

File



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0708-N-120-HG

RE: APPLICATION OF CHRISTOPHER A. CABRAL TO OPERATE MOTOR VEHICLES IN THE TRANSPORTATION OF HOUSEHOLD GOODS FOR HIRE, AS A HOUSEHOLD GOODS CARRIER OVER IRREGULAR ROUTES, BETWEEN ALL POINTS IN CONNECTICUT UPON CALLS RECEIVED FROM A HEADQUARTERS IN WINDSOR.

FINAL DECISION

March 24 2008

I. INTRODUCTION

A. Applicant's Proposal

By application filed with the Department of Transportation (hereinafter "department") on August 3, 2007, pursuant to Section 13b-389 of the Connecticut General Statutes, Christopher A. Cabral (hereinafter "applicant"), located at 587 Prospect Hill Road, Windsor, Connecticut seeks authorization from the department to operate motor vehicles in the transportation of household goods for hire, as a household goods carrier over irregular routes, between all points in Connecticut from a headquarters in Windsor.

B. Hearing

Pursuant to Connecticut General Statutes Section 13b-390, a hearing on this application was held at the administrative office of the department, in Newington, Connecticut on March 11, 2008.

Notice of the application and of the hearing to be held thereon was given to the applicant and to other parties as required by General Statutes Section 13b-390. Legal notice to the public was given by publication in the Hartford Courant, a newspaper having a circulation in the area of concern.

The matter was heard by a hearing officer designated by the Commissioner of Transportation pursuant to General Statutes Section 13b-17.

C. Appearances

The applicant appeared on his own behalf, without counsel. The applicant's mailing address is 587 Prospect Hill Road, Windsor, Connecticut.

Sheldon Lubin, utilities examiner with the Regulatory and Compliance Unit of the department, was present at the hearing.

No opposition was presented to the application.

D. Administrative Notice

Administrative notice was taken of the following:

There is only one household goods moving company with a headquarters in Windsor, Connecticut.

II. FINDINGS OF FACT

1. Christopher Cabral is a paramedic. He works from 8 p.m. to 8 a.m. Sunday, Monday and Tuesday, with the other days of the week off. He earns an annual salary of \$85,000.

2. Cabral seeks to establish a small "concierge" household goods moving business primarily for customers who do not have much to move and for whom large moving companies are cost prohibitive.

3. Cabral worked for a Woodland Moving Company for 13 years, working with all aspects of the moving business as an owner-operator for that company.

4. Cabral will use his pick-up truck and a 16-foot fully enclosed trailer, which he presently owns.

5. Cabral seeks to do business as Christopher A. Cabral dba J & C Moving, LLC.

6. Mary Elizabeth Farelly is a real estate agent who has worked in Windsor for the past 30 years. She often receives requests referrals for moving companies. Often, her clients cannot find moving companies and especially to move small items.

7. Richard Trauth has occasion to refer the applicant to his professional colleagues who would use the applicant to move certain pieces of furniture.

8. Graham McDonald is the director of operations at Aetna Ambulance. He is Cabral's director. He highly recommends Cabral. He does not foresee problems with Cabral's proposed business and Cabral's current work as a paramedic. McDonald's mother passed away and he required the services of a mover to move certain items. He would have used Cabral if he had been in business.

9. Gail Sadosky has known the applicant for 30 years. She was with an elderly friend who wanted to purchase a table and chairs but had no one to move them. The large movers were prohibitive in cost and would not move smaller items. She would have used the applicant had he been in business.

10. The applicant has start up monies in the amount of \$3000. He already owns the truck he will use in the business and has purchased the trailer he will use. Cabral makes a monthly payment on his trailer in the amount of \$391.

11. Cabral owns a home with his mother, Carol Scheitlin. The home is worth approximately \$320,000, with an equity loan outstanding in the amount of \$30,000. Scheitlin is willing and able to provide her part of the equity to Cabral if he so requires.

12. No opposition was presented to the application.

III. DEPARTMENT DISCUSSION

The Department of Transportation has jurisdiction over any person operating any motor vehicle in the transportation of household goods for hire as a household goods carrier pursuant to Section 13b-389 of the Connecticut General Statutes. Further, no person shall operate as a household goods carrier within Connecticut without first obtaining a certificate of public convenience and necessity to so operate.

In determining whether such a certificate shall be granted, the Commissioner of Transportation shall take into consideration the existing motor transportation facilities and the effect upon them of granting such a certificate, the public need for the proposed service, the suitability of the applicant, the financial responsibility of the applicant, the ability of the applicant efficiently to perform the service for which the authority is requested, the condition of and effect upon the highways involved and the safety of the public using such highways, pursuant to Section 13b-392 of the General Statutes.

With regard to the existing motor transportation facilities and the effect upon them of granting a certificate of public convenience and necessity to the applicant, no evidence was presented on the record that shows any negative impact on such motor transportation facilities; nor was there evidence to show that there would be a negative impact on the highways or the public. Further, there was no evidence showing that a public convenience and necessity certificate granted to the applicant would negatively impact the safety of the public.

On the contrary, the evidence showed that the applicant has thirteen years of experience driving for a household goods mover and that the applicant has had experience in all aspects of providing such services with another company. Those thirteen years of experience will provide a good basis from which to begin a business in the movement of household goods.

The witnesses who appeared in support of the application provided only the most positive evidence in support of Cabral and his proposed business. Cabral appeared as a credible and honest witness. Moreover, the other witnesses spoke highly of the applicant, indicating that he is honest, trustworthy and helpful to anyone who requires assistance. The testimony also supported the public convenience and necessity element, in that several of the witnesses had first hand knowledge of people who required a moving service that is not so big that it is cost prohibitive.

Although the criminal conviction history form filed with the application showed no record found for the applicant, the application filed by Cabral lists a couple of incidents that occurred almost ten years ago, whereby Cabral was placed on probation.

Those matters resolved with no incident and Cabral had no other incidents since then.

With regard to financial wherewithal, the applicant seeks to start a small business, with little capital outlay. He currently holds a full time position as an emergency medical technician. Cabral owns the truck he seeks to use and has purchased a trailer for the moves. He has \$3000 of cash to start up the business. His mother has also indicated that she is willing and able to pledge her equity in her house to the business, should Cabral require it. Cabral seeks to operate this business on a cash basis. He has the funds to begin the business as proposed.

No opposition was presented to the application.

IV. CONCLUSIONS OF LAW

The evidence of record shows that the applicant possesses the financial responsibility and the suitability to provide the proposed service; the public convenience and necessity requires the operation of such service and there are no negative effects on the transportation facilities or the highways or the safety of the public, in accordance with Connecticut General Statutes Section 13b-392.

V. ORDER

Based upon the above and pursuant to Section 13b-389 et seq. of the Connecticut General Statutes, the application of Christopher A. Cabral dba J & C Movers, LLC is hereby granted and Certificate Number 1757 is hereby issued as follows:

CERTIFICATE NO. 1757
TO OPERATE MOTOR VEHICLES FOR THE TRANSPORTATION OF
HOUSEHOLD GOODS FOR HIRE AS A HOUSEHOLD GOODS CARRIER

Christopher A. Cabral dba J & C Moving, LLC is hereby permitted and authorized, subject to such regulations and conditions as the department may from time to time prescribe, to transport property for hire as a household goods common carrier over irregular routes as follow:

Household goods, within the State of Connecticut, between all points upon
calls received at its headquarters in Windsor, Connecticut.

PRE-REGISTRATION REQUIREMENT:

Christopher A. Cabral dba J & C Moving, LLC must file with the Administrative Law Unit of the Department of Transportation proof that a bank account has been established in the name of the company, within 15 days from the date of the final decision.

Christopher A. Cabral dba J & C Moving, LLC must file with the Administrative Law Unit proof of the filing of a trade name certificate with the Windsor Town Hall, within 15 days of the final decision.

Christopher A. Cabral dba J & C Moving, LLC must register a vehicle within 30 days from the date of the final decision.

RESTRICTIONS:

The certificate holder must accept and transport property, as herein authorized in accordance with its tariff on file with the department, for all persons who desire the service to the extent of the certificate holder's facilities at uniform rates for all similar service.

This certificate cannot be sold or transferred until it has been operational for more than 24 months.

There shall be carried in each vehicle operated under this authority, a copy of the certificate registration receipt issued by the department.

This certificate shall remain in effect until amended, suspended or revoked by the department. Failure of the certificate holder to maintain proper insurance and/or to comply with all pertinent motor vehicle laws and other State statutes and/or rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke said certificate. **This certificate may be transferred only with approval of the department and within the conditions and restrictions contained herein.**

This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut, on this the 24th day of March 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration