

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NO. 1005-N-37-HG

RE: APPLICATION OF 99 MOVERS, 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 OF EAST HARTFORD, CONNECTICUT.

FINAL DECISION

July 9, 2010

I. INTRODUCTION

A. Applicant's Proposal

By application filed on May 17, 2010, pursuant to Section 13b-389 of the Connecticut General Statutes, 99 Movers, LLC (hereinafter "applicant"), located at 78 Burnside Avenue, East Hartford, Connecticut 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 East Hartford, Connecticut.

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 June 8, 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 General Statutes Section 13b-390. Notice to the public was given by publication on the department website at www.ct.gov/dot.

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 through its owner, Idyn Quinones and Steve Parmenter, manager and was not represented by counsel. The applicant's mailing address is 78 Burnside Avenue, East Hartford, Connecticut.

Dennis Jolly, manager of the Regulatory and Compliance Unit appeared at the hearing.

D. Late Filed Evidence

The applicant was afforded leave to submit late filed documentary evidence by June 28, 2010 for consideration by the hearing officer. The applicant submitted the following:

1. New Alliance bank statement in the name of the company.
2. Criminal record check from East Hartford, Connecticut for Steven R. Parmenter.

3. Letter of intent to invest funds from Elija Henriques, with supporting financial documentation.
4. Letter of intent to invest funds from Adrian Shepherd, with supporting financial documentation.

II. FINDINGS OF FACT

1. The applicant's management owns a company that provides labor for household goods moves.
2. The applicant's management seeks to begin a household goods moving service from a headquarters in East Hartford for a wide variety of clients, including elderly and disabled persons. The applicant's management previously worked as household goods movers in Arizona, however, the business was lost due to the bad economy.
3. The applicant's management began a moving company in Connecticut called \$99 Moving that was becoming successful, however, the company did not hold a certificate of public convenience and necessity from the State of Connecticut as is require by Connecticut General Statutes Section 13b-389.
4. The department became aware that the applicant was operating without certification by the State. A representative from the department contacted the applicant to advise it to cease and desist said illegal operation.
5. The applicant received a cease and desist order from the department in May 2010. The applicant was unaware that certification through the State of Connecticut was required to operate a household goods moving service and ceased all household goods moving operations upon receipt said order.
6. The applicant sought to legitimize its business and operate within the confines of the statutes and regulations that govern household goods moving in the State of Connecticut, hence the applicant filed the instant application.
7. The applicant has a client who is disabled, who has a disabled son and who was going to rent a truck to move herself, with the assistance of the labor movers. The truck rental company would not rent at truck to the client. The applicant provided the services of its truck to the client, without charge, and moved the client with its labor company.
8. The applicant currently has a cash balance in the amount of \$672 and owns its own truck and equipment. The annual insurance cost is estimated at \$7,102, gasoline is estimated at \$605 per month and the estimate for repairs and maintenance is \$642 per month.

9. Adrian Shepherd, who used \$99 Moving , received excellent service and will pledge financial backing for purchase two additional box trucks for the business. He has a written service agreement for the funding of the business.

10. Elijah Henriques will pledge financial backing toward the capital up to \$10,000 for operating expenses; he provided a written service agreement for his funding of the business.

11. The applicant does not intend to operate a warehouse for storage purposes.

12. The applicant has potential clients who have heard of the applicant by word of mouth from past clients and the internet.

13. The applicant's owner, Idyn Quinones has no criminal conviction history. The day to day manager, Steven Parmenter, has no criminal conviction history in East Hartford, Connecticut.

14. No opposition was presented to the application.

III. 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.

At the outset, the applicant does not and is not planning to maintain a storage facility so that there would be minimal, if any, effect on the existing facilities. There was no evidence showing that the proposed service would have any impact on the condition of and effect upon the highway. With regard to public need for the service, several witnesses appeared to testify that they had used the applicant when it was operating under a different name and they spoke highly of the management and the ability of the company to undertake the moves efficiently and effectively. The witnesses had small moves and could not find any local movers, other than the applicant, to do the work for

them.

Particularly compelling on the issue of public convenience and necessity was an elderly, disabled witness who had tried to find movers to move her from one elderly community to another. She inquired of several companies, but no one would undertake her move, nor was she given any options. Hers was a small move. She contacted the applicant and was advised that they could not move her due to a cease and desist order. However, the labor side of the applicant's business would undertake the packing and lifting. She would rent the U-Haul truck and her son would drive it. However, the U-Haul people would not rent a truck to the witness. The applicant's manager used the applicant's truck to move the witness, but did not charge her for using the truck.

As for the suitability of the management of the applicant, the only negative evidence elicited at the hearing was that the applicant's management had moved from Arizona to Connecticut and after doing so, began a moving company without certification. The management was contacted by the department and advised that it must cease and desist from operating without proper authority. The applicant's management did so. The applicant then began the current process to become licensed. This indiscretion will not be held against the applicant on the issue of suitability as the applicant's management complied with the cease and desist order and took measures to legitimize the business. The criminal conviction history form for Idyn Quinones, the owner, shows no criminal record and Steven Parmenter, the day to day manager of the company has no criminal conviction as reported by the East Hartford Police Department.

With regard to financial wherewithal, the applicant provided updated financial information which showed that the applicant had a cash balance in the amount of \$672 as of June 23, 2010; a letter of intent from Elijah Henriques and a letter of intent from Adrian Shepherd, both with supporting documentation of funds that they intend to invest in the applicant company. The applicant already owns the equipment that it will use to start up the business. With the pledge of monetary assistance from Henriques and Shepherd, the applicant is financially viable to operate the proposed household moving service.

IV. CONCLUSIONS OF LAW

The applicant provided uncontroverted and substantial evidence that there is a public need for the service the applicant proposes to provide and that the applicant possesses the suitability and financial responsibility to efficiently perform the service for which authority is requested. The evidence supports a conclusion that a grant of authority will have no negative with regard to the existing motor transportation facilities. Furthermore, the applicant possesses the financial responsibility and suitability to operate and efficiently perform the proposed business in accordance with Connecticut General Statutes Section 13b-389.

V. ORDER

Based upon consideration of the entire record and pursuant to Section 13b-389 of the Connecticut General Statutes, the application of 99 Moving, LLC is hereby approved and Certificate Number 1761 is hereby issued as follows:

CERTIFICATE NO. 1761
TO OPERATE MOTOR VEHICLES FOR THE TRANSPORTATION OF
HOUSEHOLD GOODS FOR HIRE AS A HOUSEHOLD GOODS CARRIER

99 Movers, 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 East Hartford, Connecticut.

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.

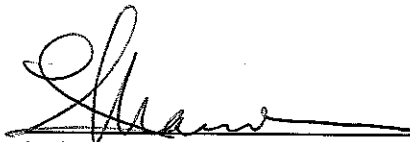
This certificate shall remain in effect until amended, suspended or revoked by the department. Failure of the certificate holder to maintain proper insurance and/or to comply with all pertinent motor vehicle laws and other State statutes and/or rules, regulations and orders of the department shall be 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.**

99 Movers, LLC must register a vehicle within 30 days from the date of this final decision.

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

Dated at Newington, Connecticut, on this the 9th day of July 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

A handwritten signature in black ink, appearing to read 'L. Mandour', is written over a horizontal line.

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