

NEWFOUNDLAND AND LABRADOR
BOARD OF COMMISSIONERS OF PUBLIC UTILITIES
120 Torbay Road, P.O. Box 21040, St. John's, Newfoundland and Labrador,
Canada, A1A 5B2

2017 Automobile Insurance Review

Taxi Operator Meetings Transcript

Tuesday, April 10, 2018
Session Two

Present:

The Board:

Darlene Whalen, Chair and CEO
Dwanda Newman, Vice-Chair
James Oxford, Commissioner

Board Counsel/ Staff:

Jacqueline Glynn, Board Counsel
Ryan Oake

Participants:

Tuesday, April 10, 2018

Doug McCarthy

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1 MS. GLYNN:
 2 Q. So we are started with the transcription.
 3 So, Mr. McCarthy, I'd like to start with a
 4 thank you for taking the time and coming to
 5 speak with us today.
 6 MR. MCCARTHY:
 7 A. My pleasure.
 8 MS. GLYNN:
 9 Q. It's very important and we are very
 10 appreciative of people that are coming in.
 11 We have informally introduced ourselves, but
 12 for the record my name is Jacqui Glynn and
 13 I'm legal counsel here with the Board; we
 14 have Travis Fisher who is one of our
 15 regulatory analysts; and of course, we have
 16 the commissioners, Mr. Jim Oxford, Ms.
 17 Darlene Whalen and Ms. Dwanda Newman. So
 18 the purpose for us meeting here today is to
 19 provide an opportunity for the taxi
 20 operators to talk with the commissioners
 21 about the issues that they're facing in
 22 relation to their insurance costs, and also
 23 to see what they see as important to the
 24 taxi industry. So the Board has been asked
 25 to specifically audit taxi claims to

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1 determine the cause of four claims
 2 experience, including the details regarding
 3 underlying costs of loss and high claim
 4 costs incurred and to provide
 5 recommendations to reduce these claims costs
 6 and to reduce the rates for the taxi
 7 industry. So Cameron & Associates has
 8 prepared a report, which we circulated to
 9 you, and they have identified possible areas
 10 that could be contributing to the claims
 11 experience. There you go. But we also
 12 wanted to hear directly from the taxi
 13 operators. So the purpose of today is to
 14 discuss the taxi issues and the Cameron
 15 Report, but please feel free to talk about
 16 any other issues that the Board will be
 17 reporting on. Please note that there will
 18 be another opportunity later in May to talk
 19 about the other issues and there's going to
 20 be a notice published later, so you'll
 21 certainly have the opportunity to come back,
 22 but don't limit yourself to just the taxi
 23 issues here today. There's a copy of the
 24 report and the Terms of Reference. You have
 25 it all there; you're ready to go. So this

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1 is intended to be a very informal
 2 discussion. We are transcribing it so that
 3 we have an accurate record of what is said.
 4 The transcript will become part of the
 5 public record and will be available on our
 6 website, and it may be referred to by the
 7 commissioners when they are writing their
 8 report to government. The Board's report is
 9 scheduled to be filed with the government on
 10 June 30, 2018. The Board will not make any
 11 determinations or decisions and this
 12 provides us with the unique opportunity to
 13 pass on to government comments on a vast
 14 array of issues, so please, again, feel free
 15 to discuss any issues related to your taxi
 16 insurance, or others, and the commissioners
 17 or I will let you know if you've strayed too
 18 far off the path. So with all that being
 19 said, I would ask you to introduce yourself
 20 for the record and your title and who you're
 21 representing.
 22 MR. MCCARTHY:
 23 A. My name is Doug McCarthy and I'm a
 24 spokesperson for myself, as an independent
 25 operator, owner/operator and I've been given

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1 the authority to speak on behalf of Newfound
 2 Taxi. I'm no longer associated with the
 3 Newfoundland and Labrador Taxi Alliance.
 4 We've had some major disagreements and I
 5 don't –
 6 MS. GLYNN:
 7 Q. So not for the Alliance.
 8 MR. MCCARTHY:
 9 A. Not for the Alliance, no.
 10 CHAIR:
 11 Q. Is Newfound Taxi your –
 12 MR. MCCARTHY:
 13 A. No, I'm just owner/operator. I work there
 14 as a broker.
 15 CHAIR:
 16 Q. Okay. Well the floor is yours, sir, and we
 17 may just jump in and have some questions as
 18 you –
 19 MR. MCCARTHY:
 20 A. As I ramble on.
 21 CHAIR:
 22 Q. No, I'm sure that won't be the case, but –
 23 MR. MCCARTHY:
 24 A. As you are all aware, the taxi industry in
 25 this province is facing a "do or die"

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1 situation in regards to insurance. There's
 2 a lot of factors involved in it, the primary
 3 factor is that we do not have an open market
 4 in regards to who we can obtain insurance
 5 from. We are limited to basically three
 6 underwriters who all go through Facility and
 7 Facility sets the rates which are based on
 8 their claims payouts and as far as we can
 9 see, the claims that they're paying out are,
 10 according to the reports that I've gone
 11 through, are exorbitant. They are paying
 12 out, as I've come to determine, a lot more
 13 than what they've been bringing in, as been
 14 the case all along. We're not disputing
 15 that, what we are disputing is the fact that
 16 based on current provincial law, I am to be
 17 insured on my driving record, not what I
 18 drive. Unfortunately, it's the other way
 19 around, I'm insured for what I drive and not
 20 how I drive. There's reports, I can have
 21 people document reports, if you want, 23
 22 years in the industry, no accidents, pay
 23 more for insurance through Facility than his
 24 next-door neighbour who has three impaired
 25 driving convictions. So who is the higher

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1 risk, you know. These are things that we
 2 want to address. There's got to be a way in
 3 which I, as a driver of 14 years, over
 4 700,000 kilometers driven, unfortunately
 5 I've only had one accident, but yet I still
 6 pay through Facility. I don't have any
 7 choice. If I want to work, I have to pay
 8 through Facility. We have to have a better
 9 market in which I can obtain insurance.
 10 Statistically if you look at the amount of
 11 kilometers we drive in a run of a year,
 12 there's currently 2,165 TX plates in the
 13 Province with an average of 100,000
 14 kilometers per year per plate. That gives
 15 us well over two million kilometers a year
 16 with the worse year being 208 accidents,
 17 that's one accident for every million
 18 kilometers, that's not high risk. I don't
 19 care how you slice, dice or julienne, it's
 20 not high risk. I mean, who is a higher
 21 risk, the person who drives 5 kilometers a
 22 day or the person who drives 150 kilometers
 23 a day or 500 kilometers a day. Based on
 24 your accident statistical rate, the person
 25 who drives the 5 kilometers a day, in our

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1 opinion, is of a higher risk because they
 2 don't have the confidence nor the skill's
 3 ability to drive in the weather conditions
 4 that we drive in. Having said that, we
 5 presented to government last April when
 6 Minister Trimper was the minister of Service
 7 NL, a list of seven things that we wanted to
 8 see changed with Class 4 licensing. To
 9 date, there's been no changes made
 10 whatsoever. We, as an industry, are still
 11 having discussions with the new minister,
 12 Sherry Gambin-Walsh, her last meeting was
 13 just a month or so ago, and we again brought
 14 up the changes that we wanted to see brought
 15 in and no response.

16 CHAIR:
 17 Q. Could you share those changes that you're
 18 referring to?
 19 MR. MCCARTHY:
 20 A. Well, to start with, as you all know as a
 21 novice driver your license is pretty well
 22 restricted as to how you can drive. We've
 23 requested that one) to get a Class 4 license
 24 in this province for a taxi operator that
 25 you be 25 years of minimum age, five year

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1 clean driving abstract, five years of
 2 Canadian driving experience, a written
 3 proficiency test from the Province, we asked
 4 that your initial license be classified as a
 5 4TN or 4NT, 4 Novice Taxi, that way there,
 6 you would come under the same guidelines as
 7 the novice driver who just gets their
 8 license.

9 COMMISSIONER OXFORD:
 10 Q. For one year, was it?
 11 MR. MCCARTHY:
 12 A. For two years. If there's any driving
 13 infraction or moving violation within that
 14 two-year period, you lose your Class 4
 15 license for another five years. We've asked
 16 them to bring in mandatory winter tires.
 17 Their response was, well, the tire companies
 18 don't have enough notice to bring in the
 19 tires, that was last April. Based on the
 20 report released by the Province of Quebec,
 21 the only province in Canada, I might add,
 22 that has mandatory winter tires, in the two
 23 years that the law has been in effect,
 24 they're reduced their accident rate by 36
 25 percent. To the extent that they're going

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1 to change the law and make winter tires now
 2 mandatory from the 1st of November to the 31st
 3 of March, versus the 15th of November to the
 4 15th of March, they estimate that will
 5 further reduce their accident rate by 4
 6 percent. So if you look at the statistics
 7 provided in the reports that we could reduce
 8 our accident rates anywhere from 30 to 40
 9 percent just in the taxi industry alone,
 10 that should mitigate a substantial reduction
 11 in our rates. The rates have gotten to the
 12 point now where it's forcing people out of
 13 business.
 14 COMMISSIONER OXFORD:
 15 Q. Could I ask you at this point, okay, do you
 16 have any idea how many taxi companies would
 17 be using winter tires at this point in time,
 18 from your own –
 19 MR. MCCARTHY:
 20 A. Well I know that, my own experience that
 21 when I was general manager with Co-op Taxi,
 22 it was the policy of Co-op Taxi that 1st of
 23 October to the 30th of April, you had to have
 24 winter tires on your car. Newfound, all
 25 their cars are equipped with winter tires.

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1 I, myself, personally drive winter tires 12
 2 months a year. The simple reason being is
 3 that I buy a very expensive set in October.
 4 You can't get two years out of them, but I
 5 can get the summer out of them, and with the
 6 amount of rain that we have here in this
 7 province, the winter tire in the summer will
 8 give you better traction in the rain;
 9 therefore, it gives you a safer operation of
 10 your vehicle. Other drivers do the double
 11 set. To me, that's just a waste.
 12 COMMISSIONER OXFORD:
 13 Q. So would you suggest that most of the taxis
 14 are using –
 15 MR. MCCARTHY:
 16 A. I would say at least 75 percent of the taxis
 17 in the province operate with winter tires,
 18 but if it's mandatory for everybody,
 19 province wide, taxis, of course, private
 20 vehicles, you'd be looking at a 30 to 40
 21 percent reduction in accident rates, which
 22 overall benefits everybody, but primarily
 23 I'm just concerned about our industry, you
 24 know. We have to find some way that drivers
 25 are insured based on their driving record,

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1 whether they be one driver on a vehicle,
 2 like myself. My personal family vehicle,
 3 myself and my wife, \$1100.00 a year. My
 4 taxi, right now, based on the last increase
 5 will be \$8,200.00.
 6 CHAIR:
 7 Q. For one car, that's your own—one vehicle.
 8 MR. MCCARTHY:
 9 A. Yeah. One vehicle, one driver.
 10 CHAIR:
 11 Q. What was the amount?
 12 MR. MCCARTHY:
 13 A. \$8,200.00 come September.
 14 CHAIR:
 15 Q. Including tax?
 16 MR. MCCARTHY:
 17 A. Yeah. It was \$6,500.00 last September, it
 18 will be \$8,200.00 this September.
 19 CHAIR:
 20 Q. That's your renewal.
 21 MR. MCCARTHY:
 22 A. Yeah.
 23 COMMISSIONER OXFORD:
 24 Q. Is that HST and –
 25 MR. MCCARTHY:

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1 A. Well RST. It's a non-claimable tax.
 2 CHAIR:
 3 Q. But it's pegged at the HST level now, isn't
 4 it? It's 15 percent.
 5 MR. MCCARTHY:
 6 A. Yeah, with a one and a quarter percent
 7 reduction each year for the next five years,
 8 it doesn't even pay the interest of what I
 9 pay for my insurance premiums. So, I mean,
 10 it's the insurance rates that's killing us
 11 and what's killing us most is the soft-
 12 tissue injury, which Cameron & Associates
 13 have identified in their report. We are the
 14 only province left in Canada now that does
 15 not have a cap on soft-tissue injury. The
 16 minister, as recently as a month ago, I
 17 believe, the minister for the ICBC in
 18 British Columbia announced effective April,
 19 2019, there will be a cap of \$5,500.00
 20 placed on soft-tissue injury. So I mean,
 21 here we are, a \$2,500.00 deductible as the
 22 Cameron report suggests, is not even—it's
 23 not worthy talking about because you know as
 24 well as I do if I'm going to lose \$2,500.00,
 25 well I'm going to say I want \$5,000.00, now

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1 I want \$7,500.00, so these are—this is
 2 something that has to be addressed. Another
 3 aspect that I’m looking at, I’m working on
 4 some numbers, is the implementation of a
 5 provincial run program, provincial insurance
 6 for everybody. As of last Thursday, there
 7 are 248,600 licensed vehicles in the
 8 province. If every one of those vehicles
 9 was required to pay \$2,000.00 a year for car
 10 insurance, one, it would eliminate,
 11 hopefully, the uninsured driver which is one
 12 of our biggest concerns when you look at the
 13 premium increases that we keep getting hit
 14 with for that. And secondly, over the ten-
 15 year period, if you look at the same numbers
 16 that I have acquired from the insurance
 17 industry through government, the auto
 18 insurance in the last ten years in the
 19 province have accumulated 1.2 billion
 20 dollars in profits. If a provincial
 21 insurance program was brought into effect,
 22 the province would generate the same amount
 23 of money, if not more, especially if a cap
 24 was placed on soft-tissue injuries.
 25 COMMISSIONER OXFORD:

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1 Q. Over what period you say?
 2 MR. MCCARTHY:
 3 A. A ten-year period. So, I mean, if the
 4 entire auto industry in the province is
 5 generating a profit, I find it hard to
 6 believe that, well, it’s not hard to believe
 7 because we are regulated to one specific
 8 company or association. I have three
 9 companies to choose from, but I ended up
 10 going through Facility. If I could get my
 11 insurance from any other company without
 12 going—I would just be a one-off, I would get
 13 a lower rate.
 14 COMMISSIONER OXFORD:
 15 Q. Yes.
 16 MR. MCCARTHY:
 17 A. You know, again, the law says I’m to be
 18 insured based on my driving record, not what
 19 I drive for a living. I’m looking at some
 20 of the grounds for perhaps looking at
 21 discrimination, you know, are we being
 22 discriminated against because we’re taxi
 23 drivers? Also I’m looking at some of the
 24 things in regards to a monopoly. Do they
 25 have a monopoly because they’re the only

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1 ones that will insure us? So, I mean, from
 2 that aspect, I mean, if that’s the case,
 3 then both of those are grounds for legal
 4 action to be taken. So again, we realize as
 5 an industry that we have problems. Yes,
 6 there are people out there who are driving
 7 taxis who shouldn’t be driving taxis. I’m
 8 the first one to admit that. And I will
 9 admit it at any time of the day, there are
 10 people out there who should not be driving
 11 taxis. But having said that, there’s people
 12 out there who shouldn’t be driving cars. I
 13 saw one last night.
 14 COMMISISONER OXFORD:
 15 Q. You’ll always see one a day.
 16 MR. MCCARTHY:
 17 A. Well, in our case, we see more than one, but
 18 in this case, this one was about ten seconds
 19 from taking the front-end off my car, you
 20 know, good thing I have a video camera. So,
 21 I mean, from that aspect if we can get rid
 22 of the “cowboys” this would bring down our
 23 accident ratio, hopefully, but by saying
 24 that, again that’s with the 4NT license
 25 comes, okay. If you come with me with a

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1 driver’s abstract that’s got multiple
 2 entries, I’m not going to hire you to start
 3 with, but if you come to me as a brand-new
 4 operator, just with a 4T license, any
 5 infraction within two years, you’re gone.
 6 We have to also find some way that if you’re
 7 driving my vehicle, I have the insurance on
 8 the vehicle, the law says right now that you
 9 can purchase insurance to drive my vehicle
 10 as well. If we were to start doing that, we
 11 wouldn’t have any drivers; however, there
 12 has to be a mechanism put in place whereby
 13 if you’re driving my vehicle and you have
 14 the accident, your rates—the accident should
 15 be reported against your license, that would
 16 therefore affect your personal insurance,
 17 not my taxi. Yes, my taxi had the license,
 18 but it was because you were driving it;
 19 therefore, you should have the onus of
 20 paying a premium based on your driving
 21 record. If you have a car and you have an
 22 accident in my vehicle, my premiums are
 23 going up, not yours. So if there was a
 24 mechanism whereby you had the accident, your
 25 private insurance would then bear direct

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1 result of the fact that you had an accident.
 2 Again, it would help lower our rates. At
 3 Newfound we are currently installing in all
 4 of our vehicles GPS tracking units that will
 5 indicate day, date, time and speed and
 6 location to the extent that If you're
 7 speeding 10 kilometers above the speed
 8 limit, the manager's cell phone starts
 9 beeping.
 10 CHAIR:
 11 Q. Back at your –
 12 MR. MCCARTHY:
 13 A. Wherever his cell phone is.
 14 CHAIR:
 15 Q. Oh, okay.
 16 MR. MCCARTHY:
 17 A. His cell phone will start beeping and he
 18 gets very upset when his cell phone starts
 19 beeping at 2 and 3:00 in the morning.
 20 CHAIR:
 21 Q. Is that an expensive undertaking to put GPS
 22 tracking units in the vehicles?
 23 MR. MCCARTHY:
 24 A. Yes. And we're also looking now at
 25 proximity switches.

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1 CHAIR:
 2 Q. Which are?
 3 MR. MCCARTHY:
 4 A. How close am I to the back end of your car?
 5 CHAIR:
 6 Q. Oh, okay, and that would signal or give a
 7 warning?
 8 MR. MCCARTHY:
 9 A. Yeah, an audible warning with a flashing
 10 light of some sort that it would indicate
 11 that you're getting too close to that car in
 12 front of you. The closer you get, the
 13 louder it gets, okay.
 14 CHAIR:
 15 Q. You're looking at those now, are you?
 16 MR. MCCARTHY:
 17 A. Yeah. Brand new vehicles have them in it,
 18 you know, they call it an automatic braking
 19 system. Well it's pretty had to retrofit
 20 some of the cars with, but there are systems
 21 out there that will tell you when you're
 22 getting too close, and we're looking for
 23 both front and rear, so if I'm backing up
 24 and I get too close to something, it will
 25 send a signal.

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1 CHAIR:
 2 Q. Mr. McCarthy, if Newfound is looking at all
 3 these, and probably others, for your own
 4 safety and action prevention on your side,
 5 but what's the benefit at the end of the
 6 day?
 7 MR. MCCARTHY:
 8 A. Hopefully at the end of the day by the
 9 proximity warning switches or indicators, it
 10 will reduce the rear-end collisions.
 11 CHAIR:
 12 Q. Right.
 13 MR. MCCARTHY:
 14 A. Thereby if I can reduce rear-end collisions,
 15 you know, I should get a reduction in my
 16 insurance premiums.
 17 CHAIR:
 18 Q. That's the thing, you would have to have
 19 something on the other end that's actually
 20 going to reward you for doing it.
 21 MR. MCCARTHY:
 22 A. Yes.
 23 CHAIR:
 24 Q. Right now, there's nothing.
 25 MR. MCCARTHY:

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1 A. There's nothing.
 2 CHAIR:
 3 Q. Right, okay.
 4 MR. MCCARTHY:
 5 A. We're also looking at setting up for all of
 6 the drivers in the company a defensive
 7 driving course.
 8 CHAIR:
 9 Q. Okay.
 10 MR. MCCARTHY:
 11 A. I mean, being ex-military, you didn't drive
 12 anything in the military unless you had a
 13 defensive driving course, so we're also
 14 looking at that. In regards to personal
 15 training, we're taking five courses, all
 16 mandatory for all of the drivers in our
 17 company. CNIB; Coalition of Persons with
 18 Disabilities; St. John's Status of Women's
 19 Council; Standard First Aid; and Hard of
 20 Hearing, those are mandatory courses for all
 21 drivers within Newfound. We also have on
 22 our vehicles mandatory identification. When
 23 you get into my car, you see my picture
 24 there and you see all the courses I've
 25 taken, so you know, these are things that

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1 we're doing to improve the image of the
 2 industry, but that has no effect on our
 3 insurance rates, but it does show that
 4 people get into vehicles that, you know,
 5 I've taken these courses and I know how to
 6 handle and deal with, you know, persons with
 7 disabilities or persons with hard of hearing
 8 or you know, whatever. Also our company, it
 9 is mandatory in our company that when you
 10 come to apply for a position, you must have
 11 your runnable sector check, you must have
 12 your police conduct, you must have your
 13 driver's abstract, all of it current. So, I
 14 mean, these are things that Newfound has
 15 implemented as mandatory requirements.
 16 COMMISSIONER OXFORD:
 17 Q. My compliments. That's quite a list.
 18 MR. MCCARTHY:
 19 A. Yeah, I mean, like I say, we are very
 20 proactive, we realize that, you know, our
 21 industry has a black eye and we're trying to
 22 take positive steps to improve the overall
 23 public opinion of the taxi industry. But
 24 again, I say our biggest downfall is our
 25 insurance. We cannot continue to sustain

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1 12, 14, 15, 16, \$2,000.00 increases to our
 2 insurance premiums every year. You'll hear
 3 from a lady on Thursday from Corner Brook, I
 4 mean how many cars she's already taken off
 5 the road.
 6 CHAIR:
 7 Q. Krista Quigley.
 8 MR. MCCARTHY:
 9 A. Yeah, Kristine, I was talking to her last
 10 night. So I mean, you know, there's
 11 companies here in this city who have taken
 12 cars off the road because they can no longer
 13 afford to pay 12 or 14, 15,000 per vehicle
 14 because they have more than one driver on
 15 their car. And if I own multiple cars and I
 16 don't qualify for fleet insurance because
 17 fleet insurance used to be five cars, now
 18 it's ten.
 19 COMMISSIONER OXFORD:
 20 Q. Okay, so the fleet, you must have ten taxis?
 21 MR. MCCARTHY:
 22 A. Ten taxis.
 23 COMMISSIONER OXFORD:
 24 Q. And it used to be five?
 25 MR. MCCARTHY:

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1 A. It used to be five.
 2 COMMISSIONER OXFORD:
 3 Q. When did it get changed?
 4 MR. MCCARTHY:
 5 A. Two years ago, maybe three.
 6 CHAIR:
 7 Q. That was changed by the industry?
 8 MR. MCCARTHY:
 9 A. Yeah.
 10 CHAIR:
 11 Q. Was Facility the –
 12 MR. MCCARTHY:
 13 A. Yeah. I used to get a discount for being a
 14 sole operator. I don't get that anymore,
 15 they've taken that away. That used to be a
 16 ten percent discount for a single sole
 17 owner/operator, they've taken that away.
 18 COMMISSIONER OXFORD:
 19 Q. Do you have any idea why they went from five
 20 taxis to ten to call it a fleet? Was there
 21 some rationale behind that?
 22 MR. MCCARTHY:
 23 A. No.
 24 COMMISSIONER OXFORD:
 25 Q. Just a unilateral decision that was made?

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1 MR. MCCARTHY:
 2 A. Yeah.
 3 COMMISSIONER OXFORD:
 4 Q. No consultation with the industry.
 5 MR. MCCARTHY:
 6 A. We don't get called, they don't consult us
 7 on anything. The only consultation they
 8 have is they come to you guys and say we
 9 want more money and you guys say based on
 10 your numbers, approved, here you go.
 11 VICE-CHAIR:
 12 Q. So what difference would it have made if you
 13 would have been considered as a fleet
 14 operator, what's the –
 15 MR. MCCARTHY:
 16 A. Oh, your insurance premiums are a lot lower.
 17 VICE-CHAIR:
 18 Q. Like in magnitude?
 19 MR. MCCARTHY:
 20 A. Ten to fifteen percent lower.
 21 VICE-CHAIR:
 22 Q. Okay.
 23 COMMISSIONER OXFORD:
 24 Q. In a fleet?
 25 MR. MCCARTHY:

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1 A. In a fleet, yeah.
 2 COMMISSIONER OXFORD:
 3 Q. Oh, is that right.
 4 MR. MCCARTHY:
 5 A. Yeah. What some operators do, they'll mix
 6 their fleet, they'll have a policy for these
 7 ten cars and in that policy, they'll have
 8 three or four cars with no accidents, a
 9 couple of cars with one accident, a couple
 10 of cars with two or three accidents and that
 11 will be that one policy.
 12 CHAIR:
 13 Q. So they blend it to the –
 14 MR. MCCARTHY:
 15 A. Yeah, to get a lower rate.
 16 CHAIR:
 17 Q. It's a deliberate blending.
 18 MR. MCCARTHY:
 19 A. Yeah, whereas, you know, face it, I took ten
 20 cars that had no accidents and insured them,
 21 and I took ten cars that had multiple
 22 accidents and insured them, which premium is
 23 going to be higher? But if I blend them, if
 24 I tell my insurance agent these are the ten
 25 cars I want under this policy number and

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1 these are the ten cars I want under this
 2 policy number, and these are the ten cars—
 3 I'm going to get a lower rate.
 4 CHAIR:
 5 Q. But you don't, it's not only ten cars to a
 6 fleet, there could be 50 in a fleet. But
 7 you can sign it that way?
 8 MR. MCCARTHY:
 9 A. 50, 60, like Newfound has 66 cars, but he
 10 has multiple insurance policies because you
 11 blend them.
 12 COMMISSIONER OXFORD:
 13 Q. Multiple fleet policies.
 14 MR. MCCARTHY:
 15 A. Multiple fleet policies, yeah.
 16 COMMISSIONER OXFORD:
 17 Q. Is that right.
 18 MR. MCCARTHY:
 19 A. Yeah.
 20 CHAIR:
 21 Q. Within the same umbrella company.
 22 MR. MCCARTHY:
 23 A. Yeah.
 24 COMMISSIONER OXFORD:
 25 Q. That's unusual.

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1 MR. MCCARTHY:
 2 A. Yeah, because we have to.
 3 CHAIR:
 4 Q. Well yeah, it's a response to managing.
 5 MR. MCCARTHY:
 6 A. You have to be able to try and mitigate your
 7 expenses somehow.
 8 COMMISSIONER OXFORD:
 9 Q. I'm surprised they will allow a single
 10 company with multiple fleets –
 11 MR. MCCARTHY:
 12 Q. Oh yeah, but okay, so you're a company, your
 13 wife's a company, then you have the company,
 14 but under the colour scheme it's all
 15 Newfound, okay. So, I mean, yeah –
 16 COMMISSIONER OXFORD:
 17 Q. I get your point.
 18 VICE-CHAIR:
 19 Q. So how do they do the drivers within the
 20 fleet then, do the drivers get listed in the
 21 fleet or is it just the car?
 22 MR. MCCARTHY:
 23 A. Well that's what I was reading in the
 24 report, it said that in the report that a
 25 lot of fleet operators don't list all their

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1 drivers, but it's not unusual. Under the
 2 private policy holder, like myself is a
 3 private policy holder, I'm required to list
 4 who I have driving my vehicle and pay any
 5 associated premium. According to the
 6 Cameron report, that's not being done in all
 7 cases until you've had an accident with my
 8 car, then I put you on. So we have to come
 9 up with—there has to be some mechanism
 10 within the industry whereby yes, you've
 11 passed all the hoops to get your Class 4
 12 license, you've passed all the requirements
 13 within the company to get your, to be hired,
 14 because what we're saying to the Province is
 15 we want to pre-screen an applicant before
 16 they even go and see you. We will give them
 17 a letter saying "This individual if they
 18 pass the requirements for a 4NT license will
 19 be hired by Newfound taxi to drive within
 20 our company." That way there, I know who
 21 will be driving the vehicle. I then have
 22 time to get the appropriate paperwork put in
 23 place to ensure that you're listed as an
 24 employee or as a driver on whatever vehicle
 25 you're going to drive, or you're listed as

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1 an operator of a fleet vehicle. That same
 2 principle will apply to single
 3 owner/operators within Newfound, that if I
 4 have someone coming to drive my vehicle,
 5 they have to pass all of the company
 6 requirements first, even though I own the
 7 car. The company will then issue them a
 8 letter that they can take to the Motor
 9 Vehicle branch, along with their police
 10 conduct and their vulnerable sector and
 11 everything else, saying this person is going
 12 to, if I successfully get a 4T license,
 13 employ me on their vehicle. In that package
 14 will also be a certification from the
 15 insurance company that John Doe or Jane
 16 Smith is listed under the insurance policy.
 17 That way there, it will eliminate some of
 18 the findings of the Cameron report.

19 CHAIR:
 20 Q. Those findings didn't surprise you though.

21 MR. MCCARTHY:
 22 A. No, no. It didn't surprise me in the least.
 23 I mean, I know one of the constant arguments
 24 I had when I was the manager of the Co-op,
 25 come in, this person is going to drive my

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1 car. Where is the insurance papers for him?
 2 Oh, he's a good driver, no, he's not. When
 3 you bring me that he's insured on his
 4 policy, then he can drive.

5 CHAIR:
 6 Q. But that's company specific.

7 MR. MCCARTHY:
 8 A. That's company specific, yeah. But if it
 9 was mandated by the Province or mandated by—
 10 well it would have to be mandated by the
 11 Province, that way the insurance companies
 12 would have—because for instance, if I cancel
 13 my car insurance today on my taxi, within a
 14 half an hour, City Hall knows about it.

15 CHAIR:
 16 Q. Who notifies the insurance company?

17 MR. MCCARTHY:
 18 A. The insurance company, okay, notifies City
 19 Hall that I've cancelled the insurance on my
 20 taxi. City Hall then calls Newfound and
 21 says "that car is not insured, get it off
 22 the road." You can turn around today,
 23 cancel the insurance on your own private
 24 vehicle and nobody knows. So again, there's
 25 a discrepancy, you know, we're being treated

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1 differently than anybody else. I find that,
 2 to me that, again, falls under
 3 discrimination. If I'm going to be reported
 4 to my insurance company to a legal authority
 5 that I've cancelled my policy, then why
 6 isn't everybody?

7 CHAIR:
 8 Q. Does City Hall have any or do you have any
 9 active involvement with, who is it down
 10 there, the commission or who do you deal
 11 with at City Hall? Is it the Taxi –

12 MR. MCCARTHY:
 13 A. Well I used to be on the Taxi Committee, but
 14 we haven't had –

15 CHAIR:
 16 Q. It's a Taxi Committee, is that what it's
 17 called?

18 MR. MCCARTHY:
 19 A. Yeah, but we haven't had a meeting in I
 20 don't know how long.

21 CHAIR:
 22 Q. Who at City Hall, like is responsible for
 23 issuing the license, who is that?

24 MR. MCCARTHY:
 25 A. Oh, that's under the second floor,

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1 engineering department. Like I just re-
 2 stipped (phonetic) my car, okay, my car is
 3 due in March. In order to get my car I have
 4 to have a letter from my insurance company
 5 saying that I'm insured, and I have to have
 6 a valid Provincial Safety Inspection.

7 CHAIR:
 8 Q. Okay, for your vehicle.

9 MR. MCCARTHY:
 10 A. For my vehicle, for the taxi, and then I
 11 have to do a road test with one of the City
 12 inspectors and they check your meter.

13 CHAIR:
 14 Q. The car itself, yeah. Road test for the
 15 meter test, I think, okay.

16 MR. MCCARATHY:
 17 A. Yeah. Then I give them a hundred dollars and
 18 they give you a little sticker. I'm
 19 required to have two safety inspections done
 20 a year because my vehicle expires in
 21 October, my plate, my City sticker expires
 22 in March, I have to have a safety check done
 23 for both.

24 CHAIR:
 25 Q. For two different purposes.

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1 MR. MCCARTHY:
 2 A. Yeah, so I mean, lately you've probably seen
 3 in the news, they've been hauling a taxi
 4 over and inspecting them, and I told the
 5 minister at our meeting when they had the
 6 first group of cars pulled over, pull them
 7 all over if you want. We'll have them all
 8 parked out here in the parking lot Monday
 9 morning, inspect every one of them because
 10 the more junk you get off the road, the
 11 safer you're going to make our industry.
 12 Because, listen, there are cars out there
 13 that shouldn't be there. But having said
 14 that, there's private vehicles that
 15 shouldn't be out there, but yet there's no
 16 safety check. Again, minor discrimination.
 17 To me, I look at it this way, as a taxi
 18 transporting public, we should be inspected
 19 at least three times a year, neve mind
 20 twice, it should be at least three times a
 21 year, but tell anybody I said that.
 22 CHAIR:
 23 Q. We just did.
 24 MR. MCCARTHY:
 25 A. We just did, yeah, strike that from the

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1 record. Because, I mean, the safer our
 2 vehicles are, again, less opportunity for
 3 the vehicle to be involved in an accident
 4 because of a safety defect, which less
 5 accident, lower premiums. So you know, you
 6 can't be too proactive.
 7 CHAIR:
 8 Q. Mr. McCarthy, I understand, my sense is from
 9 what I'm hearing from you and certainly what
 10 I've been reading is that you're almost at a
 11 tipping point now, though, like it's sort of
 12 a need for action from the point of view of
 13 the premiums themselves is urgent.
 14 MR. MCCARTHY:
 15 A. Oh yeah, yes.
 16 CHAIR:
 17 Q. Do you, as an owner/operator or as a driver
 18 have any concern about the time that it's
 19 going to take for some of these changes, if
 20 and when they're implemented? It takes a
 21 long time for some of this to flow through
 22 because it's experience, so –
 23 MR. MCCARTHY:
 24 A. Put it this way, if nothing happens between
 25 now and in my case, September, that I can't

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1 see a positive change coming between now and
 2 September, I will retire in September. I
 3 cannot afford it. And I'm only one
 4 operator. I know countless more out there
 5 that we're sitting there, like this last
 6 increase I got, last September, put me at –
 7 CHAIR:
 8 Q. That was your –
 9 MR. MCCARTHY:
 10 A. That's the threshold. I can't, I mean, if
 11 the average run is \$10.00, my first 820 jobs
 12 I do has to go to car insurance and that's
 13 before I put five cents worth of gas in the
 14 car, that's before I pay my stand fees, my
 15 brokerage fees for driving with Newfound,
 16 before I pay for any maintenance, before I
 17 pay for the car or before I give my wife
 18 five cents and she's top of the list. So,
 19 you know, I operated at a loss last year.
 20 If it wasn't for my pension money from the
 21 military, I would have been on welfare.
 22 CHAIR:
 23 Q. And I guess that's where, you know, it will
 24 take awhile for some of the, even some of
 25 the really interesting ideas that you guys

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1 are pursuing on a company basis, if they're
 2 not recognized, I mean again, image and, you
 3 know, it raises your ability to market your
 4 brand and put it out there, but it takes a –
 5 MR. MCCARTHY:
 6 A. It's not going to happen over night.
 7 CHAIR:
 8 Q. Yeah, absolutely, and my sense is –
 9 MR. MCCARTHY:
 10 A. But if I know that –
 11 CHAIR:
 12 Q. You're looking for the hope that or for
 13 certainty perhaps, it's not hope –
 14 MR. MCCARTHY:
 15 A. Yeah, if the Province is going to say all
 16 right, based on the review, based on the
 17 reports, based on the presentations we are
 18 going to—we're going to be the last province
 19 in Canada to implement a cap, hopefully that
 20 will give us a saving grace, or if they come
 21 along and say, no, we're going to, if they
 22 come along and say, no, we're changing
 23 nothing, then I can tell you right now this
 24 time next year you will probably have 200
 25 less taxis in St. John's because the

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1 insurance rates are going to kill us,
 2 because I can assure you that probably
 3 Facility is just sitting there chomping at
 4 the bit waiting to put in another
 5 application. I mean, as a business person,
 6 I know if I bring in 3 million dollars and I
 7 pay out 6 million dollars, I'm not going to
 8 be in business for very long. So I got to
 9 get the 6 million dollars or I've got to
 10 lower the 6 million dollars that I'm paying
 11 out, and the only way you can do that is to
 12 bring in a cap that will help reduce the
 13 claims for soft-tissue injury as the Cameron
 14 Associate Report indicates. I mean, we in
 15 the industry call it, "you just won the taxi
 16 lotto".
 17 CHAIR:
 18 Q. Oh, really.
 19 MR. MCCARTHY:
 20 A. Or "whip cash", take your choice. Another
 21 thing I'm looking at too is the ratio of
 22 personal injury lawyers as versus, compared
 23 to the population. I mean, people have told
 24 me that St. John's has the highest per
 25 capita of personal injury lawyers in Canada.

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1 There's got to be a reason for that. I
 2 mean, if you look at the billboards around
 3 town lately, that money for all those
 4 billboards has got to come from someplace.
 5 If you're a football fan and you watch the
 6 Super Bowl, they had 28 commercials on on
 7 Super Bowl Sunday in regards to whiplash—or
 8 what do they call it, insult to injury and
 9 they don't come cheap. Someone told me they
 10 were \$3,500.00 a pop.
 11 COMMISSIONER OXFORD:
 12 Q. I would think, yeah.
 13 MR. MCCARTHY:
 14 A. So I mean, they're spending an awful lot of
 15 money that, you know, we can't compete with,
 16 there's just no way we can do that. So, I
 17 mean, they're fighting for a reason.
 18 CHAIR:
 19 Q. How many, you said Newfound, you guys have
 20 66 –
 21 MR. MCCARTHY:
 22
 23 A. 66 cars, yeah.
 24 CHAIR:
 25 Q. So how many drivers would be associated with

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1 those 66 vehicles? Like, are you basically
 2 a 24/7?
 3 MR. MCCARTHY:
 4 A. Oh yeah.
 5 CHAIR:
 6 Q. You are 24/7, so I can call Newfound any
 7 time of the day or night and I'll get
 8 somebody –
 9 MR. MCCARTHY:
 10 A. Any time of the day or night or in any
 11 weather condition.
 12 CHAIR:
 13 Q. Okay, so to –
 14 MR. MCCARTHY:
 15 A. And that's not counting the ten accessible
 16 vehicles we operate.
 17 CHAIR:
 18 Q. Okay, yeah, I see those around, actually.
 19 MR. MCCARTHY:
 20 A. So we're operating 10 accessible vehicles as
 21 well, so that's, I'll say probably 80
 22 vehicles in total.
 23 CHAIR:
 24 Q. And that would be how many –
 25 MR. MCCARTHY:

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1 A. A minimum of two drivers per vehicle.
 2 CHAIR:
 3 Q. Okay, so you're easily over 160 plus drivers
 4 associated with your –
 5 MR. MCCARTHY:
 6 A. Yeah.
 7 COMMISSIONER OXFORD:
 8 Q. And they're all stationed in St. John's?
 9 MR. MCCARTHY:
 10 A. Yes. I mean, like I said, industry wide,
 11 there's probably close, if you're counting
 12 just drivers, there's 4340 drivers.
 13 CHAIR:
 14 Q. How many?
 15 MR. MCCARTHY:
 16 A. 4340.
 17 CHAIR:
 18 Q. Oh, wow
 19 MR. MCCARTHY:
 20 A. Well 2165 plates times two.
 21 CHAIR:
 22 Q. I suppose, yeah.
 23 MR. MCCARTHY:
 24 A. Now some cars have three drivers.
 25 CHAIR:

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1 Q. Split, like a –

2 MR. MCCARTHY:

3 A. No, no, what it is, okay, you’ll drive

4 Monday to Friday nights, and you two will

5 drive the weekends.

6 CHAIR:

7 Q. Okay.

8 MR. MCCARTHY:

9 A. Okay, so I mean, there’s four drivers to a

10 car in some cases, but average, from my

11 work, I’m just saying two per car at 50,000

12 kilometers a year per driver is 100,000 k a

13 year.

14 CHAIR:

15 Q. That’s where that number came up from.

16 MR. MCCARTHY:

17 A. Yeah, because I mean, other than that, I

18 mean, I’m not calling every company and

19 saying, listen, how many drivers do you

20 have, how many, you know, hours a day do

21 they drive, I mean, the report would end up

22 looking like that.

23 CHAIR:

24 Q. Are you doing a report to submit to us?

25 MR. MCCARTHY:

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1 A. Yeah.

2 CHAIR:

3 Q. Oh, that’s good, okay.

4 MR. MCCARTHY:

5 A. I’ve got lots of numbers here.

6 CHAIR:

7 Q. It’s a lot of work it looks like you’re

8 undertaking.

9 MR. MCCARTHY:

10 A. Yes, but in the long run hopefully it will

11 not only benefit our industry, but it will

12 benefit the general consumer as well. I

13 mean, their rates are going up as well.

14 Some of the companies here, well last year

15 Intact had a 13 percent rate increase. Also

16 Intact is one accident and you’re now

17 Facility.

18 COMMISSIONER OXFORD:

19 Q. Really?

20 MR. MCCARTHY:

21 A. Oh yeah, you have one accident with Intact,

22 boom, you’re right into Facility. So I

23 mean, I see these TV ads, as we all do, I’m

24 sure, companies in the States, you know,

25 first accident forgiveness and things like

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1 that, I have that with my personal policy

2 for my private vehicle is the same way, my

3 first accident is a forgivable accident,

4 touch wood, haven’t had one yet. So I mean,

5 you know, but there’s a lot of drivers out

6 there who have been driving for years and

7 years and years and have had no accidents,

8 yet we’re stuck in Facility, we can’t get

9 out. The law says that if I’m in Facility,

10 I am to receive a letter every year from

11 Facility telling me, and from my insurance

12 broker, telling me what I have to do to

13 improve my driving to get out of Facility.

14 CHAIR:

15 Q. Do you get that letter?

16 MR. MCCARTHY:

17 A. No, I haven’t seen one in 14 years. But yet

18 the law says I’m supposed to get it. And

19 the simple reason being is that it doesn’t

20 matter what I do, I’m not getting out of

21 Facility. Our hands are tied because there

22 is no alternative, other than drive around

23 with no insurance and that’s not uncommon in

24 this province, but it is uncommon in our

25 industry. You will not see a taxi on the

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1 road without insurance; it won’t happen. So

2 that’s basically all I have to say for

3 today.

4 CHAIR:

5 Q. Well it’s really helpful and I’m delighted

6 you’re going to commit it all to paper as

7 well and give us your -

8 MR. MCCARTHY:

9 A. Oh yes, yeah.

10 CHAIR:

11 Q. That will be very useful.

12 MS. GLYNN:

13 Q. Mr. McCarthy, that report that you’re going

14 to file is going to be on more than just the

15 taxi report, and you intend to make comments

16 on other issues –

17 MR. MCCARTHY:

18 A. Yeah.

19 MS. GLYNN:

20 Q. Do you have an idea on when you are going to

21 file that?

22 MR. MCCARTHY:

23 A. Do I have to file it before the hearing?

24 CHAIR:

25 Q. No.

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1 MS. GLYNN:
 2 Q. No, no.
 3 MR. MCCARTHY:
 4 A. Okay, so when you call me up and tell me
 5 it's my turn to come and speak, I'll give
 6 you your copy of the report.
 7 CHAIR:
 8 Q. We'll touch base with you once we've got the
 9 schedule for the hearing set, but we're in
 10 the process, it should be in the next couple
 11 of days we'll have that finalized, so we'll
 12 ensure that you're aware of the dates.
 13 MR. MCCARTHY:
 14 A. I told Cheryl, I've asked Cheryl, I said put
 15 me on last.
 16 CHAIR:
 17 Q. I think right now we're looking at May 23rd
 18 to June 1st, kind of that time period for the
 19 public hearing, and if written comments and
 20 your report, there'll probably –
 21 MS. GLYNN:
 22 Q. Yeah, there will be a date set for that.
 23 CHAIR:
 24 Q. Probably sometime after that, so you can
 25 incorporate some of the things you hear

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1 there as well, so –
 2 MR. MCCARTHY:
 3 A. I said, no, you know, put me down last after
 4 the insurance companies have their say and
 5 the lawyers have had their say.
 6 MS. GLYNN:
 7 Q. Sum in all up for us.
 8 CHAIR:
 9 Q. You may want to file your report then after
 10 the hearing and after you've had a chance to
 11 listen and have your say and you can reflect
 12 –
 13 MR. MCCARTHY:
 14 A. Oh no, I'll have my report ready to submit.
 15 CHAIR:
 16 Q. That's wonderful. Our goal is—not our goal,
 17 our –
 18 MR. MCCARTHY:
 19 A. I have to get a bigger brief case though.
 20 CHAIR:
 21 Q. Our target date for our report to government
 22 is the end of June, so we're under a bit of
 23 a deadline. It is a deadline that we've
 24 set, and I think it would be helpful if we
 25 had it in as soon as—but it's up to you.

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1 MR. MCCARTHY:
 2 A. Because I mean, like I said, I know that
 3 government wants, according to the last
 4 conversation I had—we had with Minister
 5 Trimper in regards to the review, whatever
 6 changes they want to make, they want to make
 7 it in the fall session, so –
 8 CHAIR:
 9 Q. And that's perhaps what's driving our target
 10 date as well.
 11 MR. MCCARTHY:
 12 A. Yeah, because like I said, changes have to
 13 be made or, like I said, if changes aren't
 14 made and we cannot see a way forward to
 15 reduce our premiums, then we are a dying
 16 industry. As it stands right now, we are
 17 not getting any new drivers coming in
 18 because they cannot afford the premiums.
 19 For a new driver starting off today –
 20 CHAIR:
 21 Q. Well they would be rated as a –
 22 MR. MCCARTHY:
 23 A. As Class 3 of 0, I forget which way they go
 24 now, if it's 0, 1, 2, 3 or 3, 2, 0.
 25 COMMISSIONER OXFORD:

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1 Q. 0, 1, 2, 3.
 2 CHAIR:
 3 Q. 0, 1, 2, 3, yeah.
 4 MR. MCCARTHY:
 5 A. Anywhere from 10 to \$12,000.00. And again,
 6 that's before you make a nickel because you
 7 can't drive without insurance, and if you
 8 prorate it, most of the insurance companies
 9 will only take three payments, you have to
 10 pay it off in three payments and they charge
 11 you interest.
 12 CHAIR:
 13 Q. So do you—where do you, if you have to pay
 14 it in three payments you borrow or advance
 15 or –
 16 MR. MCCARTHY:
 17 A. They borrow or steal, you know. The company
 18 I'm with, if I so decide to pay my premium
 19 with my credit card, they charge me a
 20 premium for using my credit card and it's a
 21 hefty premium too. I mean, I'm fortunate I
 22 have a business line of credit that's
 23 available for me from my other business that
 24 I operate and that's how I pay my car
 25 insurance, but I mean, again, I'm not here

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1 to operate at a loss.
 2 COMMISSIONER OXFORD:
 3 Q. Three payments, is that on a quarterly –
 4 MR. MCCARTHY:
 5 A. No.
 6 COMMISSIONER OXFORD:
 7 Q. Just three months.
 8 MR. MCCARTHY:
 9 A. Three months.
 10 COMMISSIONER OXFORD:
 11 Q. Wow, okay, not a big benefit to –
 12 MR. MCCARTHY:
 13 A. No, the first one is 50 percent, the next
 14 two are 25 and 25.
 15 COMMISSIONER OXFORD:
 16 Q. Oh, is that right, it's 50 percent right up
 17 front.
 18 MR. MCCARTHY:
 19 A. Yeah. So I mean, if you're looking at a new
 20 driver who, shall we say, driver's abstract
 21 isn't the greatest in the world, he could be
 22 looking at 14, \$15,000.00 as the start-up
 23 fee for his first year's car insurance. I
 24 mean, we can't change the rates on the
 25 meter. We're as high as we can go now. If

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1 we drive the rates up any higher, we're
 2 going to drive away clients.
 3 COMMISSIONER OXFORD:
 4 Q. You lose on the other end.
 5 MR. MCCARTHY:
 6 A. You lose on the other end, so I mean, we're
 7 soon to become a dying breed. And in most
 8 cases, as I've said to the minister on
 9 several occasions, we are an essential
 10 service. It don't matter how you look at
 11 it, you know, there's outlying communities
 12 in the province who rely on taxis to get
 13 them from wherever and here in the city more
 14 so than ever we're becoming an essential
 15 service and just with our assessible
 16 transportation alone, those cars are going
 17 18 hours a day.
 18 CHAIR:
 19 Q. Do your accessible vehicles go through the
 20 same registration process?
 21 MR. MCCARTHY:
 22 A. Yeah.
 23 CHAIR:
 24 Q. They don't have any additional—do they have
 25 additional equipment requirements for

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1 inspections or anything?
 2 MR. MCCARTHY:
 3 A. Yeah.
 4 CHAIR:
 5 Q. They do, yeah, okay.
 6 MR. MCCARTHY:
 7 A. Yeah, there's a mixture of hoops they have
 8 to jump through in order to be an accessible
 9 vehicle and their insurance are higher.
 10 CHAIR:
 11 Q. I was most impressed, I was at, I don't know
 12 where I was, when I saw when I saw, it was
 13 one of your operators, actually, it was
 14 Newfound and it was amazing. There was a
 15 lady in a wheelchair and she was, you know,
 16 obviously quite disabled in the sense that
 17 she couldn't move, she had an attendant with
 18 her and it was a female driver, actually, it
 19 was a small van, a moving van kind of thing
 20 and it was amazing to see her, you know.
 21 MR. MCCARTHY:
 22 A. Yeah, we have ten vans and the accessibles,
 23 if I'm not mistaken, there are three female
 24 drivers on the accessibles.
 25 CHAIR:

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1 Q. It was really nice to watch and it's
 2 obviously this person was able to get out to
 3 the mall and, you know, I mean, I was
 4 really, it was moving almost, you know.
 5 MR. MCCARTHY:
 6 A. So remember now, 744-4444.
 7 MS. GLYNN:
 8 Q. Mr. McCarthy, I had a couple of
 9 clarification points, I guess. One of the
 10 things that I wanted to ask was about the
 11 coverage that you carry and if Newfound has
 12 any rules or regulations about what taxi
 13 drivers should carry on their cars.
 14 MR. MCCARTHY:
 15 A. Well we are required by law to carry one and
 16 one, a million liability and
 17 MS. GLYNN:
 18 Q. Okay, so it's a million?
 19 MR. MCCARTHY:
 20 A. Yeah.
 21 CHAIR:
 22 Q. Like your Provincial?
 23 MR. MCCARTHY:
 24 A. Provincial.
 25 CHAIR:

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1 Q. Okay.
 2 MR. MCCARTHY:
 3 A. Required to carry a million liability and a
 4 million medical.
 5 CHAIR:
 6 Q. Okay.
 7 MR. MCCARTHY:
 8 A. Now here's another interesting factor, in
 9 Halifax, which again is Facility, however
 10 Nova Scotia has a cap, as a brand spanking
 11 new driver I can get two and two for less
 12 than what it costs me to get one and one.
 13 CHAIR:
 14 Q. Two million and two million.
 15 MR. MCCARTHY:
 16 A. Yeah.
 17 CHAIR:
 18 Q. Do you have any sense as to the magnitude of
 19 difference in the premium you pay versus a
 20 driver, in your owner/operator in your
 21 similar circumstances would pay in Halifax?
 22 Is there a significant difference?
 23 MR. MCCARTHY:
 24 A. Oh yes.
 25 CHAIR:

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1 Q. There is?
 2 MR. MCCARTHY:
 3 A. Yeah, thousands.
 4 CHAIR:
 5 Q. Thousands.
 6 MR. MCCARTHY:
 7 A. And their rates are all in Facility, they're
 8 insured with Facility as well, their rates
 9 are all available through Facility. New
 10 Brunswick, Nova Scotia, PEI, not a whole lot
 11 in Ontario, but they are in Ontario,
 12 Manitoba, Saskatchewan, British Columbia all
 13 have Provincial run insurance. Quebec has a
 14 Provincial policy as well, but theirs is a
 15 little bit –
 16 CHAIR:
 17 Q. They have a bit of a blended –
 18 MR. MCCARTHY:
 19 A. A bit of a blended policy, yeah.
 20 MS. GLYNN:
 21 Q. So do you have full coverage on your
 22 vehicle?
 23 MR. MCCARTHY:
 24 A. Oh yes.
 25 MS. GLYNN:

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1 Q. And does Newfound require that?
 2 MR. MCCARTHY:
 3 A. No, that's with—when I bought the car it was
 4 \$20,000.00 to put that car on the road, I'm
 5 not going to drive around with just PLPD on
 6 it.
 7 CHAIR:
 8 Q. So you carry full collision, the whole –
 9 MR. MCCARTHY:
 10 A. Yeah.
 11 CHAIR:
 12 Q. Do you buy accident benefits as well?
 13 MR. MCCARTHY:
 14 A. I have it all.
 15 CHAIR:
 16 Q. You have everything, the whole works.
 17 MR. MCCARTHY:
 18 A. Yeah.
 19 MS. GLYNN:
 20 Q. The other thing I just wanted to clarify was
 21 that you said there was seven things that
 22 you guys had proposed to Minister Trimper, I
 23 think I got them all, but it was 25 years of
 24 age?
 25 MR. MCCARTHY:

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1 A. Yeah.
 2 MS. GLYNN:
 3 Q. Five-year clear abstract.
 4 MR. MCCARTHY:
 5 A. Yeah.
 6 MS. GLYNN:
 7 Q. Five-year Canadian driving experience?
 8 MR. MCCARTHY:
 9 A. Yeah.
 10 MS. GLYNN:
 11 Q. A driving test?
 12 MR. MCCARTHY:
 13 A. Yeah.
 14 MS. GLYNN:
 15 Q. To introduce 4 NT, a novice taxi license?
 16 MR. MCCARTHY:
 17 A. Yeah.
 18 MS. GLYNN:
 19 Q. Mandatory winter tires?
 20 MR. MCCARTHY:
 21 A. Yeah.
 22 MS. GLYNN:
 23 Q. And insurance based on your driving record.
 24 MR. MCCARTHY:
 25 A. Yes. Well that's the law now anyway,

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1 supposedly. Page 6, subparagraph 6,
 2 subparagraph A.
 3 MS. GLYNN:
 4 Q. So I guess your proposal then was to enforce
 5 that?
 6 MR. MCCARTHY:
 7 A. Yes.
 8 MS. GLYNN:
 9 Q. Okay.
 10 MR. MCCARTHY:
 11 A. And open up the market or do something with
 12 the market, I mean, three companies all
 13 going through one pot; whereas, you know, I
 14 think the printout I have at home is 12 or
 15 13 pages of automobile insurance companies
 16 here in Newfoundland, just for the auto
 17 insurance industry and there's only three
 18 are with Facility. If there were more with
 19 Facility, the pot would be bigger, the
 20 premiums would be less.
 21 MS. GLYNN:
 22 Q. So, Mr. McCarthy, one of the other things
 23 that we have been asked to look at is to
 24 provide comment on insure exits and reports
 25 on ways to encourage new entrance into the

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1 market, do you have any comment on that?
 2 MR. MCCARTHY:
 3 A. Lower the premiums. Because without the
 4 premiums going down, there will be no new
 5 people coming into the industry because they
 6 can't afford to start up.
 7 MS. GLYNN:
 8 Q. So you're talking about the taxi industry.
 9 MR. MCCARTHY:
 10 A. Yeah.
 11 MS. GLYNN:
 12 Q. So we've been asked to, about the fact that
 13 there's only, as you say three insurance
 14 companies, one of the things we're asked to
 15 look at is how we could encourage insurance
 16 companies.
 17 MR. MCCARTHY:
 18 A. Reduce some of the restrictions that are
 19 currently in place. Like I know of a couple
 20 of American companies that want to come here
 21 and open up, set up business, but it's too
 22 restrictive.
 23 CHAIR:
 24 Q. Restrictive in what way?
 25 MR. MCCARTHY:

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1 A. Too many hoops to jump through.
 2 CHAIR:
 3 Q. Okay.
 4 MR. MCCARTHY:
 5 A. They have to get, first they have to get
 6 permission from Ottawa to come into Canada,
 7 then they have to get permission from the
 8 Province to come into Canada, then they have
 9 to get permission from the insurance people
 10 to open up business in Canada. But I mean,
 11 one of them, as a matter of fact, is Liberty
 12 Mutual, the one you keep seeing with the
 13 accident forgiveness commercial, they're one
 14 of the companies that are willing to come up
 15 here and open up; and the other one is
 16 Mutual of Omaha. Big companies in the
 17 States that want to come to Newfoundland
 18 because I mean with only three people, 500
 19 insurance claims, and they all get this rate
 20 from the same company. So again, we're
 21 going back to looking at the monopoly aspect
 22 of it. Yes, I have three companies to
 23 choose from, but this company over here sets
 24 the rates. So who am I dealing with in this
 25 company over here? That's the only company

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1 I can deal with and that's a monopoly.
 2 CHAIR:
 3 Q. Any more questions?
 4 COMMISSIONER OXFORD:
 5 Q. No. I just want to thank Mr. McCarthy.
 6 CHAIR:
 7 Q. Yes, absolutely. It was very helpful and we
 8 do hope we'll see you across the table.
 9 MR. MCCARTHY:
 10 A. You will.
 11 CHAIR:
 12 Q. That's good. I don't mind staring at you
 13 every day.
 14 MR. MCCARTHY:
 15 A. Good Lord willing and the river don't rise.
 16 CHAIR:
 17 Q. I understand that you know how to contact
 18 Cheryl, you have her information.
 19 MR. MCCARTHY:
 20 A. Yes.
 21 CHAIR:
 22 Q. And if there's anything that comes up in
 23 terms of anything you're looking for,
 24 reports or whatever, you can just give her a
 25 call or send her an email and she'll make

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1 sure you get it.

2 MR. MCCARTHY:

3 A. Like I say, I've got the Cameron Report and

4 I've got the Oliver Wyman report, so –

5 CHAIR:

6 Q. We'll ensure as well that when the other two

7 reports come in that you, I think Cheryl has

8 got you on the list for those, she'll make

9 sure you get—she deals with you by email

10 too, right?

11 MR. MCCARTHY:

12 A. Yeah.

13 CHAIR:

14 Q. She can get those to you, and we can get you

15 paper copies as well.

16 MR. MCCARTHY:

17 A. I got lots of paper. No shortage, no.

18 CHAIR:

19 Q. And we look forward to seeing you, hopefully

20 in a couple of weeks when we're back here.

21 MR. MCCARTHY:

22 A. I hope so.

23 CHAIR:

24 Q. Don't work too hard on this stuff.

25 MR. MCCARTHY:

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CERTIFICATE

I, Judy Moss, hereby certify that the foregoing is a true and correct transcript of a meeting re: 2017 Automobile Insurance Review, Taxi Operator, heard on the 10th day of April, 2018 at the Newfoundland and Labrador Board of Commissioners of Public Utilities, 120 Torbay Road, St. John's, Newfoundland and Labrador and was transcribed by me to the best of my ability by means of a sound apparatus.

Dated at St. John's, Newfoundland and Labrador this 1st of May, 2018

Judy Moss

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1 A. This is only some of it. You should see my

2 desk at home.

3 CHAIR:

4 Q. Your file is bigger than my file right now.

5 MR. MCCARTHY:

6 A. My wife keeps telling me why don't I clean

7 up my office.

8 MS. GLYNN:

9 Q. We can go off the record now.

10 CHAIR:

11 Q. Oh yes.

12

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24

25

<p style="text-align: center;">A</p> <p>Ability - 7:3, 36:3 Able - 27:6, 52:2 Above - 17:7 Abstract - 8:1, 16:1, 21:13, 49:20, 56:3 Accessible - 39:15, 39:20, 50:19, 51:8 Accessibles - 51:22, 51:24 Accident - 6:5, 6:17, 6:24, 8:24, 9:5, 9:8, 10:21, 15:23, 16:14, 16:22, 16:24, 17:1, 25:9, 28:7, 34:3, 34:5, 42:16, 42:21, 42:25, 43:3, 55:12, 59:13 Accidents - 5:22, 6:16, 25:8, 25:10, 25:20, 25:22, 43:7 According - 5:10, 28:5, 47:3 Accumulated - 13:19 Accurate - 3:3 Acquired - 13:16 Across - 60:8 Action - 15:4, 19:4, 34:12 Active - 31:9 Add - 8:21 Address - 6:2 Addressed - 13:2 Admit - 15:8, 15:9 Ads - 42:23 Advance - 48:14 Affect - 16:16 Afford - 22:13, 35:3, 47:18, 58:6 Against - 14:22, 16:15 Age - 7:25, 55:24 Agent - 25:24 Aid - 20:19 Alliance - 4:3, 4:7, 4:9 Allow - 27:9 Alone - 9:9, 50:16 Alternative - 43:22 Amazing - 51:14, 51:20 American - 58:20 Amount - 6:10, 10:6, 11:11, 13:22</p>	<p>Analysts - 1:15 Announced - 12:18 Any - 23:14 Anyway - 56:25 Anywhere - 9:8, 48:5 Applicant - 28:15 Application - 37:5 Apply - 21:10, 29:2 Appreciative - 1:10 Appropriate - 28:22 Approved - 24:10 April - 7:5, 8:19, 9:23, 12:18 Areas - 2:9 Aren't - 47:13 Arguments - 29:23 Array - 3:14 Aspect - 13:3, 15:2, 15:21, 59:21 Assessible - 50:15 Associate - 37:14 Associated - 4:2, 28:5, 38:25, 40:4 Associates - 2:7, 12:12 Association - 14:8 Assure - 37:2 Attendant - 51:17 Audit - 1:25 Authority - 4:1, 31:4 Auto - 13:17, 14:4, 57:16 Automatic - 18:18 Automobile - 57:15 Available - 3:5, 48:23, 54:9 Average - 6:13, 35:11, 41:10 Aware - 4:24, 45:12 Awful - 38:14 Awhile - 35:24</p> <p style="text-align: center;">B</p> <p>Back - 2:21, 17:11, 18:4, 59:21, 61:20 Backing - 18:23 Base - 45:8 Based - 5:7, 5:16, 6:23, 8:19, 10:25, 11:4, 14:18, 16:20, 24:9, 36:16, 36:17,</p>	<p>56:23 Basis - 36:1 Bear - 16:25 Become - 3:4, 50:7 Becoming - 50:14 Beeping - 17:9, 17:17, 17:19 Behind - 23:21 Benefit - 19:5, 42:11, 42:12, 49:11 Benefits - 10:22, 55:12 Big - 49:11, 59:16 Biggest - 13:12, 21:24 Billboards - 38:2, 38:4 Billion - 13:19 Bit - 37:4, 46:22, 54:15, 54:17, 54:19 Black - 21:21 Blend - 25:13, 25:23, 26:11 Blended - 54:17, 54:19 Blending - 25:17 Board - 1:13, 1:24, 2:16, 3:10 Board's - 3:8 Boom - 42:22 Borrow - 48:14, 48:17 Both - 15:3, 18:23, 32:23 Bought - 55:3 Bowl - 38:6, 38:7 Braking - 18:18 Branch - 29:9 Brand - 16:3, 18:17, 36:4, 53:10 Breed - 50:7 Brief - 46:19 British - 12:18, 54:12 Broker - 4:14, 43:12 Brokerage - 35:15 Brook - 22:3 Brought - 7:13, 7:14, 13:21 Brunswick - 54:10 Business - 9:13, 37:5, 37:8, 48:22, 48:23, 58:21, 59:10 Buy - 10:3, 55:12</p>	<p style="text-align: center;">C</p> <p>Call - 18:18, 23:20, 37:15, 38:8, 39:6, 45:4, 60:25 Called - 24:6, 31:17 Calling - 41:18 Calls - 30:20 Camera - 15:20 Cameron - 2:7, 2:14, 12:12, 12:22, 28:6, 29:18, 37:13, 61:3 Can - 5:4, 5:8, 5:20, 6:9, 7:22, 10:5, 15:21, 16:9, 19:14, 22:12, 26:7, 29:8, 30:4, 30:22, 36:23, 37:2, 37:11, 38:16, 39:6, 45:24, 46:11, 49:25, 53:11, 60:1, 60:24, 61:14, 62:9 Canada - 8:21, 12:14, 36:19, 37:25, 59:6, 59:8, 59:10 Canadian - 8:2, 56:7 Cancel - 30:12, 30:23 Cancelled - 30:19, 31:5 Can't - 10:4, 34:6, 34:25, 35:10, 38:15, 43:8, 49:24, 58:6 Can't' - 48:7 Cap - 12:15, 12:19, 13:23, 36:19, 37:12, 53:10 Capita - 37:25 Car - 9:24, 11:7, 13:9, 15:19, 16:21, 18:4, 18:11, 20:23, 22:15, 27:21, 28:8, 29:7, 30:1, 30:13, 30:21, 32:2, 32:3, 32:14, 35:12, 35:14, 35:17, 41:10, 41:11, 48:24, 49:23, 55:3, 55:4 Card - 48:19, 48:20 Care - 6:19 Carry - 52:11, 52:13, 52:15, 53:3, 55:8</p>	<p>Cars - 9:25, 15:12, 18:20, 22:4, 22:12, 22:15, 22:17, 25:7, 25:8, 25:9, 25:10, 25:20, 25:21, 25:25, 26:1, 26:2, 26:5, 26:9, 33:6, 33:12, 38:23, 40:24, 50:16, 52:13 Case - 4:22, 5:14, 15:2, 15:17, 15:18, 34:25, 46:19 Cases - 28:7, 41:10, 50:8 Cash - 37:20 Cause - 2:1 Cell - 17:8, 17:13, 17:17, 17:18 Cents - 35:13, 35:18 Certainly - 2:21, 34:9 Certainty - 36:13 Certification - 29:14 CHAIR - 4:10, 4:15, 4:21, 7:16, 11:6, 11:10, 11:14, 11:19, 12:2, 17:10, 17:14, 17:20, 18:1, 18:5, 18:14, 19:1, 19:11, 19:17, 19:23, 20:2, 20:8, 22:6, 23:6, 23:10, 24:11, 24:17, 24:21, 25:12, 25:16, 26:4, 26:20, 27:3, 27:18, 29:19, 30:5, 30:15, 31:7, 31:15, 31:21, 32:7, 32:13, 32:24, 33:22, 34:7, 34:16, 35:7, 35:22, 36:7, 36:11, 37:17, 38:18, 38:24, 39:5, 39:12, 39:17, 39:23, 40:2, 40:13, 40:17, 40:21, 40:25, 41:6, 41:14, 41:23, 42:2, 42:6, 43:14, 44:4, 44:10, 44:24, 45:7, 45:16, 45:23, 46:8, 46:15, 46:20, 47:8, 47:20, 48:2, 48:12, 50:18, 50:23, 51:4, 51:10, 51:25, 52:21, 52:25, 53:5, 53:13, 53:17,</p>
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