

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1005-N-46-HG

RE: APPLICATION OF BERT HILL'S EXPRESS, INC. 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 EAST  
GRANBY.

FINAL DECISION

September 21, 2010

## I. INTRODUCTION

### A. Applicant's Proposal

By application filed on May 27, 2010, pursuant to Section 13b-389 of the Connecticut General Statutes, and assigned Docket No. 1005-N-46-HG, Bert Hill's Express, Inc. (hereinafter "applicant"), with a mailing address of 978 Southampton Road, Westfield, MA, 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 Granby.

### 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 September 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 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. Kenneth Dulude, appeared pro se on behalf of the applicant. The applicant's mailing address is 978 Southampton Road, Westfield, MA 01085.

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

## II. FINDINGS OF FACT

1. The applicant seeks authorization to transport household goods from a headquarters in East Granby.

2. The applicant is currently performing household goods moves and managing a storage unit in Massachusetts.

3. The applicant's current headquarters in Massachusetts is a twenty minute drive from the Connecticut border.

4. The applicant plans to utilize two of its trucks in the Connecticut operation. The trucks that will be used are a 2000 International and a 2002 International. Both trucks are twenty-six foot box trucks.

5. Mr. Dulude has worked in the moving business for over 40 years in Massachusetts.

6. The applicant has transported clients to Connecticut who now wish to utilize its services to perform intrastate moves.

7. Mr. Dulude's son will be stationed in the East Granby office and perform household moves from that location.

8. Mrs. Dulude, the applicant's wife, handles the Human Resource duties at the company including hiring and firing drivers, payroll and safety.

9. Ms. Karen Charbonneau, a real estate broker, testified that she works in both Connecticut and Massachusetts. Fifteen years ago, Ms. Charbonneau watched the applicant move a friend and was highly impressed by the applicant's professionalism and efficiency. She has been recommending the applicant since then to her clients in Massachusetts. Since twenty percent (20%) of her business is in Connecticut, Ms. Charbonneau would like to be able to recommend the applicant to her real estate clients. At this point, she does not have a moving company she can recommend.

10. Mr. James Edward Brown spoke on behalf of family owned business and acted as a character reference for the applicant.

11. The applicant refuses five to six calls a week for intrastate moving services.

12. The applicant's insurance premium is \$22,830 annually.

13. The annual operating expenses for the two vehicles are \$12,000 for repairs and maintenance and \$6,000 for fuel.

14. The applicant plans to operate a 2003 International valued at \$18,000 and a 2003 International valued at \$6,000.

15. The only outstanding note payable is for \$42,818 for a loan which is paid monthly.

### 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.

The next criterion the applicant must prove is the public convenience and necessity for the proposed service. The applicant presented the testimony of a real estate broker who testified that she gets requests to recommend a Connecticut mover and she wants to refer business to the applicant. At the present time she does not feel comfortable recommending another company.

The applicant does work now in Massachusetts, on the Connecticut border, so it would be logical that some of his Connecticut customers would want to use him again and are unable to do so because he is not licensed in Connecticut. In addition, the applicant testified that he receives approximately six requests a week to perform intrastate Connecticut work. The applicant has shown a public need for his service.

As far as the applicant's financial suitability the applicant's insurance premium is \$22,830 annually. The annual operating expenses for the two vehicles are \$12,000 for repairs and maintenance and \$6,000 for fuel. The applicant plans to operate a 2003 International valued at \$18,000 and a 2003 International valued at \$6,000. The only outstanding note payable is for \$42,818 for a loan which is paid monthly. Therefore, the applicant has proven financial suitability.

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. The applicant has been in business for many years and can clearly handle the proposed expansion. The applicant is adding two of his existing trucks to the highways of Connecticut which will not have much effect.

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 Bert Hill's Express, Inc. is hereby granted and Certificate Number 1763

is issued as follows:

**CERTIFICATE NUMBER 1763**  
**TO OPERATE MOTOR VEHICLES FOR THE TRANSPORTATION OF PROPERTY**  
**FOR HIRE AS A MOTOR COMMON CARRIER**

Bert Hill's Express, Inc. 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 East Granby.**

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.

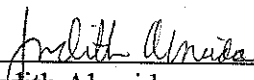
This Certificate shall remain in effect until suspended, amended or revoked by the Department. Failure of the Certificate Holder to maintain proper insurance or to comply with all motor vehicle laws and other pertinent State statutes and/or the rules, regulations and orders of the Department shall be 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 21st day of September 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

  
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Judith Almeida  
Staff Attorney III  
Administrative Law Unit  
Bureau of Finance and Administration