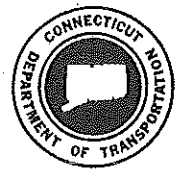




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone: (860) 594-2875

DOCKET NO. 1312-N-271-HG

RE: APPLICATION OF BILLY JEAN, INC. D/B/A TWO MEN AND A TRUCK 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 ROCKY HILL, CONNECTICUT.

FINAL DECISION

May 1, 2014

I. INTRODUCTION

A. Applicant's Proposal

By application filed on December 24, 2013 with the Department of Transportation, pursuant to Connecticut General Statutes §13b-389, as amended, Billy Jean, Inc. d/b/a Two Men and a Truck (hereinafter "applicant"), located at 1275 Cromwell Avenue, B-14, Rocky Hill, 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 Rocky Hill, Connecticut.

B. Hearing

Pursuant to Connecticut General Statutes §13b-390, a hearing on this application was held at the administrative office of the department in Newington, Connecticut on April 1, 2014.

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 §13b-390. Notice to the public was given by publication the department website at www.ct.gov/dot.

A hearing officer was designated by the Commissioner of Transportation to conduct the hearing on this matter, pursuant to Connecticut General Statutes §13b-17.

C. Appearances

The applicant appeared, without counsel, through its owner Doug Sudell. The applicant's mailing address is 104 Bailey Road, Rocky Hill, Connecticut.

No opposition to this application was filed with the department.

D. Administrative Notice

Administrative notice was taken of the following:

There are no household goods carriers with a headquarters in the town of Rocky Hill, Connecticut.

II. FINDINGS OF FACT

Based upon a review of the evidence in its entirety, the following facts relevant to this decision are found:

1. Doug Sudell is the president of the applicant company and seeks to establish a household goods moving service with a headquarters in Rocky Hill.
2. The applicant intends to be a full service household goods moving company and will provide packing and unpacking. The applicant will also provide business moves.
3. There are no household goods moving companies with a headquarters in Rocky Hill.
4. No opposition was filed to the instant application.

5. Senator Paul Doyle, state senator for the senatorial district which includes Rocky Hill discussed the applicant's business plan with the applicant and he supports the applicant's business, which will create approximately ten jobs in the area.

6. Noreen Salonikios lives and works in Rocky Hill as a realtor. Salonikios receives requests weekly for referrals for movers. Some of her clients are elderly and need a local mover to provide small moves. She is not aware of any movers in the area. She would refer the applicant to her clients if the application is granted.

7. Joanne Breen has worked in the real estate business for thirty five years in the greater Hartford area. While there are several large movers in the general Hartford area, they do not want to take on small moves. She has elderly clients who require local movers for small moves. She would refer the applicant to her clients if the application is granted.

8. The applicant's monthly insurance payment is approximately \$3,000 and includes general liability, cargo liability and business auto liability insurance. Included in this cost also is coverage for damages, umbrella coverage, employment, and workers compensation. The six-month total cost of insurance is \$18,000.

9. Start-up costs for the applicant include a franchise fee of \$10,000, which has been paid. Equipment for the business is estimated to be approximately \$2,000, which has been paid.

10. The applicant purchased two 26-foot box trucks, each estimated to cost approximately \$89,300. The applicant made a down payment on the trucks in the amount of \$17,900 and financed the remainder. The monthly payments will be \$2,745 over six years. The total of six months of payments is \$16,476.

11. The applicant's operating costs are estimated for a six-month period as follows: office rent is \$7,200 (\$1,200 per month); fixed payroll at \$18,000 (\$3,000 per month); property taxes for all fixed assets \$1,800 (\$300 per month.)

12. The applicant has total cash in the amount of \$58,347, total assets of \$446,629, liabilities in the amount of \$219,010 and equity in the amount of \$10,242. The applicant receives income from rental property that will net \$6,400 for six months.

13. Doug Sudell, the manager of the applicant has no criminal conviction history.

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 Connecticut General Statutes §13b-389. 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 General Statutes §13b-392.

In support of suitability, Doug Sudell, president and manager of the applicant, testified that he graduated from college with a business degree, has owned and worked in four businesses, and he has managed franchise companies in the past. He has hired employees and understands employment laws. While he does not have household goods moving experience, Sudell has received training from the franchisor (from whom he purchased this franchise business) who is experienced in moving and who has extensively trained Sudell in how to move and safeguard property, and generally, about household goods moving. Sudell has received training in, and has become knowledgeable of, the statutes and department regulations governing household goods moving in Connecticut. He has also trained in interstate moves.

In support of financial wherewithal, the applicant provided documentary evidence showing its bank account balance and estimates of start-up costs and operating costs for the proposed business for a six-month period. The applicant has the requisite finances to meet all costs for the first six months of operation, with a small surplus, not taking into account revenues that it will make. The Economic Development Director of Rocky Hill, Raymond Carpentino, submitted written testimony stating that there are no household goods movers in Rocky Hill and there are only two local movers within any of the municipalities that abut Rocky Hill, which is verified by department records - those two household goods movers are in Newington.

Carpentino provided statistics showing that the population in Rocky Hill is approximately 50,000 and there are over 12,200 housing units within a five minute drive of the applicant's proposed location. Having the applicant's service available would be a benefit to the local population both economically and for its convenience.

There was no evidence on the record showing that a grant of the requested authority would have a negative effect on the highways or safety of the public using such highways. Conversely, the evidence shows that there are no household goods moving companies with a headquarters in Rocky Hill. Also, the fact that the two movers in the abutting town of Newington did not oppose this application would support the conclusion that this service will not have a negative impact on the highways involved.

IV. CONCLUSIONS OF LAW

The evidence of record supports the conclusion that the applicant meets the requirement of Connecticut General Statutes §13b-392 in that that the applicant's proposed service would have no effect on existing motor transportation facilities since there are none located in the area of concern; the public need exists and requires the proposed service since there are no household goods carriers supplying service over the routes for which the applicant has applied. The applicant's management possesses the requisite suitability and appears to possess the ability to efficiently perform the service for which authority is requested. Lastly, the applicant possesses the financial wherewithal to operate the proposed service.

V. ORDER

Based upon the foregoing and pursuant to Connecticut General Statutes §13b-391, the application of Billy Jean, Inc. d/b/a Two Men and a Truck is hereby granted and Certificate Number 1775 is hereby issued as follows:

CERTIFICATE NO. 1775
TO OPERATE MOTOR VEHICLES FOR THE TRANSPORTATION
OF PROPERTY FOR HIRE AS A MOTOR COMMON CARRIER

Billy Jean, Inc. d/b/a Two Men and a Truck 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 follow:

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

RESTRICTIONS:

A motor vehicle must be registered under this certificate within thirty (30) days from the date of this final decision.

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.

Dated at Newington, Connecticut, on this 1st day of May 2014.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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