



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 0611-N-107-L

RE: APPLICATION OF LT HOLDINGS, LLC D.B.A. MEDICAL
TRANSPORTATION OF CONNECTICUT TO OPERATE FIVE (5)
MOTOR VEHICLES, HAVING A SEATING CAPACITY OF TEN (10)
ADULTS OR LESS IN LIVERY SERVICE FOR HANDICAPPED AND
ELDERLY PERSONS BETWEEN ALL POINTS IN CONNECTICUT
FROM A HEADQUARTERS IN WESTPORT.

FINAL DECISION

June 28, 2007

I. INTRODUCTION

A. General

By application filed on November 8, 2006 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-105 of the Connecticut General Statutes, as amended, LT Holdings LLC d.b.a. Medical Transportation of Connecticut (hereinafter "applicant"), with a mailing address of 606 Post Road East, Westport, Connecticut 06880, seeks authorization to operate five (5) motor vehicles, having a seating capacity of ten (10) adults or less in livery service for the elderly and handicapped between all points in Connecticut from a headquarters in the town of Westport.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-105, as amended, a public hearing on this application was held on June 20, 2007.

Notice of the application and of the hearing to be held thereon was given to the applicant and to such other parties as required pursuant to the Connecticut General Statutes Section 13b-103. Legal notice to the public was given by publication in the Norwalk Hour, a newspaper having a circulation in the area of concern.

A hearing officer designated by the Commissioner, pursuant to Connecticut General Statutes Section 13b-17, conducted the hearing on this matter.

C. Appearances

Michael Lubin appeared pro se on behalf of the applicant. The applicant's mailing address is 606 Post Road East, Westport, Connecticut 06880.

D. Mailing Address

Mr. Lubin stated on the record that the applicant is now using the mailing address is 606 Post Road East, Westport, Connecticut 06880. This is a change from the address that the applicant had on record with the department. The applicant is responsible for notifying the Regulatory & Compliance Unit of any change in its physical or mailing address.

II. FINDINGS OF FACT

1. The applicant holds Livery Permit Number 3113 which authorizes the operation of five vehicles in governmental livery service for Logisticare. The applicant received authorization for this permit on January 19, 2007 but has not yet commenced livery operation.
2. The applicant will pay an annual cost of \$5,000 to insure each of its livery vehicles.
3. One of the applicant's members has \$319,771 in a Fidelity investment account which can be

used to fund the business.

4. The applicant seeks authorization to operate five vans in livery service for the elderly and handicapped.
5. The applicant will either purchase used vehicles at approximately \$15,000 each or will purchase new vehicles at \$37,000 each, resulting in a monthly payment of \$2,027.
6. The applicant anticipates monthly payments of \$1,500 for rent, \$6,270 for payroll, \$600 per vehicle for maintenance and gasoline costs of \$3,250 for all of the vehicles.
7. The applicant seeks to transport patients to and from medical appointments.

III. DEPARTMENT ANALYSIS

The department has jurisdiction over each person, association, limited liability company or corporation owning or operating a motor vehicle in livery service, pursuant to Connecticut General Statutes Section 13b-102, as amended.

In determining whether a livery permit should be granted, the department shall take into consideration the present or future public convenience and necessity. The applicant must prove that the public's convenience and necessity will be improved by the proposed service. Additionally, the applicant must show the suitability of the applicant or the suitability of the management if the applicant is a limited liability company or corporation, the financial responsibility of the applicant, the ability of the applicant efficiently and properly to perform the service for which authority is requested and the fitness, willingness and ability of the applicant to conform to the provisions of the statutes and the requirements and regulations of the department thereunder, in accordance with Connecticut General Statutes Section 13b-103.

In support of financial wherewithal, the applicant provided financial information that shows that one member of the limited liability corporation has a Fidelity investment account worth \$319,771. The applicant's monthly expenses will include \$1,500 for rent, \$6,170 for payroll, \$3,250 for gasoline and \$600 a month for vehicle maintenance. Based on the evidence presented, the applicant is financially viable to receive the authority requested.

With regard to suitability, the applicant provided the requisite criminal conviction history forms for both members of the limited liability company. There are no convictions for either individual on their criminal record checks. Based on the evidence presented, the applicant has proven the requisite suitability to operate the proposed service.

Connecticut General Statute Section 13b-105 states that the department may issue permanent authority to an applicant for the express purpose of providing reasonable livery service to handicapped and elderly persons where the department finds no existing service or that the existing service is not adequate to properly service the special needs of elderly and handicapped persons. In determining the special needs of the handicapped and elderly, the department may take into consideration the convenience, the physical and mental frailties of, and the care, safety and protection necessary for the best interest of, the handicapped and elderly and the general public.

The applicant must show that public convenience would be improved by the service for the livery authority to be granted. On the issue of need for the service, the applicant presented no independent witnesses to show that livery service for the elderly and handicapped is needed or that the applicant's service would improve the public's convenience and necessity. There was also no evidence presented about the existing transportation services and why they are not adequate.

The applicant was before the Department of Transportation in August 2006 requesting authorization to provide livery service the handicapped and elderly, the same type of service requested in this case. In the final decision in Docket Number 0603-NGOV-04-L issued on September 25, 2006, in which the applicant was denied authorization, the hearing officer wrote that the applicant failed to show public convenience and necessity. It was specifically noted in the decision that the applicant did not present witnesses or evidence. The hearing in this application was essentially a repeat of the earlier failed application.

In this application, there were also no independent witnesses presented at the hearing. There was also no evidence presented to show that there are no existing livery operators providing livery service to the elderly or handicapped or that there are livery operators who are providing this service are inadequately meeting the needs of the elderly and handicapped population. Since the applicant did not present any evidence in support of its application, the department must again deny the application.

IV. VEHICLE REGISTRATION

The applicant was granted authorization to operate five motor vehicles in livery service in Docket Number 0608-NGOV-70-L on January 19, 2007. The applicant has yet to register a motor vehicle under this authorization. The department allowed the applicant additional time to register a motor vehicle under Docket Number 0608-NGOV-70-L while the instant application was pending. Since a final decision in this application has been rendered, the applicant must either register a vehicle under Docket Number 0608-NGOV-70-L within sixty (60) days or be subject to a citation hearing.

IV. CONCLUSION AND ORDER

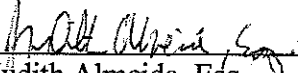
Based upon the above and pursuant to Connecticut General Statutes Section 13b-105, as amended, the application of LT Holdings LLC d.b.a. Medical Transportation of Connecticut is hereby denied.

The applicant will have sixty (60) days from the date of this final decision to register a livery vehicle with the Department of Transportation pursuant to the authority granted in Docket Number 0608-NGOV-70-L. Failure to register a vehicle within sixty (60) days will subject the applicant to a citation hearing which may result in revocation, suspension or a civil penalty.

This final decision constitutes notice in accordance with Connecticut General Statute 4-182(c).

Dated at Newington, Connecticut on this 28th day of June 2007

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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