



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1007-N-64-HG

RE: APPLICATION OF LA HOMES, 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 NEW HAVEN.

FINAL DECISION

December 8, 2010

I. INTRODUCTION

A. Applicant's Proposal

By application filed on July 27, 2010, pursuant to Section 13b-389 of the Connecticut General Statutes, and assigned Docket No. 1007-N-64-HG, LA Homes, LLC. (hereinafter "applicant"), with a mailing address of 24 Dixwell Avenue #210, New Haven, CT 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 New Haven.

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 November 9, 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. Legal notice to the public was given by publication in 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. Larry Thomas, appeared pro se on behalf of the applicant. The applicant was represented by Attorney Donald Bertrand. Mr. Bertrand's mailing address is 140 Captain Thomas Boulevard, Suite 111, West Haven, Connecticut 06516.

2 Young Studs Moving, LLC. petitioned for and was granted intervenor status. Chris Monks appeared on behalf of the company. The mailing address is 48 Clark Street, New Haven, Connecticut.

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 New Haven. The applicant wants to focus on intrastate moves and not interstate moves.

2. The applicant has operated a construction company in the New Haven area for many years.

3. The applicant plans to utilize one truck, a 1993 GMC Box Truck, which has a value of \$3,425. The applicant also has other motor vehicles worth \$6,811.

4. The annual fuel cost is \$2,340, annual repairs and maintenance are \$2,700, insurance is \$4,177 and property tax is a few hundred dollars annually.

5. A Bank of America statement showed that the applicant's account ranges from \$37,661 to \$47,733 monthly.

6. The applicant owns real estate worth about \$31,700 with a mortgage balance of \$15,000.

7. Although both of the applicant's witnesses gave good personal recommendations, neither of the applicant's witnesses testified substantially about the public need for an additional moving company.

8. Mr. Thomas's daughter, Latray Thomas, is connected with at least one questionable moving company called Experienced Movers. Mr. Thomas is not connected with that company or Strongback Movers.

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 of granting the certificate. One operator showed up to oppose the applicants, 2 Young Studs Moving, LLC. Chris Monks appeared on behalf of that company and testified that granting the applicant authority would be detrimental to his company, although he did not offer proof that would bolster his testimony.

The next criterion the applicant must prove is the public convenience and necessity for the proposed service. The applicant presented testimony that he has clients who would like to utilize his service as a mover. In addition, Mr. Thomas spoke about his affiliation with UHALL and the fact that they would refer business to him. Unfortunately, no independent witnesses appeared in support of these claims.

The applicant also produced two witnesses who testified in support of the application. The first witness Mr. Victor Silva is a longtime friend of Mr. Thomas who hopes to work in the moving company. The second witness is Mr. George Clarke who knows Mr. Thomas from a business association. Mr. Clarke may be able to refer the applicant ten to fifteen times a year. While both witnesses presented Mr. Thomas with excellent personal references, neither provided any substantive testimony on the need for moving services in the New Haven area. The applicant has failed to provide sufficient evidence on the need to add another moving company to the New Haven area.

The applicant must also show financial suitability to obtain authority. The applicant presented information that showed that the applicant plans to utilize one truck, a 1993 GMC, which has a value of \$3,425. The applicant also has other motor vehicles worth \$6,811. The annual fuel cost is \$2,340, annual repairs and maintenance are \$2,700, insurance is \$4,177 and property tax is a few hundred dollars. A Bank of America statement showed that the applicant's account ranges from \$37,661 to \$47,733. The applicant owns real estate worth about \$31,700 with a mortgage balance of \$15,000. The applicant has presented sufficient assets to show that it has the financial suitability to operate the proposed service.

Regarding the requirement that the applicant be suitable, the intervenor tried at length to show that the applicant was connected to two questionable moving companies, Experienced Movers and Strongback Movers. While it may be true that the applicant's estranged daughter may be connected to one or both companies, Mr. Thomas has credibly denied any connection to these companies. Mr. Thomas has had his own construction business for years. He appears to be a successful business person. There is nothing in the record to show that he is not suitable to operate the proposed moving company.

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 proposes to operate one truck in the moving business. The applicant will be insured and has experience operating large trucks. This vehicle will have virtually no effect on the highways.

Based upon the evidence presented, the applicant has proven all of the necessary elements except public need for the proposed service; therefore this application must be denied.

IV. ORDER

Based upon the above and pursuant to Section 13b-391 of the Connecticut General Statutes, the application of LA Homes, LLC is hereby denied.

Dated at Newington, Connecticut, on this 8th day of December 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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