



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:  
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DOCKET NO. 1108-N-81-HG

RE: APPLICATION OF JIM FAHEY MOVING AND STORAGE, 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 WESTPORT.

FINAL DECISION

November 16, 2011

## I. INTRODUCTION

### A. Applicant's Proposal

By application filed on August 1, 2011, pursuant to Section 13b-389 of the Connecticut General Statutes, and assigned Docket No. 1108-N-81-HG, Jim Fahey Moving and Storage, LLC (hereinafter "applicant"), with a mailing address of 21 Bridge Square, 2<sup>nd</sup> floor, Westport, Connecticut 06880 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 Westport.

### 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 October 25, and November 8, 2011.

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

Mr. Arif Suhail appeared on behalf of the applicant. The applicant was represented by Attorney Allen A. Currier who has a mailing address of 258 Spielman Highway, PO Box 2033, Burlington, CT 06013.

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 Westport.

2. The applicant has extensive business experience in the moving business including owning Jim Fahey Moving & Storage since 2007. The applicant worked in the moving business for several years before purchasing the company from the former owner.

3. On October, 19, 2010, a decision by Judge Hartmere dissolved the limited liability

company that had been formed between the applicant and his former partner, Syed Agha. The applicant was granted all of the company's assets and liabilities.

4. The Department of Transportation subsequently dissolved the applicant's business and the applicant has reapplied in this application to reestablish his moving company.

5. The applicant's insurance premium is \$6,280 to \$7,334 annually depending on how the applicant finances the insurance.

6. The applicant's business checking account has \$18,878 as of October 10, 2011.

7. The loan due to the prior owner will be paid off by July 2012.

8. The office rent is \$550 a month.

9. The applicant will operate a 1999 GMC C-6500 and a 2001 Chevrolet van which are both in good condition.

10. John Paganelli testified in support of the applicant. He has observed the courteous way the applicant deals with his customers. Mr. Paganelli shares office space with the applicant and will refer business to him.

11. Gamal Aly testified in support of the applicant. He has used the applicant's moving services and did not have any problems. Mr. Aly referred to the applicant as honest and has recommended his service to others.

12. Calvin Monson is a developer in the Fairfield area. Mr. Munson spoke about the good reputation the applicants company has and how he is in a position to refer business to the applicant as a developer with clients who may need moving services. He has also used the applicant to provide moving services to and from his model homes.

13. The applicant presented a sampling of bills of lading for moving jobs that he has performed in the past.

14. There was no opposition to this application.

### 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 by granting the certificate. This application was not opposed by any existing motor carrier. Since the application was not opposed at the hearing, it appears that there would not be any effect on the existing motor carrier facilities if this application were granted. The applicant has been an ongoing business until the recent dissolution due to the fallout between the business partners.

The next criterion that the applicant must prove is the public convenience and necessity for the proposed service. The applicant presented the testimony of three witnesses in support of its application. One of the witnesses who used the applicant's service in the past praised the applicant and said that he is in a position within his community to refer business to the applicant. The other two witnesses also spoke highly of the applicant and would also be referring business to the applicant.

This case is somewhat different in that the applicant had been an ongoing concern with many years of business experience. It is not a new company, but was unfortunately dissolved when a dispute broke out between the former partners. To show need, the applicant submitted several bills of lading for moving jobs that he had performed in the past. Clearly there has been and continues to be a need for the applicant's service in the community. Based on the evidence presented, the applicant has proven public convenience and necessity.

As far as the applicant's financial ability is concerned the applicant presented evidence that the applicant's insurance premium will cost between \$6,280 to \$7,334 annually depending on how the applicant finances the insurance. The applicant's business checking account had \$18,878 as of October 10, 2011. The loan due to the prior owner of the business will be paid off by July 2012. The office rent is \$550 a month. The applicant assumed all of the debt in the partnership dissolution and has been working to pay these balances off. Based on the evidence presented, the applicant has shown the required financial suitability to be granted this authority.

The applicant will be using a truck and a van to conduct the moving business in Connecticut. The applicant will operate a 1999 GMC C-6500 and a 2001 Chevrolet van which are both in good condition. These two vehicles have been in use in the past in the applicant's business and thus 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 Connecticut since 2007. The applicant also produced witnesses who spoke to his good quality

service. The applicant is therefore 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 many years under the Jim Fahey Moving & Storage, LLC. The department has no complaints about the service and produced several witnesses who spoke about the good quality service the applicant provides. There are no safety issues which threaten the public if the applicant continues providing moving services.

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 Jim Fahey Moving and Storage, LLC is hereby granted and Certificate Number 1767 is issued as follows:

**CERTIFICATE NUMBER 1767**  
**TO OPERATE MOTOR VEHICLES FOR THE TRANSPORTATION OF PROPERTY**  
**FOR HIRE AS A MOTOR COMMON CARRIER**

Jim Fahey Moving and Storage, 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 Westport.**

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.

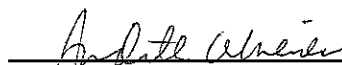
This certificate shall remain in effect until suspended, amended or revoked by the department. Failure of the certificate holder to maintain proper insurance or to comply with all motor vehicle laws and other pertinent State statutes and/or the rules, regulations and orders of the department shall be 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 16<sup>th</sup> day of November 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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