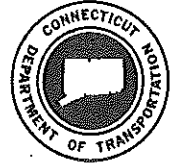


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:
(860) 594-2875

DOCKET NO. 1707-N-58-HHG

RE: APPLICATION OF JAMES ANCTIL, LLC DBA MARIE'S
MOVERS 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 SOUTHBURY

DECISION

October 5, 2017

I. INTRODUCTION

A. Applicant's Proposal

By application filed on July 18, 2017, pursuant to Section 13b-389 of the Connecticut General Statutes, and assigned Docket No. 1707-N-58-HHG, James Anctil, LLC dba Marie's Movers (hereinafter "applicant"), with a mailing address of 134 Main Street, Southbury, Connecticut 06488 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 Southbury.

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 28, 2017.

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

James Anctil and Karen Bressen appeared on behalf of the applicant. The applicant was represented by Attorney Bernard Gaffney with a mailing address of 100 Pearl Street, Hartford, Connecticut 06103.

D. Federal Authority

The applicant's federal interstate authority is not in the applicant's name. The applicant will be granted sixty (60) days from the date of this decision to resubmit to the department a corrected FMCSA authority.

II. FINDING OF FACT

1. The applicant is seeking to operate a household moving service from a headquarters in Southbury.
2. Mr. Anctil has been delivering furniture since 1984 and that business eventually morphed into moving household goods. The applicant has been moving household goods since

2011, but without a proper certificate.

3. In 2012, the applicant received authorization to perform interstate household moves under certificate number MC-748487-C but that authority was not issued in the name the applicant is utilizing in this application.
4. The applicant specializes in small moves and house clean outs.
5. The applicant works with several nonprofits organizations by transporting household donations for free or for charge into and out of residences.
6. The applicant's first six months of expenses includes insurance of \$2082, maintenance of \$400, property tax of \$341, payments on the line of credit of \$767, payroll of \$23,400, advertising of \$500, legal of \$1,500 and office rent of \$10,200 for a total expense of \$39,190.
7. The applicant has \$58,914 in an Ion Bank account.
8. All of the applicant's employees have always been covered under workers compensation and the business had the proper insurance.
9. James Anctil handles the day to day operation of the business, while Karen Bressen handles the human resources, advertising and financial matters.
10. The applicant will operate a 2010 Hino truck in the moving business which is fully paid for.
11. The applicant does the complete move and does not hire subcontractors.
12. This application was not opposed.

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 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 criminal history of the applicant, 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 so it appears that there would not be any effect on the existing motor carrier facilities if this application were granted.

As far as the applicant's financial ability is concerned, the applicant presented evidence that the first six months of start-up costs includes insurance of \$2082, maintenance of \$400, property tax of \$341, payments on the line of credit of \$767, payroll of \$23,400, advertising of \$500, legal expenses of \$1,500 and office rent of \$10,200 for a total expense of \$39,190. The applicant has \$58,914 in an Ion Bank account. Based on the evidence presented, the applicant has more than sufficient funds to cover the first six months of expenses.

The applicant submitted a criminal record check for Karen Bressen and James Antcil which shows no criminal record. The applicant business has been ongoing for several years but not properly licensed. Based on the reviews and letters of recommendation submitted during the hearing, the applicant has been performing a good moving service. The applicant only needs to make that business legal and has followed through on doing that by coming to the department for authorization. Based on the evidence presented, the applicant is suitable to handle this proposed operation.

Also to be considered is the ability of the applicant to efficiently perform the service for which the authority is requested and the condition of and effect upon the highways involved and the safety of the public using such highways. The applicant is operating one box truck on the roads in Connecticut. Such a vehicle will likely not have any effect on the highways. In addition to that, the applicant is experienced mover and has been operating for several years so it will to be able to efficiently perform the service.

Based upon the evidence presented, the applicant has proven all of the necessary elements to be granted a certificate to operate.

IV. ORDER

Based upon the above and pursuant to Section 13b-391 of the Connecticut General Statutes, the application of James Antcil, LLC dba Marie's Movers is hereby granted and Certificate Number 1791 is issued as follows:

CERTIFICATE NUMBER 1791
TO OPERATE MOTOR VEHICLES FOR THE TRANSPORTATION OF PROPERTY
FOR HIRE AS A MOTOR COMMON CARRIER

James Antcil, LLC dba Marie's Movers 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 Southbury.

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:

A motor vehicle must be registered and insured under this certificate within sixty (60) days from the date of this decision.

The applicant must submit an amended federal authorization from the FMCSA within sixty (60) days from the date of this decision to reflect the proper name. If the applicant fails to submit the proper paperwork within that time frame, the authorization granted in this decision will be revoked automatically.

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 2017.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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