

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

Thursday, May 2, 2018

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:

Wednesday, May 2, 2018

Dave Fleming, North West Taxi

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1 MS. GLYNN:
 2 Q. Good afternoon. So, I'd like to start with
 3 a big thank you for coming in to speak with
 4 us today.
 5 MR. FLEMING:
 6 A. You're quite welcome.
 7 MS. GLYNN:
 8 Q. We introduced ourselves off the record, but
 9 to identify ourselves for the record,
 10 myself, my name is Jacqui Glynn and I'm
 11 legal counsel for the Board.
 12 MR. FLEMING:
 13 A. Yeah.
 14 MS. GLYNN:
 15 Q. And we have Ryan Oake, who is one of our
 16 annalists.
 17 MR. FLEMING:
 18 A. Yeah.
 19 MS. GLYNN:
 20 Q. Jim Oxford, one of our commissioners.
 21 MR. FLEMING:
 22 A. Yes.
 23 MS. GLYNN:
 24 Q. Darlene Whalen who is the Chair of the
 25 Board.

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1 MR. FLEMING:
 2 A. Who?
 3 MS. GLYNN:
 4 Q. Darlene Whalen.
 5 MR. FLEMING:
 6 A. (Unintelligible don't remember? :27)
 7 Darlene.
 8 MS. GLYNN:
 9 Q. And Dwanda Newman who is our Vice-Chair.
 10 MR. FLEMING:
 11 A. Well, that's perfect.
 12 MS. GLYNN:
 13 Q. So, Mr. Fleming I'd like to put on the
 14 record, too, thank you very much for
 15 accommodating us. We had to cancel your
 16 last meeting and it was for my personal
 17 reason. So, I appreciate you being able to
 18 reschedule and come in.
 19 MR. FLEMING:
 20 A. That's no problem, sweetheart.
 21 MS. GLYNN:
 22 Q. Thank you.
 23 MR. FLEMING:
 24 A. I didn't mind that.
 25 MS. GLYNN:

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1 Q. Good. So, the purpose of our meeting is to
 2 provide an opportunity for the taxi
 3 operators to come and talk to the
 4 commissioners about the issues that they're
 5 facing in relation to insurance and what
 6 they see is important to their industry.
 7 So, the Board has been specifically asked to
 8 audit the taxi claims, to determine the
 9 cause of the poor claims experience,
 10 including any details regarding the
 11 underlying costs of the loss and the high-
 12 claim costs incurred, and then, to provide
 13 recommendations to produce these claims
 14 costs and possibly reduce the rates for the
 15 taxi industry. Cameron and Associates
 16 prepared a report and they identified
 17 possible areas that could be contributing to
 18 the claims experience, but we also wanted to
 19 hear directly from the taxi operators.
 20 MR. FLEMING:
 21 A. Yeah.
 22 MS. GLYNN:
 23 Q. So, the purpose of today's meeting is to
 24 discuss the taxi issues.
 25 MR. FLEMING:

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1 A. Yeah.
 2 MS. GLYNN:
 3 Q. But please feel free to talk about any other
 4 issues the Board will be reporting on.
 5 MR. FLEMING:
 6 A. Well, I (unintelligible 1:40) exercise.
 7 MS. GLYNN:
 8 Q. Okay, good.
 9 MR. FLEMING:
 10 A. (Unintelligible 1:46) writing it last night.
 11 MS. GLYNN:
 12 Q. Okay. So, this—we are intending this to be
 13 an informal discussion.
 14 MR. FLEMING:
 15 A. Yeah.
 16 MS. GLYNN:
 17 Q. We are transcribing so that we can have an
 18 accurate record.
 19 MR. FLEMING:
 20 A. Yeah.
 21 MS. GLYNN:
 22 Q. And as I spoke to you earlier, it will be
 23 available to the public and will be put on
 24 the website.
 25 MR. FLEMING:

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1 A. Yeah, that's fine.
 2 MS. GLYNN:
 3 Q. Our report is scheduled to go to government
 4 on June 30th, and we will be making—we won't
 5 be making any determinations or decisions.
 6 So, this provides us with the unique
 7 opportunity to talk about a whole bunch of
 8 issues.
 9 MR. FLEMING:
 10 A. Yes, and then –
 11 MS. GLYNN:
 12 Q. So, please feel free, and if we feel we've
 13 strayed too far, we'll bring you back in.
 14 MR. FLEMING:
 15 A. All right.
 16 MS. GLYNN:
 17 Q. So, with all that, could you introduce
 18 yourself and who you're representing here
 19 today? And then you can start.
 20 MR. FLEMING:
 21 A. I am David Fleming. I'm an owner and
 22 operator of Northwest Taxi. I've been
 23 working since I was 13 years old.
 24 MS. WHALEN:
 25 A. Thirteen?

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1 MR. FLEMING:
 2 A. Yes, I was helping my father and all of
 3 that. I'm 1 of 11 children. My mother and
 4 father—and my father started in the taxi
 5 business in 1972 with Northwest.
 6 MS. GLYNN:
 7 Q. Yes.
 8 MR. FLEMING:
 9 A. I had experience when he started going in
 10 and helping him dispatch and all that.
 11 MR. OXFORD:
 12 Q. Yes.
 13 MR. FLEMING:
 14 A. And I remember the hours he used to put in.
 15 We had a home. We never had running water.
 16 MS. GLYNN:
 17 Q. Yes, yes.
 18 MR. FLEMING:
 19 A. Or any of that. We had two bedrooms. I had
 20 six sisters and five brothers. I had a
 21 brother who was killed in a car accident in
 22 1968, and my –
 23 COMMISSIONER OXFORD:
 24 Q. Did you say your father? Your father was
 25 killed in a car accident?

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1 MR. FLEMING:
 2 A. No, my brother.
 3 COMMISSIONER OXFORD:
 4 Q. Oh, your brother, okay. Okay.
 5 MR. FLEMING:
 6 A. He was 15 years old. And most of our
 7 brothers and sisters, we basically had
 8 nothing growing up. We all had to get a
 9 summer job to pay for our books and pay for
 10 our clothes.
 11 MS. GLYNN:
 12 Q. Yes.
 13 MR. FLEMING:
 14 A. I gave up school in Grade 9 and—to go help
 15 my father. I was always with him before
 16 that. So, out of that come--my father
 17 starting the business in 1972. I watched
 18 him come home at two o'clock in the morning
 19 and lie on the top of the bed with his
 20 clothes on because he had a booked run to
 21 take somebody to the airport at five. He
 22 nearly went bankrupt twice. I went to work
 23 there for nothing to try to get us back on
 24 track, and it worked out. And so, my father
 25 passed away in 1988. So, he asked me would

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1 I give up my job and look after the
 2 business. It's only a small business. We
 3 weren't a big company and we got up to 28
 4 cars. So, he asked me two things before he
 5 passed away, would I look after the business
 6 and look after my mother which I've done.
 7 My mother passed away in 2011. Now I looked
 8 after my mother for 25 years, and I'm still
 9 looking after the business. I took my
 10 stroke in April of 2011, and that was my
 11 second stroke. Well, I had one in 2004,
 12 plus I'm a diabetic taking four needles a
 13 day, but I just basically wanted to
 14 summarize where we came from.
 15 MS. GLYNN:
 16 Q. Yes.
 17 MR. FLEMING:
 18 A. I seen my mother take our baby bonus cheques
 19 and put it in that business. Now, that was--
 20 -used to get ten dollars at that time a
 21 child. And now see, Mother had nothing
 22 home. She had a scrubbing tub and a
 23 scrubbing board, and she had the clothesline
 24 outside. We were very, very humble. And
 25 that was on Old Pennywell Road that we lived

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1 at the time. So, getting back into what my
 2 father put into that business to get it
 3 going and to keep it going until he died,
 4 and—when was that? When was that that
 5 Father died? Oh, in 1988. Yeah, he died in
 6 1988.

7 MS. GLYNN:
 8 Q. Yes.

9 MR. FLEMING:
 10 A. So, even though with my health and that
 11 things that happened, I got out of hospital
 12 after my stroke. They wanted me to go to
 13 the Miller Centre and stay, but I couldn't.
 14 I had my mother home. He was 83.

15 MS. GLYNN:
 16 Q. Yes.

17 MR. FLEMING:
 18 A. And I had that business that I had to be
 19 around and keep going. And so, I said no.
 20 There was no way I was going to do it, and
 21 so I did Outpatients down there. So,
 22 anyway, when I got home from the hospital,
 23 two weeks later, my mother passed away. So,
 24 that was fine. I got through that. And
 25 then, a month after I buried my mother, I

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1 buried my brother, right next to her. It
 2 was my plot that I buried him in. He was
 3 45. He suffered a massive stroke, he did.
 4 He didn't make it through. So, I went
 5 through that, and I donated his organs. I
 6 wanted to do something good, some good to
 7 come out of it. And so, they got five
 8 matches in Newfoundland. So, which I was
 9 proud of to help.

10 MS. GLYNN:
 11 Q. Yes.

12 MR. FLEMING:
 13 A. So, I took this over in 1988. It's a
 14 business that you have to be around all the
 15 time. I'd be down around there in the
 16 daytime, up in my office. I'd be down
 17 around in the nighttime checking the cars,
 18 and checking the drivers and all that, make
 19 sure everything was going right. And so,
 20 that's the way I ran it. If one of the
 21 brokers that was hiring a driver, he would
 22 have to come to me as owner of the stand,
 23 and then I would say either yes or no. That
 24 depended on his driving abstract, his police
 25 conduct and I used to get a copy of their

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1 licence, front and back. And that's how I
 2 determined if they could or could not put
 3 that man on their car. It went by their
 4 conduct, what was on that, because I wanted
 5 to keep her clean. I wanted to have good
 6 men around me. So, I'll start and read
 7 this, so I think you understand where I come
 8 from and where the business comes from. It
 9 was not an easy road.

10 COMMISSIONER OXFORD:
 11 Q. Yes.

12 MR. FLEMING:
 13 A. Winter and summer, you're on the streets. I
 14 can go through some of it. Good afternoon.
 15 First, I would like to thank the Board for
 16 allowing me to speak to you which I thank
 17 all of you. First of all, I would like to
 18 let you know my father started up Northwest
 19 Taxi in 1972. I could let you know a lot of
 20 things he went through in building a
 21 business. My father passed away in 1988.
 22 He asked me to look after the business. So,
 23 I accepted that responsibility and I still
 24 am today. From time to time many changes
 25 have taken place, and as the years go by it

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1 seems harder and harder to keep a small
 2 business going. I have drivers at Northwest
 3 Taxi who have been with me 20 years, 30
 4 years, and one is 40 years. That's how long
 5 they've been with me, and like I said,
 6 there—my dispatcher is there 34 years. And
 7 so, I always thought I ran a clean ship.
 8 Like I kept liquor and drugs out of my
 9 stand. Like I said, that's why I'd go down
 10 and spend so much time around. I have lost
 11 11 brokers in the past two years due to the
 12 cost of insurance, and they were all good
 13 and hardworking men trying to make a living,
 14 but when they look at the amount of money
 15 that they have to pay out a year, they just
 16 said it wasn't worth their while. Most taxi
 17 drivers drive 10, 12 hours a day. Some of
 18 the men are hanging in 14 hours a day, and
 19 Saturday and Sunday, Friday, Saturday,
 20 because it's busy on those days and
 21 downtown. So, I've been putting money into
 22 my business over a year to keep it
 23 operating. Not for me. Not for me. I
 24 could have given that business up when I had
 25 my stroke, but I didn't. I owned those men

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1 something that were there all them years.
 2 And just to closer her up or sell her, I
 3 didn't think that was fair to them. And I
 4 thought I owed them something for carrying
 5 Northwest all them years, and it wasn't the
 6 door, it was not the door I intended. So,
 7 right now I'm still presently putting about
 8 five thousand dollars a month in my business
 9 to keep it all paid.
 10 MS. WHALEN:
 11 Q. You're putting your own money –
 12 MR. FLEMING:
 13 A. Yeah, yeah. And that's what I've been
 14 doing. And like I said, it's—most of those
 15 guys after 30 years, they've become almost
 16 like family to you, you know, in your
 17 working relationship. I always try to be a
 18 decent person. I always treated my men with
 19 respect. Northwest Taxi always had the
 20 cheapest stand right in town, and always.
 21 My stand right now goes back to—I increased
 22 in 2012 and I have not put it up since. I
 23 took every increase that was threw at me
 24 through leases, and increases in phone
 25 bills, increases in wages, and I didn't go

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1 back.
 2 COMMISSIONER OXFORD:
 3 Q. You've absorbed all of that?
 4 MR. FLEMING:
 5 A. Yes, sir. When it first started out in
 6 1972, it was \$75 a week, and so—but I looked
 7 at them men like I looked at my father. I
 8 seen the way he worked and I seen how much
 9 he gave for that business. So, I look at
 10 them as seeing what my father went through,
 11 the way I look at my drivers. If I could
 12 help one of them, I done it. Nobody ever
 13 needed help that I was not there for.
 14 That's (unintelligible 18:27). So, with
 15 those 11 brokers gone, I'm down over \$2000 a
 16 week. That's what I'm down, \$2000 a week,
 17 and then I have to make up—you've got your
 18 payroll, you've got your HST, you've got
 19 your bookkeepers. You've got your two
 20 leases and the salaries, a lot of overhead.
 21 Now I don't mind—I'm not an owner who wants
 22 to live in a half-million-dollar house.
 23 I've a very simple home on Canada Drive, and
 24 I drive a 2011 GMC pickup, but I can't drive
 25 no more because of my stroke. So, that's

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1 why I'm doing what I'm doing.
 2 COMMISSIONER OXFORD:
 3 Q. Yes.
 4 MR. FLEMING:
 5 A. Nobody—there's no Brinks truck that drives
 6 behind a hearse, and so, that's my
 7 personality. I didn't hurt them men.
 8 COMMISSIONER OXFORD:
 9 Q. My personal compliments to you, sir. I have
 10 to interrupt you and just say that. You
 11 obviously have the heart and soul of your
 12 business, okay, in your hands.
 13 MR. FLEMING:
 14 A. And when I'm finished at the end of the day,
 15 I could be dead tomorrow with my health
 16 conditions. I could live for another ten
 17 years with my health conditions, but
 18 ultimately if you live your life you can go
 19 home and lie down in the nighttime and say I
 20 helped somebody or I did something good, you
 21 can go to sleep, say your prayers and go to
 22 sleep, that's who I am as a person. Get
 23 back to this, in my opinion when Facility
 24 was set up by the insurance companies with
 25 the approval of government, it created a

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1 monopoly against the taxi industry. You
 2 have insurance companies offer commercial
 3 insurance, but it will not take a taxi
 4 driver with a clean abstract and no
 5 accidents, you're told to go to Cal LeGrow,
 6 Facility, that's where they're told to go.
 7 And as far as I'm concerned, this was
 8 nothing but collusion. I don't believe the
 9 insurance companies. They got every trick
 10 in the trade. You'd need to be a lawyer to
 11 understand your policy. I had a car wrote
 12 off, I think it was '96 Crown Victoria, she
 13 was valued at \$12,000.00. My driver was
 14 coming down Hamlyn Road, if you're familiar
 15 with it, it's up behind the Village, and the
 16 light on Canada Drive, you continue on down
 17 Hamlyn Road by the Village. So my driver
 18 came down there, buddy in this van comes
 19 around two cars parked that were waiting for
 20 the light for them to go, and what did he do
 21 but he struck my car and this driver. The
 22 car was wrote off. The police come, they
 23 got the reports, there was witnesses to the
 24 accident. One of the officers said to me,
 25 he thought he knew who it was by the

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1 description he was given by some of the
 2 witnesses that were there by the store on
 3 Hamlyn Road. So he thought it was a young
 4 fellow Denine. Fine and dandy, they never
 5 did get him. The van he was driving had no
 6 license, no insurance, it was sold three
 7 times without ever being registered by the
 8 last owner. The first owner that sold it,
 9 he did not register it as being sold, so it
 10 went to three people after him, going around
 11 the streets. I called my insurance company
 12 and they told me there was nothing they
 13 could do for me. I had to personally be
 14 able to identify that driver and that driver
 15 had to be charged. I said, how do I
 16 identify a hit and run driver? How do I—
 17 well that's the way the insurance is set up.
 18 No, not a thing. Now I was lucky my driver
 19 wasn't hurt. I didn't mind the car being
 20 wrote off as long as he was all right. But
 21 the police eventually did track down that
 22 van, so, well, there's insurance. They're
 23 fine while you got a policy until you needs
 24 something, you go there. I spent last
 25 month, two weeks in my home with no heat,

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1 two weeks. The oil company that I dealt
 2 with for years, the furnace I have is a high
 3 efficiency furnace. It was ten years old.
 4 When the came to inspect it, buddy who was
 5 inspecting it noticed there was a crack in
 6 the thing, so he told me he'd have to
 7 condemn the furnace, wouldn't be allowed to
 8 use it. So I phoned the oil company, I was
 9 paying them \$200.00 a year, which I thought
 10 was insurance, and so I phoned, "Oh no, no,
 11 that don't cover your furnace, that only
 12 covers the cleaning, any minor parts." So I
 13 got nowhere there. I went to my own
 14 insurance, I was supposed to have one of the
 15 best policies they offered on my home.
 16 Freddie was with me. I went out and they
 17 had no way to get upstairs for disabled
 18 people, so you come downstairs, they had to
 19 come down, you meet in a room downstairs.
 20 So I explained to her about my furnace and
 21 having no heat, so anyway, then she started
 22 in, "Oh well, your home policy, that got
 23 nothing to do with your insurance. Your
 24 insurance only covers damage to your home
 25 caused by an accident or a fire." I said,

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1 well what about under my policy, I said, if
 2 I got to go out of my home, I said, I got a
 3 certain amount that would cover the
 4 expenses. "No, no, not in this case. If a
 5 tree had to fall on your house or if your
 6 kitchen had to be burnt out, we'd cover
 7 that, but that's the only way." And I said,
 8 you're telling me that I got to go home and
 9 stay in that house, in the cold, I said, as
 10 a disabled person and stay in that house
 11 with no heat. If I had to hit the furnace,
 12 something had to happen, they wouldn't cover
 13 it, they wouldn't cover my house because of
 14 that. Well, I said it seems like every way
 15 you turn and twist you got an angle to it.
 16 You know what she told me? Go out and buy
 17 some electric heaters in your home and plug
 18 them in. I said, do you know what you can
 19 do? I said, when you're home tonight in
 20 your bed with your husband and your children
 21 and you're enjoying heat, think on me, think
 22 on me. So that's the way that I see
 23 insurance companies, been my experience with
 24 them. So that's fine, I got through the two
 25 weeks. I ended up with a chest infection

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1 that I had to go to hospital to be treated
 2 for, with pneumonia and that was out in
 3 Carbonear Emergency that I was, when I had
 4 that, so that's what I got out of that. So
 5 to get back to it, insurance companies are
 6 pretty tricky people. You'd need to be a
 7 lawyer to read the fine print in your
 8 policies. You're told what you're covered
 9 for, but you're not told what you're not
 10 covered for until something happens. That's
 11 the way that it seems to be. A couple of
 12 months back I gets a letter from them in my
 13 mail, "Due to the severity of the storms in
 14 the past few years, we have found it
 15 necessary to put an increase on your home
 16 insurance." I said, what storm is she
 17 talking about? What a—what's the name down
 18 in the States, that's where a lot of
 19 disasters are and that's not here in
 20 Newfoundland. But like I said, then they
 21 phones me, "Mr. Fleming, this is"—I forgets
 22 her name at Johnson's Insurance—"calling".
 23 "Yes." "I'm calling into you now, I'm going
 24 through your file now and what type of
 25 flooring do you have on your home?" I had

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1 to go through all the flooring, this is
 2 ceramic, this is hardwood, this is floating
 3 floors. What else was it she was asking me?
 4 Oh, about the windows in my house, the roof
 5 in my house. I said I've had all those
 6 replaced, there's new windows in it, a new
 7 roof on it, I said to her. And I said, I'm
 8 in the process now of getting a new furnace
 9 put in. So anyway, she asked me all those
 10 questions, anyway I said the best thing for
 11 you to do, send somebody in and see if what
 12 I told you on this phone is any different.
 13 You send them in here and take pictures of
 14 the house, the floors and this and that,
 15 what's on what, the bathrooms, kitchen,
 16 bedrooms, rec room downstairs, furnace room,
 17 check the roof, check the windows and go on
 18 and on. So, which they did. Sent me a
 19 lovely letter. "Oh, Dear Mr. Fleming, we'll
 20 be inspecting your home in the near future.
 21 We want to make sure that you have enough
 22 coverage on your home." This is the way it
 23 went on. How nice and beautiful and they
 24 think you're an idiot. Oh, what I was going
 25 to do with that paper, I tell you. They

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1 take you for fools, fools! But anyway, like
 2 I said, I've never, 35 years I'm paying
 3 insurance, never had a claim. Same way with
 4 my truck and driving record, never had a
 5 claim on any of yet, but yet they'll find a
 6 sneaky way to get an increase and get around
 7 this or get around that. So anyway, when
 8 the man finished, he was hired by them.
 9 When the man finished inspecting my home and
 10 that all, he said everything checked out
 11 excellent and the only recommendation he
 12 made is I got an oil barrel outside that's
 13 good, he checked it, that's good for the tag
 14 on it for another five years. The only
 15 suggestion he made was I put eavestrough
 16 across where the oil barrel was so snow or
 17 ice wouldn't fall on it, which makes sense.
 18 So that's fine and dandy, so he said I'll
 19 submit my report to Johnsons Insurance. I
 20 said fine, that's fine with me. But talk
 21 about what they put you through. And
 22 there's thousands of stories out there, how
 23 sneaky and underhanded they could be. I
 24 wouldn't believe their report, I wouldn't
 25 believe it. Show me what their executives

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1 are pulling out of them companies, show me
 2 it, their salaries and bonuses, all that.
 3 You show me that, tell them to print that
 4 and then go to the lawyers and see how much
 5 the lawyers are sucking out of the system.
 6 Advertising day and night, radios, TV,
 7 billboards, "come to us, we'll get your
 8 money", you're wondering why soft tissue and
 9 all this stuff, unprovable injuries, that I
 10 could go out to the doctor and say, "Oh,
 11 buddy touched off me last night, oh my neck
 12 here." "Here's your letter, go to the
 13 lawyer" and then back to your doctor, set
 14 you up with a chiropractor, go out and get
 15 some nice massages for yourself, we'll look
 16 after the claim. That's what's going on out
 17 there. They're all a part of the system.
 18 As I say in this, I just finished—told you
 19 about my car, but I'd love to know how that
 20 was done, that you, that a person of a hit
 21 and run person, how I had to be responsible
 22 to identify them and charge them? I lost
 23 the car, \$12,000.00, "no, nothing we can do
 24 for you unless he's caught and charged."
 25 So, like I said, the insurance industry, as

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1 far as I'm concerned, every one of them are
 2 connected one way or another. I'd say there
 3 are so many brokers that are doing so many
 4 insurance companies, if you track it and you
 5 look at it, it all goes back to about two or
 6 three companies, that's what's going on out
 7 there. It's like the bread collusion with
 8 all the supermarkets. Imagine, bread! It's
 9 on a lot more than bread, I can tell you
 10 that.
 11 Now I'll talk something about my
 12 drivers, what a taximan does. They take our
 13 kids back and forth to school. They bring
 14 the elderly people to their doctor
 15 appointments and homes. They drive people
 16 to and from work. They take people to the
 17 supermarkets and then take them back home
 18 with their groceries. They're out in all
 19 kinds of weather. When everyone else is
 20 home, they're still on the road, rain and
 21 snow, they're still going, and if you see
 22 the snowbanks in the winters when council
 23 ploughs them, you jus take Barachois Street,
 24 that you got to take those groceries, five
 25 or six bags of groceries in each hand and

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1 try to make it up over that mound and down
 2 and into the driveway up to our house,
 3 that's what taximen does. And the hours of
 4 work that they work to make a living, if you
 5 sat down and analysed it, they probably
 6 wouldn't be making minimum wage, and they
 7 have the gas expenses, their rent expenses,
 8 their repairs from the beautiful potholes in
 9 the City, the snow clearing of the City,
 10 which I'm sure each of you here know I am
 11 right, when you got to get up in the morning
 12 and drive to work, that they didn't put the
 13 equipment on the road and drive over ice
 14 that thick, how many accidents were caused
 15 by that? No, we're not putting the
 16 equipment out until it's almost over, and
 17 run the salter over it and here you are, as
 18 a passenger or a driver, you come up to stop
 19 because there's two or three—there's nothing
 20 you can do, you just slip, touch off,
 21 whatever. So how many accidents have been
 22 caused by that? Nobody don't seem to care.
 23 Then we're on the road trying to drive
 24 people, the main artery is still open, the
 25 side ones they won't—so you got to tell your

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1 customer in a storm that the car can't get
 2 down to pick them up, that they to drive out
 3 because the road is not filled in. If that
 4 taxi drives that and he gets bogged down,
 5 that's \$150.00 tow job and sometimes they
 6 tear their transmissions out trying to get
 7 out of the jams. So it general, I'm just
 8 trying to say to you that it's not an easy
 9 life to make a living at. This stuff here,
 10 another thing I'd like to know, where is the
 11 public's responsibility? Why do we have
 12 crosswalks? Why do we have them lit up
 13 overway, hand up, "don't go", "walk",
 14 picture come up, "walk". They owe some
 15 responsibility. They're down on Water
 16 Street and Duckworth Street Friday and
 17 Saturday night, they tear the handles of the
 18 doors! They're running across the street if
 19 it's raining, don't look, just right on and
 20 you're expected, if you're coming down to
 21 jam her up and not hit that person. So some
 22 of the onus, responsibilities to insurance
 23 boils back to, because they're half on or
 24 three quarters drunk or stoned, we drive
 25 them all, believe you me, we drive them all.

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1 So like I said, my thing is to let the Board
 2 know that those men are good men. They try
 3 hard, they work hard. Times in the summer
 4 they could be sat in their car in the
 5 boiling heat, waiting maybe an hour for to
 6 get a run, or sometimes it could be longer,
 7 sometimes it could be shorter, but in the
 8 meantime, they're sat in their vehicles
 9 waiting for the passengers to call. Some of
 10 them works holidays, no such thing as
 11 holidays. When you look at it, they're hard
 12 working good people. Can you tell me how
 13 much the lawyers are pulling out of this
 14 insurance industry? I'd love to have the
 15 money that they're spending advertising,
 16 open line shows; supertime, the news; you
 17 can go on and on; billboards. "Come to us,
 18 we collected \$340,000,000.00" Now if that's
 19 not promoting it, I don't know what you
 20 would call it. Now my understanding is up
 21 in Ontario when the cap was brought in and
 22 we're the only province without one,
 23 everyone else found it necessary, them
 24 provinces, to bring it in because of the
 25 abuse. In Ontario, when they put the cap

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1 there, they also put a cap on the lawyers
 2 down to 15 percent of a person's claim, not
 3 30 or more. That's what was done in
 4 Ontario.
 5 Now, if you'll allow me to tell you a
 6 little story. This happened last week to
 7 me. I had an appointment with my doctor,
 8 which is Dr. Hutton. His office is in
 9 Shoppers on LeMarchant Road, so Freddie was
 10 bringing me to my doctor's appointment, so
 11 he backed the truck up in the parking spot.
 12 Anyway, he helped me out of the truck and
 13 into the chair. He has to get the
 14 wheelchair out of the back of the truck.
 15 But anyway, he was closing the back window
 16 of the pickup and the back of the hood on
 17 it, so I didn't know nothing, I started
 18 moving. So I thought he was pushing me and
 19 then I started going a little faster and
 20 then faster and I never knew nothing, I
 21 heard him roar out, "David, David!" So I
 22 looked around, I didn't see him there, so I
 23 sort of panicked, how am I going to stop it,
 24 I was saying, how am I going to get this to
 25 stop? I got my right foot down and I

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1 started skidding and I pushed harder on it,
 2 like that. When I did, I went like that,
 3 rolled over two or three times. He ran
 4 down, there was a man sat in a car who ran
 5 over to help me up. I got up off the thing,
 6 I was sort of winded, but that was fine, I
 7 got my breath back and all that, went on to
 8 my doctor's appointment. I didn't get no
 9 friggin' whiplash. I didn't get broken up
 10 or go after insurances or something like
 11 that.

12 CHAIR:
 13 Q. I'm glad that's where your story was—I was
 14 really worried for you.

15 MR. FLEMING:
 16 A. Yes, I mean, I wasn't hurt, I was just
 17 winded and that, but had I been somebody
 18 might have said this or that or went after
 19 it, oh I'm going to get a big cheque now in
 20 a few months. That's the game. So if I can
 21 take a fall or a bang like that and not have
 22 whiplash or "oh, me back is out" or this or
 23 that and when I got flipped, I got flipped,
 24 I'll tell you, and all it did was take the
 25 wind out of me. Well anyway, I thanked the

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1 man for helping me and that. But yet,
 2 here's whiplash. No damage, no damage, he's
 3 all right. "Yes, I'm fine". The next day
 4 you gets a call to your insurance, four of
 5 them in the car had whiplash. The driver
 6 took pictures of the car in front and the
 7 car on the back. No, not even a scratch on
 8 either one of them. Four of them collected
 9 whiplash money. So you talk about a
 10 corruption and there's nothing wrong with
 11 it? And the insurance company won't
 12 challenge it. You're paying them, you're
 13 paying them, they will not challenge you.
 14 They'd rather give them the money then have
 15 to fight them in court, that's the bottom
 16 line. There's doctors writing notes that
 17 should never be written for unprovable
 18 injuries. They're being sent to
 19 chiropractors by their lawyers. "Here, set
 20 this up for you now, go get your few
 21 massages and we'll wait for the cheque."
 22 Anyway, so for the Board to pass any more
 23 increases onto the taxi industry, it will
 24 amount to nothing more than a raping of the
 25 industry. You have to stop and realize,

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1 you're living in the same world we're living
 2 in. Look at the supermarket prices, look at
 3 how bad the economy is out there. Like I
 4 said, you can go on. Come across LeMarchant
 5 Road, how many businesses are closed up? I
 6 talked to a gentleman yesterday,
 7 Weathershore Windows that put the windows in
 8 my home back five or six years ago, gone
 9 bankrupt. Gone bankrupt, so go across
 10 LeMarchant Road, Brookfield Ice Cream is
 11 closed up, Grouchy's Tire is closed up, the
 12 Orange and Yellow store is closed up. Drive
 13 right out LeMarchant Road, "For Sale", "For
 14 Lease", "For Rent", all the way out and you
 15 go out and you'll see how many is at—
 16 Stockwoods are gone, you can go on and on,
 17 businesses 50 and 60 and older, gone! And
 18 then you got the malls in there with all the
 19 businesses gone out of them. Then you got
 20 Sears gone out of the Avalon Mall, you know,
 21 it's not out there in the economy. The
 22 people don't have the money. They do not
 23 have the money. You have seniors choosing
 24 between their medication and heat. They're
 25 out there. It was only last week there was

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1 a picture on the news of an 83 year old
 2 woman lying across three chairs at the
 3 Emergency with a blanket over her. 83!
 4 That's what my mother was when she died and
 5 that's what they gave that woman. If it was
 6 my mother, I guarantee you there would have
 7 been something, I don't care who you are,
 8 you love your mother and they're not going
 9 to the Emergency for nothing. Make an
 10 appointment with your doctor, takes me three
 11 weeks, and I has to go to my neurologist
 12 because I start taking seizures but that
 13 happens when you has strokes, it comes on
 14 later and so, but I haven't had too many,
 15 but as long as I can draw an ear, as long as
 16 I can get around, I'm not stopping.
 17 Anything I can do to help those guys out
 18 there, don't care what company they're with,
 19 anything out there, it's not the company,
 20 it's the man behind the wheel, like I said
 21 and you owe them something. Now for some of
 22 them to drive on my stand, they needs their
 23 license brought up to me, they needs their
 24 driving abstract brought up to me and you
 25 had better go get your police conduct to

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1 bring it up to me, and now you got to bring
 2 the vulnerable sector part of it now because
 3 of all these rates went on, but nobody wants
 4 to say they were done by foreigners, nobody
 5 wants to say it. The government brings them
 6 in here, here's a license. They'd never
 7 seen snow in their life, some of them where
 8 they came from. Last year I phoned the
 9 Association of New Canadians because two
 10 were after coming to me looking for a job,
 11 so anyway, I got no problem, or against
 12 nobody or nothing, we all bleed red, I don't
 13 care who you are and I'd help one of them
 14 out as fast as one of my own, but you got to
 15 have an ability to get behind that wheel and
 16 do the job. One chap had an interpreter
 17 with him, so anyway, the interpreter was
 18 speaking for him, so I said to the
 19 interpreter, I said how would it be possible
 20 for me to allow him to go to work on my
 21 stand, the gentleman can't speak English, so
 22 I said, you can't drive around in the car
 23 with him, an interpreter, this or that, and
 24 I said he got to have some ability, how do
 25 you communicate with your dispatcher from

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1 your radio set, you know what I mean? So
 2 anyway, after the second one, I phoned the
 3 Association of New Canadians. I said, boy,
 4 there must be something we can do because I
 5 sort of felt bad, so I said there must be
 6 something they can do. So I phoned the
 7 Association of New Canadians on LeMarchant
 8 Road, so I was talking to her about setting
 9 up like a training session, they'd be in on
 10 it, I phoned Ron Ellsworth, the deputy major
 11 at the time, and said to Ron, why don't we
 12 try to set up something, have meetings with
 13 them, let them do their English stuff, and
 14 the drivers will go there free for an hour
 15 or two, explaining the area that you're
 16 going to work in, help them out that way.
 17 But anyway, nobody seemed interested, nobody
 18 seemed interested. A while back, I think I
 19 still got the piece home in the paper, I
 20 approached City Council on putting an
 21 emergency light on the back of the taxi and
 22 just put it down past the trunk or on the
 23 trunk and they have the switch down by the
 24 driver's door and wrote on the top of it,
 25 "when light blinking, please call police",

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1 that's for if any of them got in any
 2 trouble. Sometimes you pick up three or
 3 four downtown, they wants to go to the
 4 Goulds or down to Petty Harbour, you know
 5 what I mean, which is a scary situation by
 6 yourself, if they're going to do something
 7 to you, so anyway, "Yeah, that's not a bad
 8 idea, Dave. Go get a cost estimate", he
 9 said, "bring it back, we'll take a look at
 10 it." I went to Ford and got a cost estimate
 11 done and then I went to Hickman Motors and
 12 got a cost estimate done and having it done
 13 on the cars. I brought it down to them at
 14 City Hall, never heard tell of them after.
 15 Never heard tell of it after, so like I
 16 said, City Hall have been nothing but
 17 negligent in the taxi industry, nothing but
 18 negligent. They never had a meeting or a
 19 committee in almost three years. I went
 20 down and I'm waiting for the meeting with
 21 Debbie Hanlon and Jason Synard, so Jason
 22 said I'm the chair person of the committee.
 23 I went down to City Hall after, I said,
 24 you're the chairperson of what committee?
 25 What are you talking about? Who is the

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1 committee, who is on it? There is no
 2 committee, so you're a chairperson of
 3 nothing. Now, what are you doing? Are you
 4 setting up a committee to deal with issues
 5 that comes in the industry and all that? Oh
 6 yeah, but we're only going to talk to you at
 7 that time. Anyway, like I said, so
 8 sometimes like I said, it's a strange world
 9 when you go through it and you look at it,
 10 but like I said, I'm a firm believer at the
 11 end of the day that if I does something good
 12 for somebody, that it will come back to me
 13 in some way and like I said, foreigners,
 14 I've got no problem, take them all, just
 15 have the proper training and I asked the
 16 chief of police, it was a round-table
 17 discussion, it was after them rapes, and
 18 this was a foreign driver who went—but
 19 anyway, so I went to the round-table
 20 meeting, there was a bunch there, a
 21 committee there or different groups there
 22 and all of that, I said first of all, I said
 23 to what's-her-name, she's deputy major now,
 24 Sheilagh O'Leary. I said first of all, Mrs.
 25 O'Leary, if you're chairing this meeting, I

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1 don't intend to sit here and listen to you
 2 condemn taxi drivers who've been working for
 3 20, 30, 40 years of their life because
 4 nobody wants to say it was a foreigner or it
 5 was an immigrant or New Canadian, whatever
 6 the acceptable thing of the day is. So
 7 that's the way that it went. Like I told
 8 her, that happened out there. That happened
 9 up to the RNC, that happened in the Army,
 10 that happened in the RCMP, that has happened
 11 in the government, that happened on City
 12 Council, like I told her I said, you got it
 13 here yourselves. You got a councillor here
 14 been charged with (unintelligible) so like I
 15 told her, those things happen no matter what
 16 you are, what company you are, whatever, but
 17 you have to deal with the problem when it
 18 happens, that's when you do. But do all you
 19 can to avoid from getting in it by getting
 20 your information about that person in the
 21 beginning. Do your work and then you don't
 22 really have, you know who is coming in and
 23 you know who is going out, so anyway. If
 24 all the other provinces brought in the cap,
 25 why hasn't Newfoundland? Why, if they found

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1 it necessary, why are we the only province
 2 with it? They just got 13 percent on
 3 private insurance. They got an increase on
 4 your home because of weather disasters, like
 5 I said, taxiing, 244 percent! Can you
 6 picture yourself out driving all day and at
 7 the end of the month you've got to come up
 8 with \$1,000.00 for them and you with a clear
 9 driving record and a clean abstract. The
 10 ones that had the accidents, let them pay,
 11 put their premiums that high that they won't
 12 be able to go on the street, that's who they
 13 needs to take off the street. It's very
 14 simple. Don't turn around and say oh that's
 15 discrimination or that's this, that's that.
 16 And so, I'll finish up now because I think I
 17 put you through enough for today, but I
 18 would like to thank every one of you and if
 19 you can find it in your heart, please see if
 20 you can help those guys.
 21 COMMISSIONER OXFORD:
 22 Q. Mr. Fleming, that's fine. I certainly want
 23 to thank you for coming. You have
 24 articulated your position extremely well,
 25 under some very extreme circumstances.

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1 MR. FLEMING:
 2 A. Thank you, sir.
 3 COMMISSIONER OXFORD:
 4 Q. And you have certainly enlightened us to
 5 what your industry does and how devoted you
 6 are to it. I thank you very much for coming
 7 in.
 8 MR. FLEMING:
 9 A. Yes, sir. But there's a lot of pieces, sir,
 10 I'd like to say, lastly, there's a lot of
 11 pieces getting paid out of that insurance.
 12 COMMISSIONER OXFORD:
 13 Q. Yes.
 14 MR. FLEMING:
 15 A. You have the ones running the insurance
 16 companies, big salaries, big bonuses; you
 17 have the chiropractors; you have the
 18 doctors, you have the lawyers; everyone is
 19 pulling out of the pot and that's who is
 20 left to pay, the ones, the low ones on the
 21 ladder, so like I said, I wanted to thank
 22 all of you again for hearing me and I know
 23 you got a job to do and I respect that too.
 24 But somewhere, somebody has got to stop, how
 25 far can this go? What government wants to

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1 put 4 or 5000 taxi drivers out of work?
 2 That's what's going to happen, that's what
 3 is coming to us. But anyway, thank all of
 4 you, it's been really nice.
 5 CHAIR:
 6 Q. Thank you so much, Mr. Fleming, it's been an
 7 absolute pleasure to listen to you.
 8 MR. FLEMING:
 9 A. And me too with meeting you and thank you.
 10 And you too. I'll make a good guy out of
 11 you yet.
 12 CHAIR:
 13 Q. We're working on it.
 14 MR. OAKE:
 15 Q. I'm not going to make any promises.
 16 CHAIR:
 17 Q. Mr. Fleming, he's a work-in-progress.
 18 MR. FLEMING:
 19 A. What I always say is when you don't get an
 20 answer, you know your answer, that's what I
 21 always say.
 22 CHAIR:
 23 Q. Thank you so much, it's been a real
 24 pleasure.
 25

CERTIFICATE

I, Judy Moss, hereby certify that the foregoing is a true and correct transcript of a hearing in the matter of 2017 Automobile Insurance Review, Taxi Operator Meetings, heard on the 2nd day of May, 2018 before 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 2nd day of May, 2018

Judy Moss

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