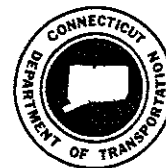


File



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone:

(860) 594-2875

DOCKET NO. 0612-N-14-T

RE: APPLICATION OF COS COB TAXI & LIMO, LLC D.B.A. COS COB TAXI TO OPERATE TEN (10) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM GREENWICH AND STAMFORD TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

March 31, 2009

I. INTRODUCTION

A. Applicant's Proposal

By application filed on December 18, 2006 with the Department of Transportation (hereinafter "department") pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Cos Cob Taxi & Limo, LLC d.b.a. Cos Cob Taxi (hereinafter "applicant"), whose mailing address 19 Aguila Road, Stamford, Connecticut, seeks authorization to operate ten (10) motor vehicles, in taxicab service, within and to and from Greenwich and Stamford to all points in Connecticut.

B. Jurisdiction

The Department of Transportation has jurisdiction over common carriers, which includes each person, association, limited liability company or corporation owning or operating a taxicab in the State of Connecticut in accordance with Connecticut General Statutes Section 13b-96, as amended. The department is authorized to prescribe regulations with respect to fares, service, operation and equipment, as it deems necessary for the convenience, protection and safety of the passengers and the public.

Pursuant to Section 13b-97(a), as amended, any person who applies for authority to operate a taxicab shall obtain from the department a certificate of public convenience and necessity certifying that the public's convenience and necessity requires the operation of a taxicab or taxicabs for the transportation of passengers.

C. Hearing

Pursuant to Section 13b-97(a) of the General Statutes, as amended, a public hearing on this application was held at the administrative offices of the department in Newington, Connecticut, on July 1 and 22, 2008 and August 27, 2008. Briefs were filed October 31, 2008.

Notice of the application and of the hearing to be held thereon was given to the applicant and to such other parties as required by Section 13b-97(a) of the General Statutes, as amended. Legal notice to the public was given by publication in the Greenwich Times, a newspaper having circulation in the area of concern.

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

D. Appearances

Cos Cob Taxi & Limo, LLC d.b.a. Cos Cob Taxi (hereinafter "Cos Cob" or "Cos Cob Taxi") appeared through its managing member, Ibrahim Bungu. Cos Cob Taxi's mailing address is 19 Aguila Road, Stamford, Connecticut. Stephanie C. Laska, Esq. with the law firm of Harris, Harris and Schmidt represented the applicant. Laska's mailing address is 11 Belden Avenue, Second Floor, Norwalk, Connecticut.

Della Famiglia, Inc. d.b.a. Stamford Taxi (hereinafter "Stamford Taxi") petitioned for, and was granted, intervenor status and was not represented by counsel. Stamford Taxi is owned and operated by Marc Necatera, the treasurer and chief financial officer for the company. Stamford Taxi's mailing address is 80 Harvard Avenue, Stamford, Connecticut.

Eveready Cab Company of Greenwich d.b.a. Eveready Greenwich (hereinafter "Eveready Greenwich") and Stamford Yellow Cab, Inc. d.b.a. Eveready Stamford (hereinafter "Eveready Stamford") appeared through their owner, Vito Bochicchio, Jr. Eveready Greenwich and Eveready Stamford both have a mailing address of P.O. Box 15, Darien, Connecticut. Eveready Greenwich and Eveready Stamford were both represented by Eugene Kimmel, Esq. whose office is located at Nine Morgan Avenue, Norwalk, Connecticut.

Greenwich Taxi, Inc. (hereinafter "Greenwich Taxi") appeared through its president, Joseph Boskello. Greenwich Taxi, Inc. has a mailing address of Greenwich Plaza, Greenwich, Connecticut. Greenwich Taxi was represented by Mary Alice Moore Leonhardt, Esq. whose mailing address is 67 Russ Street, Hartford, Connecticut.

E. Official Notice

1. Ibrahim Bungu, owner and manager of the applicant, is the owner of Cos Cob Taxi & Limo, LLC d.b.a. Riverside Livery Service, which holds livery permit number 3180. Riverside Limousine is authorized to operate interstate livery service from a headquarters in Stamford.

2. Two taxicab companies are authorized to operate in Greenwich. They are:

- Eveready Cab Company of Greenwich d.b.a. Eveready Greenwich
- Greenwich Taxi, Inc.

3. There are 60 taxicabs authorized to operate in Greenwich.

4. Greenwich has a population of 62,755.

5. Greenwich has a daytime population of 74,114.

6. Greenwich has an average of 49 square miles.
7. Four taxicab companies are authorized to operate in Stamford. They are:
 - Della Famiglia, Inc. d.b.a. Stamford Taxi
 - Independent Taxi Cab Co., Inc.
 - Stamford Yellow Cab, Inc. d.b.a. Eveready Stamford
 - U.S.A. Taxi & Limousine of Stamford, Inc.
8. There are 112 taxicabs authorized to operate in Stamford.
9. Stamford has an average population of 121,193.5.
10. Stamford has an average daytime population of 145,432.
11. Stamford has an average of 37.5 square miles.

F. Procedural Ruling

The hearing for this matter was issued for service within and to and from Stamford and Greenwich. A review of the application revealed that Greenwich was the only town listed as a service town. Stamford did not appear on the application, although the applicant indicated that it had amended the application through the Regulatory and Compliance Unit of the department.

Cynthia Baigert, License & Applications Analyst with the Regulatory and Compliance Unit of the department testified regarding the application. Baigert testified that the applicant amended the instant application to include a request for authorization for the town of Stamford, in addition to Greenwich, and that she was the person who processed the amendment. The undersigned hearing officer made a ruling, in accordance with the powers and duties of the presiding officer, as enumerated in Regulations of Connecticut State Agencies Section 13b-17-144a *et seq.*, that the application was amended by the applicant through the Regulatory and Compliance Unit and the application, as amended, was correctly noticed as a matter of law.

II. FINDINGS OF FACT

1. Cos Cob Taxi & Limo, LLC d.b.a. Cos Cob Taxi originally submitted its application for authorization to operate taxicabs within and to and from Greenwich. Prior to the hearing, the applicant amended its application to include authorization for Stamford also. The department's Notice of Hearing was not defective.

2. Ibrahim Bungu owns, and drives for, Cos Cob Taxi & Limo, LLC d.b.a. Riverside Limousine, holder of livery permit number 3180 which is authorized for interstate livery service.

3. Bungu has no criminal convictions under federal, state or municipal laws relative to safety, motor vehicle or criminal violations and is not involved in criminal activity.

4. Bungu began driving taxicabs in approximately 1986 with Stamford Taxi and Greenwich Taxi. Bungu then drove livery vehicles for the owner of Greenwich Taxi until Greenwich Taxi terminated his employment after the first day of hearing. Transcript, July 1, 2008.

5. Because of their fuel efficiency, the applicant proposes to use Toyota Prius vehicles as taxicabs. If he is unable to procure said vehicles, he will choose another type of four-door sedan. Transcript, July 22, 2008, P. 35.

6. It is unclear as to whether the applicant will purchase the vehicles for use by its drivers or whether he will have owner-operators. Bungu indicated that he would offer the drivers a lease to own option. Transcript, July 22, 2008, P. 34 & 71.

7. Bungu has spoken to more than five people who would be potential drivers for the proposed business. Transcript, July 1, 2008, P. 142, 157.

8. The applicant's insurance quote is approximately \$6,500.00 per vehicle, per year for \$100,000.00 liability limit. Transcript, July 1, 2008, P. 142.

9. The applicant is prepared to operate his proposed taxicab service twenty-four hours a day. Bungu will dispatch and will use a family friend to dispatch during the day. Transcript, July 1, 2008, P. 156.

10. Bungu has designated a starting/staging location for his taxicabs at a Sunoco station in Greenwich. Transcript, July 1, 2008, P. 156.

11. Bungu does not know if there is a need for additional taxicabs in Stamford, if there is, he will attempt to meet it. He believes that the "main thing is for Greenwich but also to serve people in Stamford if they really need it". Transcript, July 22, 2008, Pp. 43 -52.

12. Bungu was unfamiliar with the established taxicab metered rates in Greenwich and Stamford. When Bungu drives the Greenwich Taxi "Z" plate to provide a ride from a personal customer, he charges a different rate than when he receives a dispatched call from Greenwich Taxi. Transcript, July 22, 2008, Pp. 94-95.

13. Bungu was unfamiliar with, or does not possess an understanding of the differences between taxicab service and livery service given his 22 years of experience in the taxicab business. Transcript, July 22, 2008, P. 98.

14. Bungu will use the taxicabs to provide trips to out of town airports. Transcript, July 22, 2008, P. 104.

15. Bungu contradicted himself in several areas of his testimony such the metered rate in the areas of concern, the expenses, costs estimated for the business and, credit card usage. Bungu was vague about other issues associated with the cost of doing business such as advertising costs, dispatch system, maintenance, and lettering of taxicabs. Direct and Cross-examination, Transcript, July 22, 2008, Pp. 4-144.

16. Bungu is unfamiliar with the statutes and regulations that govern taxicab operation within the State of Connecticut. Transcript, July 22, 2008, P. 99.

17. Bungu expects to start the business with two or three employees based on the number of taxicabs on the road. Transcript, July 22, 2008, P. 123.

18. Bungu has not driven a taxi for Greenwich Taxi since 2002; he has been driving a limousine with a "Z" plate for Greenwich Taxi since 2002. Transcript, July 22, 2008, P. 79.

19. The applicant has a cash balance in the amount of approximately \$45,000.00. Transcript July 1, 2008, P. 157.

20. The applicant has interest in real estate as sole owner with equity that Bungu would use for the business if required. Transcript, July 1, 2008, P. 160.

21. Jacqueline Schofield, of Greenwich, Connecticut, uses Greenwich Taxi. She has used Greenwich taxicabs hundreds of times over the past five years. Transcript, July 1, 2008, P 10.

22. Schofield has received poor service from Greenwich Taxi occasionally and was not aware, until the time of hearing, that Eveready Greenwich was available to provide service. Transcript, July 1, 2008, Pp. 13-14.

23. Greenwich Taxi is not sensitive to Schofield's needs. Transcript, July 1, 2008, P. 17.

24. Schofield does not use taxicabs in Stamford very often and she does not have much of knowledge about the taxicab service in Stamford. Transcript, July 22, 2008, Pp. 18-31.

25. Schofield has received *adequate* taxicab service in both Greenwich and Stamford but she is only 75 percent satisfied with the current service. The majority of the time Schofield gets a taxicab within 10 to 15 minutes, however, there have been times when the wait was much longer for a taxicab. There have been occasions when no taxicabs showed up. Schofield has missed a train or two because of poor taxicab service. Transcript, July 1, 2008, Pp. 58-61.

26. Schofield uses taxicabs in Greenwich at least one, sometimes two times, per week. She usually calls approximately 45 minutes prior to pick up time to ensure she will have a ride home. Transcript, July 1, 2008, P. 57.

27. Ida Angland has lived in Greenwich, Connecticut for fifteen years and has used both Greenwich Taxi and Eveready Greenwich. She missed several trains because the taxicabs she's called did not show up in time to take her to the train station. Transcript, July 1, 2008, P. 70.

28. Angland parks her car at the Cos Cob station and has noticed that taxicabs are not there to provide service. Transcript, July 1, 2008, Pp. 73, 86.

29. It takes 20 minutes for Angland to get a Greenwich Taxi from the Cos Cob station to her home. Transcript, July 1, 2008, P. 77.

30. Angland uses taxicabs in both Greenwich and Stamford mainly to go to the train station. She has used the company three times over the last year. Transcript, July 1, 2008, Pp. 68-69.

31. Angland never had a situation where a taxicab driver was rude to her, however, she has waited for a taxicab at minimum for 20 minutes and sometimes she has had to call back the taxicab company several times when taxicabs were later than 20 minutes, or when they did not show up at all. Transcript, July 1, 2008, P.73.

32. Lucy Pecover, of Greenwich, Connecticut has had to drive her husband to the train station in Greenwich because Greenwich Taxi failed to send a car on time to pick him up. Greenwich Taxi requires customers to have an account for calls to be scheduled at night. Transcript, July 1, 2008, Pp. 95-96.

33. On several occasions, Pecover has attempted to call a Greenwich Taxi for a ride to the Greenwich or Stamford train station and half of those times the taxicab was late or did not show up. Transcript, July 1, 2008, Pp. 98-99.

34. Pecover used a taxicab in Stamford only once or twice and she has had no problem with the service. Transcript, July 1, 2008, P. 94.

35. As of August 27, 2009, the date of official notice, there were no pending applications for taxicab service in Greenwich ready to be docketed for hearing. Administrative Law Unit Files.

36. As of August 27, 2008, the date of official notice, there were 13 applications pending for taxicab service in Stamford ready to be docketed for hearing. Administrative Law Unit Files.

37. Intervenors Eveready Stamford and Stamford Taxi are in support of additional taxicab service in Stamford, however, only for the companies currently operating in Stamford. Transcript, August 27, 2008, Pp. 176-196.

38. The Greenwich railroad station is privately owned and Greenwich Taxi, Inc. has the exclusive right by way of a 1969 lease with the owner of the Greenwich railroad station to park its taxicabs and pick up passengers at the Greenwich train station. Transcript, July 1, 2008, Pp. 28-35.

40. Vito Bochicchio, Jr., is the president of Eveready Cab Company of Greenwich, Inc. which has been in existence since 1996; Eveready is authorized to operate 5 taxicabs in Greenwich and operates between 4 and 5. Bochicchio oversees the day to day operations of Eveready 7 days per week. Eveready operates in Greenwich 24 hours per day, 7 days per week, 365 days a year. Transcript, July 22, 2008, Pp. 277-278.

41. Bochicchio provides service to Old Greenwich, Cos Cob and the Riverside area in Greenwich. Transcript, July 22, 2008, P. 281.

42. Most of Eveready Greenwich's taxicabs are based at the Hyatt hotel. Transcript, July 22, 2008, P. 297.

43. Eveready's average response time for a call in his area (the Hyatt) to a fare is from 15 to 20 minutes. Transcript, July 22, 2008, P. 301.

44. Joseph Boskello has been the sole owner of Greenwich Taxi since 2006; he managed Greenwich Taxi since 1970; he managed Stamford Taxi from 1973 until it was sold in 2006. Transcript, July 22, 2008, P. 305.

45. Boskello owns Tibbits Company, which is a dispatching and limousine company; Greenwich Taxi is authorized to operate 55 taxi cabs in Greenwich. Tibbits operates 18 limousines now, one of which Bungu has been driving under a lease agreement since 2001. Transcript, August 27, 2008, Pp. 307-312, Transcript, August 27, 2008, P. 10.

46. Greenwich Taxi has 2 or 3 drivers that work late to meet the 2:06 AM and 2:45 AM trains that arrive at the Greenwich train station. Transcript, August 27, 2008, Pp. 46-47.

47. Greenwich Taxi drivers (owner-operators) pay a weekly lease fee of \$490.00 per taxicab and an optional payment of \$20.00 per week toward a collision insurance pool and an additional \$20.00 per week if there is another driver for the taxicab. Transcript, August 27, 2008, P. 145.

48. Mark Nicotera, owner of Della Famiglia, Inc. d.b.a. Stamford Taxi believes that "if there is a need for additional taxi cabs in Stamford, the plates should be awarded to existing companies that are presently servicing the city....." Transcript, August 27, 2008, P. 177.

49. Bochicchio, Jr. testified that he hopes that the "fellas that have put in the time, the effort and the money and the hard work providing transportation in Stamford would get first preference on any needs that need to be met". Transcript, August 27, 2008, P. 196.

50. The Hyatt is located at the opposite end of Greenwich than where Greenwich Taxi is located. If Eveready Greenwich gets calls in Greenwich he gives them to Greenwich Taxi because of the distance from the Hyatt to the caller. Transcript, August 27, 2008, Pp. 188-189.

51. Bochicchio, Jr. forwards a couple of calls per week to Greenwich Taxi. Transcript, August 27, 2008, P. 208.

52. Greenwich Taxi trip sheets for the days August 18, 19, and 20, 2008 averaged approximately eleven (11) trips per cab during a shift. Some of the trip sheets submitted were incomplete. Trip Sheets.

53. Eveready Greenwich trip sheets for the days August 18, 19, and 20, 2008 averaged approximately eight trips per cab during a shift.

54. Greenwich Taxi performed an approximate average of 6 out of town trips for August 18, 19, and 20, 2008.

55. Stamford Taxi and Eveready Taxi both have pending applications for additional vehicles in Stamford.

III. DISCUSSION

Connecticut General Statutes Section 13b-97(a) provides that "No...[c]ertificate shall be issued unless the department finds that the person, association, limited liability company or corporation is suitable to operate a taxicab service, after giving due consideration to, *at a minimum* (emphasis added), the following factors: (1) Any convictions of the applicant under federal, state or local laws relative to safety, motor vehicle or criminal violations; (2) the number of taxicabs to be operated under the certificate; (3) the adequacy of the applicant's financial resources to operate the taxicab service; (4) the adequacy of insurance coverage and safety equipment; and (5) the availability of qualified taxicab operators."

In support of financial suitability, Ibrahim Bungu, owner of the applicant company, provided the requisite balance sheet, and supporting documentation, including of proof of cash balances on behalf of the company. As of June 16, 2008, Bungu had a cash balance of \$37,635 in Wachovia Bank and as of June 22, 2008, Bungu had a cash balance of \$7,198 in Commerce Bank. Although the cash funds are available under Bungu's name, any grant of authority would be predicated on the applicant having a bank account in its name with the funds therein for its use. The applicant also relies on equity that its owner has in real estate. All combined, and in light of Bungu's statement that he would use owner-operators, the applicant is financially suitable to operate the proposed service, given the caveat above.

With regard to suitability, the applicant provided Cos Cob Taxi's owner, Ibrahim Bungu's criminal conviction history. The results of the criminal history search by the Connecticut State Police shows no criminal conviction record for Bungu under federal, state or local laws relative to safety, motor vehicle or criminal violations. Further, no evidence was entered in the record to contradict the applicant suitability relative to criminal convictions.

Conversely, however, with regard to suitability of the management as it relates to Bungu's willingness and ability to operate within the regulatory scheme for taxicab service, the evidence is lacking and this hearing officer was not persuaded. Ibrahim Bungu had little knowledge of the taxicab regulatory scheme. When questioned about his business plan, taxicab operation and taxicab rates of fare, Bungu contradicted himself several times. Bungu did not know the prevailing taxicab metered rates in Stamford and Greenwich. When asked to explain his understanding between livery and taxicab service, Bungu testified that there were no differences. Bungu's testimony related more to livery service than taxicab service, leading this hearing officer to question the applicant's position.

Although Bungu testified that he wants to service the taxicab riding public, and that he has 22 years of experience in the taxicab/livery transportation field, Bungu did not know fundamental information regarding taxicab service. Bungu testified that the applicant seeks to operate 10 taxicabs, yet he would only begin with a few cars on the road. Bungu testified that if Stamford needed service, the applicant would provide it.

Disconcerting to this hearing officer was Bungu's testimony that there are no differences between taxicab service and limousine service. Bungu testified that when he is not told what rate to charge, he charges his own rates. Later in his testimony, Bungu stated that he does not know what the other taxicab charge for their service, but that he is only concerned with what he would charge, again, showing a lack of understanding of the tariff requirements. Bungu also testified that the primary purpose of the taxicabs was to take customers to the out of state airports. Bungu later stated that the primary purpose of the taxicabs is to provide transportation for the towns of Greenwich and Stamford. Throughout his testimony, Bungu exhibited a lack of understanding or a lack of willingness to answer questions directly, which again, undermined his credibility.

When questioned about whether he had read the regulations and statutes governing taxicab operation, Bungu testified that he did not yet have his certificate, inferring that once he received a taxicab permit he would become familiar with them. Bungu's preparedness leaves much to be desired on the part of a taxicab owner. With his years of experience in the taxicab field, he should be at least familiar with the basics of operating a taxicab business. Accordingly, the applicant does not possess the suitability, with regard to business basic acumen as it relates to the taxicab operation.

As for the safety equipment, the vehicles that the applicant will put into service, if the application is granted, must be inspected prior to being placed into service, in accordance with Connecticut General Statutes Section 13b-99. The Department of Motor Vehicles (hereinafter "DMV") will not register any vehicles for taxicab service that do not pass inspection. The inspections that are undertaken will assure that the vehicles placed in taxicab service have the safety equipment required, otherwise, the public will not be served by the proposed company.

With regard to the availability of qualified operators, Bungu testified that he has spoken to more than five people who would be willing to drive for the applicant. Based on the applicant's evidence as provided by Bungu's testimony, the applicant would be able to provide at least five drivers, including Bungu. Therefore, on the issue of the availability of qualified taxicab drivers, and number of vehicles requested, the evidence supports three vehicles for a 24-hour operation.

On the issue of whether the public's convenience and necessity requires taxicabs in Stamford, Eveready Stamford and Stamford Taxi opposed the application. Eveready Stamford argues that it has financial interests that will be negatively affected if the instant application is granted. Stamford Taxi opposes the applicant on the basis that the public's convenience and necessity does not require taxicabs in Stamford. Despite the intervenors' arguments, what is noteworthy is that official notice of the pending applications in Stamford shows that Stamford Taxi filed an application for 20 additional vehicles which was ready for hearing in July 30, 2008. Similarly, Eveready Taxi, who applied for party status based on financial interest, has an application pending for 10 additional vehicles in Stamford, which was ready for hearing on August 11, 2008.

The department's obligation with regard to approving taxicab authority is to protect the public, not the interests of individual competitors of any taxicab company. The existing taxicab companies are not within the zone of interest to be protected by General Statutes Section 13b-96 through 13b-99. See United Cable Television Services Corp. v. Dept. of Public Utility Control, 235 Conn. 334 (1995). More significantly, it is noteworthy that, while opposing the applicant, these two companies have pending applications for additional authority in the very territory the applicant seeks. This fact alone makes Nicotera and Bochicchio's testimony unreliable. Accordingly, none of the evidence provided by either company is given any weight in this matter.

Notwithstanding the above, the witnesses who testified in support of the application stated that they had used Stamford Taxi occasionally and none of them had a problem with the taxicab service they received in Stamford. The applicant submitted no other evidence in support of taxicab service in Stamford. Rather, the applicant focused its evidence on Greenwich. The applicant's management testified that if Stamford required taxicabs or had a need, the applicant would service. Given the limited evidence on this issue, the applicant fails to meet its burden of proving that the public's convenience and necessity in Stamford requires additional vehicles.

With regard to public convenience and necessity in Greenwich, the applicant's three witnesses testified that they have had problems with the existing taxicab service in Greenwich. The witnesses' negative experiences with taxicab service in Greenwich included receiving rude treatment from a driver and dispatcher who worked for Greenwich Taxi. Additionally, all of the witnesses shared the experience of missing a train because a taxicab did not show up to provide the service requested or because the taxicab was late. One of the witnesses testified that she receives adequate taxicab service in Greenwich only 75 percent of the time.

Vito Bochicchio, Jr., owner of Eveready Greenwich, testified that there is no need for additional taxicabs in Greenwich. Joseph Boskello, owner of Greenwich Taxi also testified that there is no need in Greenwich for additional taxicabs. In response to the applicant's request, Greenwich Taxi provided trip sheets for three days in March 2008. Some of the trip sheets provided were incomplete and thus not used in the evaluation of trips. However, the completed trip sheets submitted showed that Greenwich Taxi

provided an average of 10 trips per day, per taxicab, with an average of 6 long, or out of state trips. In response to the hearing officer's request, Eveready Greenwich provided trip sheets for the same days as Greenwich Taxi. Those trip sheets showed an average of 8 trips per day per taxicab, with substantially fewer long trips.

Although Eveready Greenwich and Greenwich Taxi both hold that there is not enough work to put all of the taxicabs in service, questions arise as to what the actual hours of their drivers are. The intervenors make much of the fact that the drivers are not employees, that they are independent operators. Because of their designation as independent operators, the intervenors state they have no say as to their hours. The trip sheets show that some drivers have big gaps in the times listed, thus begging the question of whether the drivers actually worked the entire shift or did other things during their shift.

Greenwich Taxi submitted into evidence several weeks of trip sheets for its fleet. A cursory review of the intervenor's trip sheets shows that Greenwich Taxi provided trips that varied from one trip per day to over 15 trips per day. There are reasons, other than public convenience and necessity, that a company's calls may be lessened – such as poor service. Poor service provided by current taxicab companies, in any territory, affects the public's convenience and necessity. This reason would not necessarily be reflected in trip sheets.

Letters of support were entered into evidence by the applicant; however they are of little weight. See Norwalk Yellow Cab, Inc. v. Department of Transportation, et al., CV-93-0704676, Memorandum of Decision, Judicial District of Hartford, New Britain (1994). The witness testimony supports public convenience and necessity in Greenwich. All three witnesses shared the similar experience of missing trains because of the failure of a taxicab company to show up to provide the ride. In addition, two of the witnesses testified that the drivers or dispatchers from Greenwich Taxi were rude. Both of these situations support the conclusion that the public's convenience and necessity in Greenwich requires an additional taxicab or taxicabs in that area.

IV. CONCLUSIONS OF LAW

The applicant failed to prove that the public convenience and necessity requires the operation of additional taxicabs in Stamford. The applicant also failed to prove that its management is suitable to operate taxicab service within the regulatory scheme for said service. Moreover, some of the evidence on the record was more suited to livery operation. The applicant failed to meet its burden of proving each and every element of the requirements of Connecticut General Statutes Section 13b-97. The application must, therefore, be denied.

V. ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Cos Cob Taxi and Limo, Inc. d.b.a. Cos Cob Taxi is hereby denied.

Dated at Newington, Connecticut, on this 31th day of March 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration