



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1201-N-4-HG

RE: APPLICATION OF JMR HOLDINGS, INC. D.B.A. COUTU BROS.
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 NORTH STONINGTON.

FINAL DECISION

May 4, 2012

I. INTRODUCTION

A. Applicant's Proposal

By application filed on January 13, 2012, pursuant to Section 13b-389 of the Connecticut General Statutes, and assigned Docket No. 1201-N-4-HG, JMR Holdings, Inc. d.b.a. Coutu Bros. Movers (hereinafter "applicant"), with a mailing address of 82 Norwich-Westerly Road, Building B, North Stonington, Connecticut 06359 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 North Stonington.

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 May 1, 2012.

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

Robert Romano appeared pro se on behalf of the applicant. The applicant's mailing address is 133 Central Street, Warwick, RI 02886.

Charles Rohde appeared pro se on behalf of Atherton & Sons Moving and Storage and was granted intervener status. Mr. Rohde's mailing address is 76 Voluntown Road, Pawcatuck, CT 06379.

II. FINDINGS OF FACT

1. The applicant seeks authorization to transport household goods from a headquarters in North Stonington.

2. The applicant has extensive business experience in the moving business including owning a company which is licensed in both Rhode Island and Massachusetts which has been performing moving services since 2000.

3. The applicant seeks to perform intrastate Connecticut moves because it receives five to twelve calls for service monthly for such work.

4. Jerilyn Difilippo, the applicant's step-daughter, who has experience operating the Rhode Island office will be the office manager of the Stonington operation.

5. The applicant will be utilizing a 2006 International truck in the Connecticut operation.

6. The applicant's Warwick headquarters is approximately 30 minutes away from the Connecticut border.

7. The applicant's expenses include office lease of \$600 per month plus \$340 in utilities, insurance of \$3,673, fuel of \$1,600 per month, repairs and maintenance of \$400 per month, vehicle property tax of \$1,500 per year, vehicle loans of \$1208 per month and office payroll of \$4,600 per month.

8. The applicant anticipates revenue of \$150,000 from the Connecticut operation.

9. The applicant's business checking account has a balance of \$22,000 as of the date of the hearing.

10. The applicant produced one witness, Pierre Connair, their landlord at the office park in North Stonington, who testified in support of the application.

11. Two companies, Atherton & Sons in Pawcatuck and Barns Moving and Storage in Mystic appeared in opposition to the application although only Atherton applied for intervenor status in this matter.

12. Dean Depietro from Barns Moving and Storage and Charles Rohde from Atherton testified that the moving business is in the decline and that the addition of another moving company to the area would negatively impact their businesses.

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 factor to be taken into account is the effect on the existing motor carrier facilities by granting the certificate. This application was opposed by two existing motor carriers who both stated their business is down at least thirty to forty percent since the housing market started declining in 2007. There was also testimony on the number of moving companies that are currently out of business in the region. Clearly, the addition of another moving company would have a further negative effect on these two operators.

The next criterion that the applicant must prove is public convenience and necessity for the proposed service. The applicant presented the testimony of one witnesses in support if its application. Pierce Connair spoke highly of the applicant but had no direct knowledge of the work performed by the moving companies in the local area and whether there is the need for another one. Unfortunately, the applicant has failed to carry the burden on the public convenience issue.

As far as the applicant's financial ability is concerned the applicant presented evidence that the applicant's expenses include office lease of \$600 per month plus \$340 in utilities, insurance of \$3,673, fuel of \$1,600 per month, repairs and maintenance of \$400 per month, vehicle property tax of \$1,500 per year, vehicle loans of \$1208 and office payroll of \$4,600 per month.

The applicant anticipates revenue of \$150,000 from the Connecticut operation. The applicant's business checking account has a balance of \$22,000 as of the date of the hearing. Based on the evidence presented, the applicant has shown the required financial suitability to be granted this authority.

The applicant will be using one 2006 International box truck in the moving business in Connecticut. This one vehicle will not have any negative effect on the highways of Connecticut.

The applicant submitted a criminal record check which shows no criminal convictions. The applicant has extensive experience in the moving industry and has owned a moving company in Rhode Island for years. The applicant is suitable to operate the proposed service.

As far as the applicant's ability to provide efficient moving services is concerned, the applicant had been providing moving services for years with his Rhode Island operation. There are no safety issues which threaten the public if the applicant provides moving services in Connecticut.

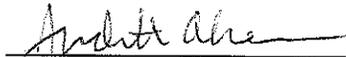
Based upon the evidence presented, the applicant has failed to prove all of the necessary elements to be granted a certificate. The applicant has not proven public convenience and necessity and must be therefore be denied.

IV. ORDER

Based upon the above and pursuant to Section 13b-391 of the Connecticut General Statutes, the application of JMR Holdings, Inc. d.b.a. Coutu Brothers Movers is hereby denied.

Dated at Newington, Connecticut on this 4th day of May 2012.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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