

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1005-N-35-HG

CORRECTED FINAL DECISION

RE: APPLICATION OF ZIELINSKI FAMILY MOVING & REMOVAL, LLC 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 WOODBURY.

FINAL DECISION

October 5, 2011

I. INTRODUCTION

A. Applicant's Proposal

By application filed on May 14, 2010, pursuant to Section 13b-389 of the Connecticut General Statutes, and assigned Docket No. 1005-N-35-HG, Zielinski Family Moving & Removal, LLC (hereinafter "applicant"), with a mailing address of 6B 122 South Pomperaug Avenue, Woodbury, Connecticut 06798 seeks authorization from the Connecticut Department of Transportation (hereinafter "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 Woodbury.

B. Hearing Held

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 July 28, 2010.

Notice of the application and of the hearing to be held thereon was given to the applicant and to other parties as required by Connecticut General Statutes Section 13b-390. Notice to the public was given by publication on the Department's website.

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

C. Appearances

Mr. Robert Zielinski, appeared pro se on behalf of the applicant. The applicant's mailing address is 6B 122 South Pomperaug Avenue, Woodbury, Connecticut 06798.

Sheldon Lubin, Public Utilities Examiner for the Department, was present at the hearing.

D. Administrative Notice

Administrative notice was taken of the household goods carriers operating from Woodbury or a town contiguous to Woodbury. Department records reflect that there are no moving companies operating from a headquarters in Woodbury or in a town contiguous to Woodbury.

E. Corrected Decision

The Department in correctly issued the certificate with the wrong Certificate Number. This decision is being issued to correct that error.

II. FINDINGS OF FACT

1. The applicant seeks authorization to transport household goods from a headquarters in Woodbury.
2. The applicant is currently performing commercial moves and managing a storage unit.
3. The applicant's father, Glen Zielinski, owns an antique store and he can use the applicant to move inventory from his shop to his customers' homes.
4. The applicant's annual truck insurance premium is \$9,995. The cargo insurance annual premium is \$1,300.
5. The applicant has three vehicles a 2001 Chevrolet 15 foot straight box truck, a 1999 International 24 foot straight box truck and a 2005 Ford F-250.
6. The applicant's accounts receivable is \$3,272, business checking account \$3,381 and brokerage account \$26,418.

7. The applicant's monthly expenses include a headquarters lease of \$550, maintenance and repairs of \$2,000, fuel cost of \$400 per vehicle and payroll of \$2,000.

8. Michael Cassetti testified that he had difficulty getting a moving company for a small move from his apartment to his parent's home.

9. The applicant's mother, Colleen Zielinski, testified that she owns her own hair salon and she can provide referrals to her customers who need moving services.

10. Ryan Barry works for a lawyer's office which handles estate work. The office uses the applicant to provide moving services for estates by moving their client's household goods to storage or another housing unit within a large complex known as Heritage Village in Southbury.

III. DEPARTMENT ANALYSIS AND CONCLUSIONS OF LAW

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 Connecticut General Statutes.

The first criterion to be taken into account is the effect on the existing motor carrier facilities by granting the certificate. This application was not opposed by any existing motor carrier. Since the application was not opposed at the hearing, it appears that there would not be any effect on the existing motor carrier facilities if this application were granted. Further, there are no moving companies with a headquarters in Woodbury or any of the towns contiguous to Woodbury.

The next criterion the applicant must prove is the public convenience and necessity for the proposed service. The applicant presented the testimony of one client who uses the applicant's service to perform household moves for estate clients. The applicant also presented testimony of one person who had difficulty getting a small move performed. Lastly, the applicant presented the testimony of his parents concerning their use of his services.

While some of the testimony was on point from witnesses not related to the applicant, the fact that there are no moving companies headquartered in Woodbury or in its contiguous town is the real selling point for the applicant to receive authority. There is an assumed public need with no company in the immediate area serving it.

The applicant must also show financial suitability. The applicant's annual truck insurance premium is \$9,995. The cargo insurance premium is \$1,300. The applicant has three vehicles a 2001 Chevrolet 15 foot straight box truck, a 1999 International 24 foot straight box truck and a 2005 Ford F-250. The applicant's accounts receivable is \$3,272, business checking account \$3,381 and brokerage account \$26,418. The headquarters lease is \$550, maintenance and repairs are \$2,000, fuel cost is \$100 per vehicle per week and monthly payroll is \$2,000.

The last criterion to be considered is the ability of the applicant to efficiently perform the service and the effect that the applicant's service would have on the highways. There does not appear to be any issue with the applicant's ability to operate the proposed service. Based upon the evidence presented, the applicant has proven the necessary elements to be granted a certificate.

IV. ORDER

Based upon the above and pursuant to Section 13b-391 of the Connecticut General Statutes, the application of Zielinski Family Moving & Removal, LLC is hereby granted and Certificate Number 1762 is issued as follows:

CERTIFICATE NUMBER 1762
TO OPERATE MOTOR VEHICLES FOR THE TRANSPORTATION OF PROPERTY
FOR HIRE AS A MOTOR COMMON CARRIER

Zielinski Family Moving & Removal, 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 motor common carrier over irregular routes as follows:

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

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

CONDITIONS:

There shall be carried in each vehicle operated under this authority a copy of the Certificate registration receipt by the Department.

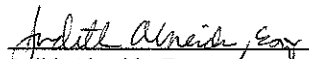
This Certificate shall remain in effect until suspended, amended or revoked by the Department. Failure of the Certificate Holder to maintain proper insurance or to comply with all motor vehicle laws and other pertinent State statutes and/or the rules, regulations and orders of the Department shall be considered sufficient cause to revoke said Certificate.

This Certificate may not be sold or transferred until it has been operational for more than twenty-four (24) months.

This Certificate is transferable only with the approval of the Department and is issued subject to compliance by the holder thereof with all motor vehicle laws of the State of Connecticut, and with such rules regulations and orders as this Department may from time to time prescribe.

Dated at Newington, Connecticut, on this 5th day of October 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida, Esq.
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