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UPMC calls mayor's suit smokescreen

Health care giant ties Ravenstahl to Highmark, SEIU

By Rich Lord
Pittsburgh Post-Gazette

If Pittsburgh Mayor Luke Ravenstahl's lawsuit challenging UPMC's tax status was a lunge at the giant's wallet, the health care system's response filed Thursday was a figurative scalpel to his eye.

Procedurally, UPMC was just amending its earlier complaint, which alleged that the city of Pittsburgh's challenge to UPMC's tax-exempt status was unconstitutional. Tactically, UPMC's filing seemed to be much more: an effort to link the challenge to both the federal probe involving the mayor and to a union-backed public relations campaign against the health care system.

"The mayor, to deflect public attention, needed a headline," UPMC's complaint alleged. "One way the mayor chose to carry out his strategy to deflect public attention and endear himself with those adverse to UPMC—who could provide post-public office employment and benefits—was to immediately reverse the course of long-standing cooperative dialogue with UPMC, and execute a plan to damage it and its supported organizations, and attack."

"I don't see it. I don't understand it and I don't see it," said Ronald Barber, one of the attorneys retained by the city for its court fight with UPMC. "This [city's] lawsuit was filed for proper reasons, to obtain an adjudication of UPMC's status."

UPMC's filing "certainly is interesting, and it's colorful," Mr. Barber continued. "I don't

SEE **UPMC**, PAGE A-4



Gov. Tom Corbett's lawsuit was in response to the sanctions levied against Penn State University.

Judge throws out Corbett's suit against the NCAA

By Paula Reed Ward and Mark Dent
Pittsburgh Post-Gazette

A federal judge Thursday dismissed a lawsuit Pennsylvania Gov. Tom Corbett filed against the NCAA, saying it "failed on all prongs."

Chief U.S. District Judge Yvette Kane of the Middle District of Pennsylvania concluded there was no legal basis for the governor to challenge the sanctions assessed against Penn State University last year in the wake of the Jerry Sandusky child sex abuse scandal, instead calling it a "Hail Mary pass."

"In another forum the complaint's appeal to equity and common sense may win the day, but in the antitrust world these arguments fail to advance the ball," the judge wrote.

Mr. Corbett filed the antitrust action Jan. 2. Judge Kane heard oral argument on

SEE **LAWSUIT**, PAGE A-3

Spy agency's phone logging revealed

Lawmakers defend anti-terror practice intruding on privacy

By Charlie Savage and Edward Wyatt
The New York Times

WASHINGTON — The National Security Agency for years has been compiling a library of Americans' phone records and using computers to

search the database for potential associates of terrorists or spies. But officials must receive permission from a secret court before scrutinizing particular callers flagged as suspicious and using further steps, such as listening to the content of their conversations, officials disclosed Thursday.

The disclosure in a British newspaper Wednesday of a classified court order to a Verizon subsidiary opened the door into a secret program that originated with the Bush adminis-

Inside

U.S. mines Internet firms' data, documents show.
Page A-8

tration's post-9/11 surveillance, and whose survival in some form into the Obama administration has long been the subject of hints and speculation.

The disclosure that the government is indeed vacuuming up and retaining "metadata"—such as records of all calls made and received, but not

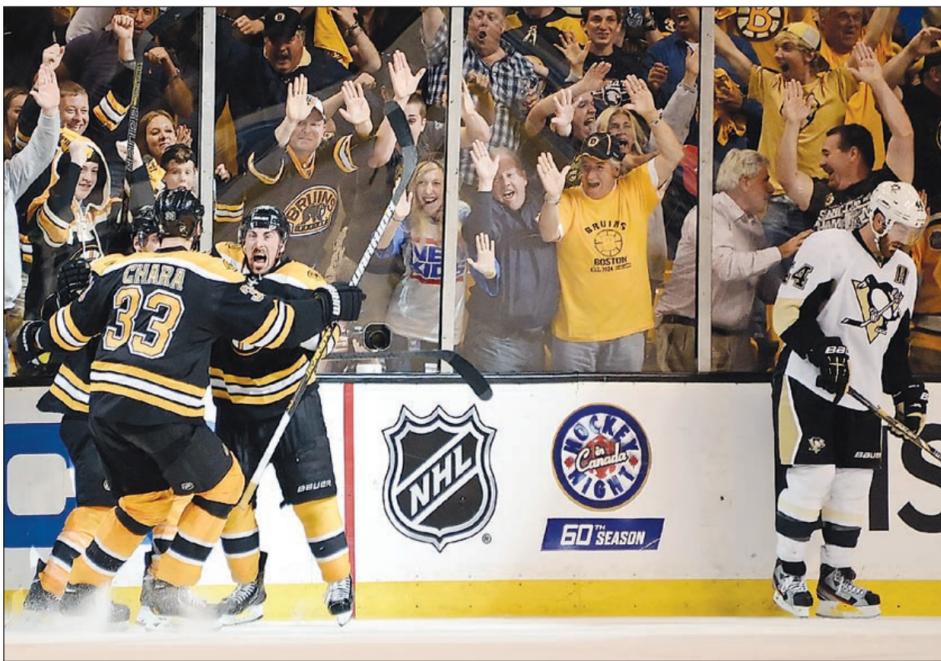
their content—from telecommunications carriers provoked public discussion, as the Obama administration and some members of Congress in both parties defended the program, even as privacy advocates expressed furor.

Responding to the disclosure, Sens. Dianne Feinstein, D-Calif., and Saxby Chambliss, R-Ga., said Thursday that the order appeared to be a routine reauthorization as part of a

SEE **PRIVACY**, PAGE A-8

The mood was as gloomy as the weather in the city after the Penguins fell to the Bruins

A dreary forecast



Peter Diana / Pittsburgh Post-Gazette

The Penguins' Brooks Orpik reacts as the Bruins celebrate their game-winning goal in double overtime in Wednesday's Game 3 of the Eastern Conference final. The teams will play Game 4 today at 8 p.m.

By J. Brady McCollough
Pittsburgh Post-Gazette

Light came too early Thursday morning. Or was it not early enough?

At 5:49, the darkness gave way, and a gray pall began to settle over a sleepy and confused city. It was a fitting color because the crucial matter of moving on after the Penguins' 2-1 double-overtime loss to the Boston Bruins in

Game 3 of the Eastern Conference final late Wednesday night, for most Pittsburghers, was anything but black and white.

You had to wake up and see it, feel it, for yourself. And your reaction, upon experiencing this not-so-everyday rise from slumber, said a lot about you and the shape of your sports heart.

The Penguins, built at the trade deadline to be indestructible, even

Inside

The Penguins' offensive stars have been all but invisible against the Bruins. **Sports, Page D-1**

against the Boston-strong Bruins, now trailed 3-0 in the series. Could you shake the sense that the season was already over with one game still to play? Could you find, somewhere deep, a belief in miracles, of "87," "71"

and the rest of the gang pulling it together in a comeback for the ages? Or did you choose to let the sadness overwhelm you, pulling you into the dreaded thought that this summer's success was now in the hands of... the Pirates?

You were probably tugged somewhere near the middle. You went to work, absurdly happy to

SEE **HOCKEY**, PAGE A-9

City making a splash with refreshed fountain

'Riverlights at Point' celebration is today

By Ed Blazina
Pittsburgh Post-Gazette

After 12 years and \$40 million, the rebirth of Point State Park in Downtown Pittsburgh will be capped off today when the fountain at the Point shoots back into operation.

The 150-foot water spout—symbolic of Pittsburgh the way the Gateway Arch identifies St. Louis or the Golden Gate Bridge means San Francisco—has been mostly shut off for four years for refurbishing. That coincided with reconstruction and repurposing of the park

itself and will culminate in a ceremony at 5 p.m. today attended by Gov. Tom Corbett.

"We're excited," said Lisa Schroeder, president and CEO of Riverlife, the civic group that worked on the project with the state Department of Conservation and Natural Resources and the Allegheny Conference on Community Development.

Restarting the fountain coincides with the opening day of the Three Rivers Arts Festival, which has Ms. Schroeder and others crossing their fingers that the rain that often accompanies the festival holds off for their event.

To celebrate the return of the fountain, there will be a special

SEE **FOUNTAIN**, PAGE A-10

Donation breathes life into pet rescue efforts

Beaver County gets 80 oxygen masks for emergency units

By Jessica Contrera
Pittsburgh Post-Gazette

People. Pets. Property. Those are what firefighters aim to save when they arrive on the scene of a home ablaze.

On Thursday in Ambridge, their chances of saving the second P increased dramatically when 80 animal rescue oxygen masks were donated to Beaver County Emergency Services by Invisible Fence of Western Pennsylvania.

The masks are designed specifically for dogs and cats that have inhaled smoke and are in



Kurt Weber/Post-Gazette

need of oxygen. They also have been used to save gerbils, birds and snakes.

"Within 15 to 20 minutes of putting the mask on, animals

that were unresponsive are back on their feet and ready for further veterinary care," said Becky Urbanic, an Invisible Fence dog trainer.

Becky Urbanic of Invisible Fence of Western Pennsylvania shows how to use an animal oxygen mask Thursday on her dog Fonzie at Beaver County Emergency Services in Ambridge. The company donated masks to emergency services units in the county.

For Ms. Urbanic, the rescue of pets is more than her job; it's the reason her dog Fonzie is alive. The German shepherd and its littermates were saved from a house fire when they were 8 weeks old. Fonzie's mother wasn't as lucky.

"We estimate that more than 40,000 pets are killed by fires in the U.S. each year, and we want to put an end to that," Ms. Urbanic said.

The contribution to Beaver County on Thursday was Invisible Fence's largest one-time donation of masks in Pennsylvania. Previously, its Project Breathe program has donated masks to fire departments in Baldwin, Canonsburg and West Mifflin. The Pittsburgh Bureau of Fire also owns ani-

SEE **MASKS**, PAGE A-2



ESTHER WILLIAMS 1921-2013

Ms. Williams, who used a swimsuit, her swimming talent and athletic body to propel herself to movie stardom in the 1940s, dies in Beverly Hills, Calif. She was 91. **Obituary, Page B-3**

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Weather
Mostly cloudy with showers.
High 76, low 58.
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Online today

Empty Netters will blog live during tonight's Penguins game at <http://blogs.post-gazette.com/sports/empty-netters>

post-gazette.com

Tropical Storm Andrea hits Fla., threatens coast

By Jennifer Kay
Associated Press

MIAMI — The first named storm of the Atlantic season hammered Florida with rain, heavy winds and tornadoes Thursday as it moved toward the coast of Georgia and the Carolinas, promising sloppy commutes and waterlogged vacation getaways through the start of the weekend.

Tropical Storm Andrea was not expected to strengthen into a hurricane, but forecasters warned that it could cause isolated flooding and storm surge before it loses steam over the next two days.

Tropical storm warnings were in effect for a large section of Florida's west coast from Boca Grande to the Ochlockonee River and for the East Coast from Flagler Beach, Fla., all the way to Cape Charles Light in Virginia, and the lower Chesapeake Bay south of New Point Comfort. A tropical storm warning means that tropical storm conditions are expected somewhere inside the warning area within a day and a half.

As of 5:45 p.m. EDT Thursday, Andrea had made landfall in Florida's Big Bend area, about 10 miles south of Steinhatchee, Fla., with maximum sustained winds of near 65 mph.

Rains and winds from the storm were forecast to sweep

northward along the southeastern U.S. coast Thursday night and today. The storm was expected to lose steam by Saturday as it moves through the eastern United States, according to the U.S. National Hurricane Center in Miami.

Florida Gov. Rick Scott said one of the biggest risks associated with the storm for Florida was the chance of tornadoes, eight of which had been confirmed Thursday across the state.

Another threat to Florida's coast was storm surge, Hurricane Center specialist Eric Blake said. The center said coastal areas from Tampa Bay north to the Aucilla River could see storm surge of 2 to 4 feet, if the peak surge coincides with high tide.

Gulf Islands National Seashore closed its campgrounds and the road that runs through the popular beach-front park Wednesday. The national seashore abuts Pensacola Beach, and the park road frequently floods during heavy rains. Altogether, 30 state parks closed their campgrounds in Florida.

Meanwhile, south Georgia residents were bracing for high winds and heavy rains that could lead to flooding. On Cumberland Island off the Georgia coast, the National Park Service was evacuating campers as the storm approached.

Oxygen masks donated to help save animals

MASKS, FROM PAGE A-1

mal oxygen masks, although they were not donated.

Randy Dawson, supervisor of the Beaver County 911 Center, said he's relieved his team finally has the proper tools to help pets in danger.

"Before, we really had to improvise to try and save the animal," Mr. Dawson said. "We would use masks sized for infants or stick the oxygen tube directly into the animal's mouth. This is going to be far more effective."

During a training session Thursday for emergency responders on how to use the masks, Tony Amadio, chairman of the Beaver County commissioners, expressed his appreciation to Project Breathe. At \$120 per kit, the 80 masks represented a \$9,600 contribution.

"Luckily, we've always had the equipment to take care of the people in fires, but now we

have the tools to help what is often their most promised investment: their pets," Mr. Amadio said.

Officials emphasize that it's important to remember that saving human lives always comes first.

"But these days, so many people treat their pets like family," Harmony firefighter Larry Guidry said. "That's why it's always important to try to save the animals, too."

Any Beaver County emergency response team that was unable to attend Thursday's training should contact the emergency services department to arrange to pick up a mask kit.

"Hopefully, we're never going to have to use these things," said Ed Clark, emergency agriculture coordinator. "But when the time comes, now we're ready."

Jessica Contrera: jcontrera@post-gazette.com, 412-263-1458.

corrections&clarifications

If you have a correction and cannot reach the responsible reporter or editor, please call the office of David M. Shribman, executive editor, 412-263-1890.

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PORTFOLIO

NSA's intrusions are quite a wake-up call



TONY NORMAN

A national security state is never pretty. It does things, usually to foreigners, that make us wince over the moral costs we're willing to pay to feel safe in the world.

For instance, who in a national security state really "likes" killer drones? Still, drones are considered a necessary evil by people who are in no hurry to accept moral culpability for shadow wars fought in their name. As long as our military intelligence apparatus continues to refine its efficiency in killing terror suspects "over there," you won't hear a peep out of us.

Thanks to drones that never fail to make distinctions between civilians and alleged terrorists, we have become the most benign national security state history has ever produced. The killing of innocent civilians by American drones is relatively rare, the national security state assures us. Why would it lie to us about something as fundamental as that?

In a national security state, lawmakers who aren't competent enough to run a mid-sized lemonade stand think nothing of drafting and enacting draconian laws they insist are compatible with democracy. That's why our elected representatives were able to conceive and pass the Patriot Act in the panicky weeks following the Sept. 11 attacks. Their wisdom has proven so irrefutable in the dozen years since that neither the Democratic nor Republican parties even flirts with the idea of repealing the Patriot Act. Excesses? What excesses?

The national security state insists that its presidents have a bipartisan disregard for such abstract concepts as civil liberties so long as a single terrorist roams free somewhere on the planet. President Barack Obama may have won two elections by appealing to the hopes and dreams of an electorate hungry for a progressive vision of government power, but that

doesn't mean he wants civil libertarians erecting statues in his honor. He's determined to walk shoulder-to-shoulder with his predecessor down the path to 24-hour government surveillance of everything.

The Guardian broke a story Wednesday that would have genuinely shocked us before the era of the national security state. According to the British paper, in late April the FBI requested that the Foreign Intelligence Surveillance Court order Verizon to hand over billions of phone call records to the National Security Agency for a three-month period that will end on July 19.

Verizon complied by handing over tons of "metadata" — records of calls made and their duration, but not the contents of the calls — to the NSA. The government refuses to say why it needs this information, but the assumption is that the unprecedented request was prompted by the drama swirling around the Boston bombing suspects. It isn't known whether other carriers have been similarly ordered to hand over records, but, again, it wouldn't shock us.

The reaction to the news has broken along predictable lines. Civil libertarians are appalled. Liberal commentators are

only half-joking when they warn Guardian reporter Glenn Greenwald, the American journalist (and constitutional lawyer) who broke the story, to expect enhanced scrutiny as the Obama Justice Department seeks the source of the leak about the NSA phone records grab.

Republicans are in a bind, though. As much as they want to denounce the Obama administration for an act of Orwellian overreach against the American people, they know that in principle they're not against what the NSA did. The Obama administration is merely exercising the extra-Constitutional powers given to its predecessor to keep the nation safe. Grabbing billions of phone records may be the Patriot Act on steroids, but the GOP has no real problem with it. Any outrage expressed against Mr. Obama for doing what George W. Bush did is for the sake of the rubes.

"What is the objective of getting these numbers and collecting all these numbers from millions of Americans?" Brian Kilmeade, the most clueless member of "Fox & Friends" morning troika, asked on Thursday. "Are they overseas calls? Is there reason to be suspicious? Or is this [an] abuse of the Patriot Act?"

It would never occur to Mr. Kilmeade or his colleagues that the Patriot Act is itself an abuse of the U.S. Constitution. But in a national security state, we're taught that our enemies are everywhere, not just overseas. A couple of days ago, we woke up only to discover that the enemy looks and sounds suspiciously like — us!

Tony Norman: tnorman@post-gazette.com or 412-263-1631; Twitter: @TonyNormanPG.

local dispatch

California calls her, but Pittsburgh has place in heart, too

By Anne Thomasmeyer

I was 40 years old when I ran away from home. I am a native Californian and, up to that point, had been a lifelong resident of the San Francisco Bay Area.

When my husband's career caused us to "temporarily" relocate to New England, I considered it a grand adventure. A two-year sojourn in New Hampshire turned into four, and the return to California transformed into a detour to Pittsburgh. Life is what happens to you while you're making other plans.

In New England your family can be in a town for three generations and still be considered "the new people." While we made lovely friends there — all transplants like us — on the whole our experience bore that out. Residents there are decent, well-grounded people who occupy one of the most beautiful areas in the world, but not for nothing are New Englanders called "flinty."

By contrast, on arrival in Pittsburgh in 1999 I lost count of the number of times we were warmly welcomed. Home is the place where when you go there, they have to take you in. Pittsburgh wasn't at first our home, but it not only took us in, it wrapped its brawny arms around us and seemed prepared to never let us go.

Now, however, go we must. We will return to California this summer. If I thought my children were going to settle here, I'd stay in a heartbeat. But two of our children have already reverse-migrated to the Golden State, and our tribal elders there are getting on.

The call of familial love and responsibility can no longer be ignored. It's time, perhaps past time, to go home to family and

friends who've been patiently waiting for us to get the wanderlust out of our system. But I gotta tell yinz, it won't be easy.

How will I miss thee, Pittsburgh? Let me count the ways:

1. On arrival from New England, I was mystified by the Pittsburgh practice of blinking one's headlights to allow another driver to turn first at an intersection. I wasn't accustomed to such civility but quickly got used to it and adopted the practice myself. But on one visit back to California, while in Los Angeles, I was warned that using a similar gesture could be taken as a symbol of gang aggression.

2. Several times this past winter people said that they expect we won't miss Pittsburgh's weather. We always found that the cold was more than offset by the people's warmth. Getting to know people here was facilitated by the fact that so many residents are natives. It shrinks the roster when you realize how many people are related to each other. On return to my home state, where everyone seems to be from someplace else, I don't expect that I'll routinely run into four people I know at the grocery store.

3. Speaking of rosters, my sports knowledge went from non-existent to surprisingly literate during our time here. I don't believe I will ever again be able to name not only the starting quarterback of the local football team, but also his backup and his backup's backup. I might also reflexively scowl at the words "Ravens" or "Browns" long hereafter.

4. California is thought of as diverse, but we had to move to Pittsburgh to experience bar and bat mitzvahs and to learn that a



Sikh wedding we were privileged to attend is held in a gurdwara. There isn't a place on Earth that can't work at least a little harder on tolerance, but for the most part we've seen people of all walks of life treated here with the quiet, good-humored dignity that is the mark of the true Pittsburgher.

The view from my kitchen window looks out on a pretty little valley that in the fall is a riot of colors the likes of which aren't commonly seen in the West. Last autumn I drank in that view, burning it into my memory along with all the other things we'll miss that the limited space here won't allow me to list.

Before I left California, I thought it was the center of the universe. In my defense, a lot of non-Californians seem to place it on a pedestal as well.

I'm excited to return and to explore our new home on the edge of the Gold Country, but living in other places — especially here — has changed my perspective and given me a greater willingness to consciously embrace being American first, with Californian a very close second.

And in the future, I won't neglect to add my status as a proud, albeit former, Pittsburgher.

Anne Thomasmeyer of O'Hara can be reached at anneomt@gmail.com.

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almanac

(On this day, June 7)

1776 Richard Henry Lee of Virginia proposed to the Continental Congress a resolution stating "That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown."

1863 French forces occupied Mexico City during the Franco-Mexican War.

1892 Homer Plessy, a "Creole of color," was fined for refusing to leave a whites-only car of the East Louisiana Railroad. (Ruling on his case, the U.S. Supreme Court upheld "separate but equal" racial segregation, which it overturned in 1954.)

1937 As the climax of a week-long celebration of the 150th anniversary of its founding, the University of Pittsburgh celebrated the completion of its 42-story Cathedral of Learning a decade after construction on the building was started.

1987 "Fences," a family drama written by Pittsburgh native August Wilson and set in the Hill District, won four 1987 Tony Awards, including best play, best actor and best director.

1990 Twenty-three fire companies in Pittsburgh were called to a fire raging in the Strip District.

1996 First lady Hillary Rodham Clinton came to Pittsburgh and visited the Manchester Craftsmen's Guild and the Strip District.

Some items are from Stefan Lorant's "Pittsburgh: The Story of an American City" (digital.library.pitt.edu/chronology).

— Compiled by Rick Nowlin

Today's birthdays: Singer Tom Jones, 73. Actor Ken Osmond ("Leave It to Beaver"), 70. Former talk show host Jenny Jones, 67. Actor Liam Neeson, 61. Singer-songwriter Prince, 55. Actor-comedian Bill Hader, 35. Tennis player Anna Kournikova, 32.

Thought for today: "The slight that can be conveyed in a glance, in a gracious smile, in a wave of the hand, is often the ne plus ultra of art. What insult is so keen or so kindly felt, as the polite insult which it is impossible to resent?"
— Julia Kavanagh, Irish novelist (1824-1877)

Pittsburgh Post-Gazette

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