STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546
Phone: (860) 594-2875

DOCKET NO. 1508-N-98-HG

RE: APPLICATION OF TOP TIER MOVING, 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 IN THOMASTON.

FINAL DECISION

DECEMBER 18, 2015

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I. INTRODUCTION

A. Applicant's Proposal

By application filed on May 6, 2015, pursuant to Section 13b-389 of the Connecticut General Statutes, and assigned Docket No. 1508-N-98-HG, Top Tier Moving, LLC (hereinafter "applicant"), with a mailing address of 412 Walnut Hill Road, Thomaston, Connecticut 06787, 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 Thomaston.

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 December 10, 2015.

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 Ingram appeared on behalf of the applicant. The applicant was represented by Timothy Sullivan, Esq. with a mailing address of One Exchange Place, 21 West Main Street, Waterbury, Connecticut 06702.

D. Administrative Notice

Administrative Notice was taken of fact that there are no household goods movers in Thomaston or in any of the towns contiguous to it.

II. FINDINGS OF FACT

1. The applicant seeks to operate a household goods moving company from a headquarters in Thomaston.

2. Prior to submitting this application, the department filed a cease and desist order against the applicant for providing illegal moving services.

3. Mr. Ingram has worked for several years in various aspects of the household moving business including at Daley Moving and Storage and Quality Moving as a driver and crew leader.

4. The applicant will be using a cousin and a couple of other people in the moving business. The applicant's mother also will be doing bookkeeping.

5. The applicant will operate a 1998 Freightliner 22 foot box truck.

6. The closest moving company to the applicant's geographical area is Daley Moving located in Torrington. Ms. Bunch is the owner of Daley Moving and a cousin of the applicant.

7. The applicant's expenses include an insurance premium of $4,484, marketing costs of $900, legal expenses of $300, repairs of $800 and property tax of $50. The company has $10,378.58 in cash and a total capital of $16,382.

8. The business has no liabilities.

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 of granting the certificate. This application was not opposed by any existing motor carrier. The only witness who spoke as a member of the general public was Mrs. Gina Bunch, the owner of Daley Moving and Storage. Since Ms. Bunch's company is not within the immediate area of the applicant, the actual effect if any created by the applicant is unknown.

As far as the applicant's financial ability is concerned, the vehicle to be used in the business has been purchased and the insurance has been paid. The applicant has to pay an

insurance premium of $4,484, marketing expenses of $900, legal expenses are $300, repairs are $800 and property tax is $50. The company has $10,378.58 in cash. There are no liabilities resulting in total capital of $16,382. Based on the evidence presented, the applicant has sufficient assets to be financially suitable.

The applicant submitted a criminal record check for Robert Ingram which showed no criminal record. Ms. Bunch testified that Mr. Ingram has been operating an illegal moving business and that the department has issued a cease and desist to him. While the department certainly does not want to condone illegal behavior, it does want to support the applicant in becoming a legal moving service. Mr. Ingram has several years of moving experience and should be able to perform this service. Based on the evidence presented, the applicant is suitable to operate the proposed service.

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 will be utilizing a box truck which will have a minimal effect on the highways and residents in Connecticut. Mr. Ingram has experience in the moving business already thereby allowing him to efficiently operate this service.

Based upon the evidence presented, the applicant has proven all of 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 Top Tier Moving, LLC is hereby granted and Certificate Number 1781 is issued as follows:

CERTIFICATE NUMBER 1781
TO OPERATE MOTOR VEHICLES FOR THE TRANSPORTATION OF PROPERTY FOR HIRE AS A MOTOR COMMON CARRIER

Top Tier Moving, 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 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 Thomaston.

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 under this certificate within thirty (30) days from the date of this decision.

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 18th day of December 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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