I can't tell you. As I stated, we do --

8 Q. Could it be zero?

9 A. Zero? No. We do more than that. We
10 definitely work there.

11 Q. I don't understand why I've never seen
12 it and why I see vans from Georgia in
13 that area.

14 MS. BILLINGSLEY: Your Honor,
15 can I object to the comments?

16 ALJ MORRIS: Yeah.

17 Mr. Halicki, you need to be asking
18 questions at this point, not --
19 not making comments.

20 MR. HALICKI: I apologize. I
21 have -- we've never been to
22 court. So we have no idea, Your
23 Honor.

1 ALJ MORRIS: Yeah. You'll
2 have an opportunity for another
3 statement here before we close.
4 But right now, you just need to be
5 asking questions of the witness.

6 Q. (By Mr. Halicki) Okay. So you don't
7 know how many trips a day you do in Lee
8 County?

9 A. I don't know exactly right offhand, but
10 I know for all the counties. I totaled
11 them up before I came.

12 Q. Okay. And would you say the county
13 that's probably closest to you, which
14 would be, I believe, Macon County, would
15 be the county where you do most of those
16 trips?

17 A. No.

18 Q. And what are your present rates that you
19 charge?

20 A. It's 29.50 and -- 29.50. I forget now.
21 It's 29.50 and \$3 a mile.

22 Q. And do you believe that you can drive a
23 vehicle from Montgomery here, 80 miles

1 over into that area there, and do a 30,
2 \$40 pickup --

3 A. If we would --

4 Q. -- and still maintain a profit?

5 A. That's a yes or a no? We would probably
6 station more vehicles there if we had
7 more work. That way, we wouldn't be
8 driving as far.

9 Q. So what you're telling me is you don't
10 have any work in that area.

11 A. No. I didn't say that at all.

12 Q. Isn't that what you said?

13 A. No, that isn't what I said. I said as
14 it grows, we would station more vehicles
15 there.

16 Q. And you have approximately how many
17 vehicles?

18 A. Almost 60.

19 Q. Almost 60. How many vehicles would you
20 say it takes to operate in a county?

21 A. It depends on how many jobs we're doing
22 in a county.

23 Q. Just give me an idea. Two, three, five

1 maybe?

2 A. Some counties we're --

3 MS. BILLINGSLEY: If you can't
4 speculate, don't.

5 THE WITNESS: Yeah.

6 A. I couldn't tell you.

7 Q. You have authority for 67 counties; is
8 that correct? Is that what there is in
9 Alabama, 67 counties?

10 A. I think that's correct.

11 Q. And 60 vehicles. That's not quite one
12 for every county. Would that be right?

13 A. That's correct.

14 MR. HALICKI: That's all I
15 have at the moment, Your Honor.

16 ALJ MORRIS: Okay. Any
17 redirect?

18 MS. BILLINGSLEY: Yes. Could
19 I just follow up with a couple of
20 questions?

21 ALJ MORRIS: Yes.

22 MS. BILLINGSLEY: Thank you.

23

1 REDIRECT EXAMINATION

2 BY MS. BILLINGSLEY:

3 Q. Mr. Peterson, when the company was
4 acquired back in 2009, was it acquired
5 basically as a startup entity at that --
6 at that junction?

7 A. Yes.

8 Q. And so the company has been continually
9 expanding since that time?

10 A. Yes, ma'am.

11 Q. How has -- how has the expansion plan
12 worked? For example, did you start out
13 with business offices in all of those
14 locations or did you add those over
15 time?

16 A. We added them over time.

17 Q. And what was the reason for adding
18 additional offices?

19 A. Because as the work presented itself, it
20 made it where it was more feasible to
21 have an office in that location so we
22 would run shorter distance to make -- to
23 try to make a profit.

1 Q. And so if it was -- it was a business
2 decision that you made as far as profits
3 and wear and tear on vehicles and
4 drivers' time?

5 A. Exactly.

6 Q. And so is the company flexible enough
7 that it is continuing to adjust and
8 expand and grow as the need arises?

9 A. Yes, ma'am.

10 Q. So as you continue to acquire additional
11 work in these counties, it's possible
12 that you could establish a business
13 office there --

14 A. Exactly.

15 Q. -- at some point in time?

16 A. Yes, ma'am.

17 Q. But is it -- is it working well for you
18 at this juncture to dispatch vehicles
19 out of Montgomery if that's where they
20 are or somewhere closer if the vehicles
21 are located in that area?

22 A. Yes, ma'am.

23 Q. So you have flexibility on a daily basis

1 to move vehicles and drivers where
2 they're needed most?

3 A. Yes, ma'am.

4 Q. And are you continually soliciting
5 additional business in each one of these
6 counties?

7 A. Yes.

8 Q. Do you have an office in Wetumpka?

9 A. No.

10 Q. Do you --

11 MS. BILLINGSLEY: I think
12 that's all I have.

13 ALJ MORRIS: Okay.

14 MS. BILLINGSLEY: Thank you.

15 ALJ MORRIS: All right.

16 Mr. Halicki, I'll give you an
17 opportunity to make a closing
18 statement here before we end.

19 MR. HALICKI: Your Honor, I
20 can't -- after myself can't see
21 any reason for us not being
22 granted our -- our authority
23 here.

1 If -- if it will move
2 things along, we would be willing
3 to give up Macon County. But the
4 rest of it, we absolutely see no
5 reason why that -- where we would
6 be infringing on their area
7 there. We see no reason why at
8 all.

9 ALJ MORRIS: Okay.

10 MR. HALICKI: Which Macon
11 County would be the closest one to
12 the Montgomery area here.

13 ALJ MORRIS: Ms. Billingsley,
14 would you be willing to withdraw
15 your protest if they were to give
16 up just Macon County?

17 MS. BILLINGSLEY: No, Your
18 Honor. Thank you.

19 ALJ MORRIS: All right. I
20 didn't think so. I needed to ask.

21 MS. BILLINGSLEY: Sure.

22 ALJ MORRIS: Let's see. Once
23 I get the transcript back, I will

1 prepare a written and recommended
2 order. The parties will have 20
3 days to file exceptions. If the
4 exceptions are filed, the other
5 party will have 20 days from the
6 filing of those exceptions in
7 which to file -- applies to those
8 exceptions.

9 If no exceptions are
10 filed, the report and recommended
11 order will become the order of the
12 Commission by operation of law.
13 If exceptions are filed, it will
14 be before the Commission at the
15 next subsequent Commission meeting
16 after all of the exceptions and
17 replies are filed.

18 And with that, we'll take
19 this under advisement, and this
20 hearing is concluded. Thank you
21 very much.

22 (The proceedings concluded at
23 10:20 a.m.)

1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA

3 MONTGOMERY COUNTY

4 I, Gwendolyn P. Timbie, Certified
5 Court Reporter and Commissioner for the
6 State of Alabama at Large, hereby certify
7 that on Thursday, February 27, 2014, I
8 reported the PROCEEDINGS in the matter of
9 the foregoing cause, and that pages 3
10 through 48 contain a true and accurate
11 transcription of said proceedings.

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

16 This 7th day of March 2014.

17

18 /s/Gwendolyn P. Timbie
19 GWENDOLYN P. TIMBIE, COURT REPORTER
20 And Commissioner for the
21 State of Alabama at Large
22 CCR 172, Expires 09/30/14
23 MY COMMISSION EXPIRES: 3/10/17

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