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STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

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DOCKET NO. 0701-AV-16-T

RE: APPLICATION OF EVEREADY NORWALK, INC TO OPERATE ELEVEN (11) MOTOR VEHICLES, IN TAXICAB SERVICE, WITHIN AND TO AND FROM THE CITY OF NORWALK TO ALL POINTS IN CONNECTICUT.

AMENDED FINAL DECISION

June 16, 2008

I. INTRODUCTION

A. Procedural History

The *Application Of Eveready Norwalk, Inc. To Operate Eleven (11) Motor Vehicles, In Taxicab Service, Within And To And From The City Of Norwalk To All Points In Connecticut*, given Docket No. 0701-AV-16-T, was heard at public hearing on June 29, 2007, July 10 and 20, 2007. A final decision was rendered on November 1, 2007.

The applicant, Eveready Norwalk, Inc., took an appeal in the Superior Court of the Judicial District of New Britain at New Britain and the matter came before the Honorable Henry S. Cohn.

Based on the appeal, resulting negotiation and a motion filed by the Office of the Attorney General on behalf of the Department of Transportation, the court remanded the matter to Department of Transportation for further action consistent with the court's findings that the hearing officer entered an order based on a mistake of law. The court's ruling was that the hearing officer did not have the authority to issue a "limited term" certificate. Accordingly, this amended final decision will address solely the issue of the grant of authority for motor vehicles in taxicab service, consistent with the court's ruling.

B. Application

By application filed on January 23, 2007, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Eveready Norwalk, Inc. (hereinafter "applicant") of 130 Lenox Avenue, Unit 32, Stamford, Connecticut, seeks authorization to operate eleven (11) motor vehicles in taxicab service within and to and from Norwalk to all points in Connecticut.

C. Hearing

Pursuant to Section 13b-97(a) of the General Statutes, as amended, a public hearing was held at the Norwalk City Hall Community Room, 125 East Avenue, Norwalk, Connecticut on May 31 and June 8, 2007. The continuation of

the public hearing was held at the administrative offices of the department in Newington, Connecticut, on June 29, 2007, July 10 and 20, 2007 and August 3, 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 by Section 13b-97(a) of the General Statutes, as amended. Legal notice to the public was given by publication in the Norwalk Hour, a newspaper having circulation in the area of concern.

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

D. Appearances

The applicant appeared through its president, Vito Bochicchio, Jr. and was represented by Eugene M. Kimmel, Esq., with the law firm of Kimmel & Kimmel, LLC 9 Morgan Avenue, P. O. Box 2013, Norwalk, Connecticut. Eveready Norwalk, Inc. has a mailing address of P.O. Box 15, Darien, Connecticut.

Norwalk Yellow Cab, Inc. appeared through its president, Lloyd Mellad and was represented by Andrea Hogan Gendron, RN, Esq. with the law firm of Tibbetts Keating & Butler, LLC, 43 Corbin Drive, Darien, Connecticut. Norwalk Yellow Cab, Inc. is the holder of taxicab certificate number 899 and is authorized to operate thirty (30) taxicabs within and to and from Norwalk. Its mailing address is P.O. Box 936, South Norwalk, Connecticut.

Norwalk Taxi, Inc. appeared through its owner, Rrock Shtufaj, and was represented by Charles S. Harris, Esq., with the law firm of Harris, Harris & Schmid, LLC, 11 Belden Avenue, Second Floor, Norwalk, Connecticut. Over objection by the applicant due to failure to file a timely petition, Norwalk Taxi, Inc. was afforded intervenor status based on the representation that there was miscommunication between attorneys with regard to which law firm was representing the company. Norwalk Taxi, Inc. has a mailing address of 163 Connecticut Avenue, Norwalk, Connecticut.

Sheldon Lubin, utilities examiner for the Regulatory and Compliance Unit of the department was present at the hearing.

E. Administrative Notice

Application Of Edward Kulenski dba Easy-One Taxi To Operate Six (6) Motor Vehicles In Taxicab Service Within And To And From New Haven, Hamden And West Haven To All Points In Connecticut, Docket No. 0009-N-25-T, Department of Transportation (Final Decision, June 1, 2001).

Application Of Rrock Shtufaj & Joseph Zinicola DBA Norwalk Taxi To Operate 35 Motor Vehicles In Taxicab Service Within And To And From Norwalk To All Points In Connecticut, Docket No. 9301-N-03-T, Department of Transportation (Final Decision, September 21, 1993).

Application of Norwalk Taxi, Inc. to Operate Four (4) Additional Motor Vehicles In Taxicab Service Within And To And From Norwalk To All Points In Connecticut, Docket No. 9507-AV-19-T, Department of Transportation (Final Decision, March 18, 1996).

Application of Norwalk Taxi, Inc. to Operate Five (5) Additional Motor Vehicles In Taxicab Service Within And To And From Norwalk, Docket No. 0006-AV-11-T, Department of Transportation (Final Decision, October 10, 2000).

Application Of Vito Bochicchio, Jr. DBA Eveready Norwalk To Operate Thirty Five (35) Motor Vehicles In Taxicab Service Within And To And From Norwalk To All Points In Connecticut, Docket No. 0502-N-03-T, Department of Transportation (Final Decision, May 5, 2006).

Application of Norwalk Taxi, Inc. DBA Norwalk Taxi Seeking Authorization To Operate Ten (10) Motor Vehicles In Taxicab Service Within And To And From Norwalk, Docket No. 0501-AV-01-T, Department of Transportation (Final Decision, July 7, 2005).

Application Of Fairfield County Transportation, LLC DBA Metro Taxi To Operate Seventy (70) Motor Vehicles In Taxicab Service Within And To And From Bridgeport, Fairfield, Stratford And Trumbull To All Points In Connecticut, Docket No. 9906-N-20-T, Department of Transportation (Final Decision, August 8, 2000).

Application Of U.S.A. Taxi & Limousine Of Stamford, Inc. For Authorization To Operate Ten (10) Motor Vehicles In Taxicab Service Within And To And From Stamford, Docket No. 0305-N-05-T, Department of Transportation (Final

Decision, August 6, 2004).

Application Of Vito Bochicchio, Jr. And David L. Carino DBA Eveready Cab Company Of Greenwich To Operate Ten (10) Motor Vehicles In Taxicab Service Within And To And From Old Greenwich To All Points In Connecticut, Docket No. 9402-N-9-T, Department of Transportation (Final Decision, July 18, 1996).

Application Of Executive Cab, Inc. For Authorization To Operate Four (4) Additional Vehicles In Windsor Locks And To And From That Area To All Points In Connecticut, Docket No. 9211-AS-27-T, Department of Transportation (Final Decision, July 30, 1993).

Application Of Independent Taxicab Company, Inc. To Operate Twenty-Four (24) Motor Vehicles, In Taxicab Service, Within And To And From Stamford To All Points In Connecticut, Docket No. 0610-N-11-T, Department of Transportation (Final Decision, April 5, 2007).

Application Of Transconn Corporation DBA New Haven Yellow Cab For Authorization To Operate Fifteen (15) Additional Taxicabs Within And To And From New Haven, East Haven, Branford And North Branford To All Points In Connecticut, Docket No. 3109-AV-33-T, Department of Transportation (Final Decision, November 22, 2007).

Application Of Norwalk Taxi Inc. DBA Norwalk Taxi Certificate Number 1119 To Operate One (1) Additional Motor Vehicle In Taxicab Service Without Hearing, APPLICATION NUMBER 0702-EXP-27-T, Department of Transportation (Application, April 18, 2007).

II. FINDINGS OF FACT

1. The applicant holds taxicab certificate number 1186 and is currently authorized to operate five (5) motor vehicles in taxicab service within and to and from Norwalk, Connecticut.

2. Vito Bochicchio, Jr. and Paul Bochicchio, the managers of the applicant company, have no criminal convictions, nor are there any pending citations against the applicant.

3. The applicant has cash in the amount of $280,147.

4. The president of the applicant has a net worth of $4,693,519 which is available for the applicant company should monies be required to operate the business.

5. There are several people willing, able and available to drive a taxicab for the applicant.

6. The annual insurance premium for each of the applicant's current and prospective vehicles is $5,200.

7. The additional vehicles that the applicant proposes to place in service will be inspected for safety prior to registration.

8. There are several construction projects in different phases of proposal and development and future construction in Norwalk. The projects that will not be completed within the next six months to a year or longer, include the addition of more than a million square feet of new office space, the addition of more than a thousand new residential units in the center of Norwalk and the addition of nearly a million square feet of new retail space in the city. Also to be built is a mixed use project with 500,000 square feet of new commercial office space, a hundred and forty room hotel, several hundred residential units and approximately one hundred and twenty five thousand feet of retail space.

9. Also included in the development phase is the West Avenue development project – half a million square feet of retail space, including residential units and some additional commercial space. A primarily residential project with a small amount of commercial and retail space will be built. The Avalon Bay project, breaking ground, includes 306 apartments. Another mixed use project, primarily residential in nature, with some smaller amounts of commercial and retail development is also planned.

10. Business development and expansion has been on the rise in Norwalk with the relocation of General Electric, Virgin Atlantic and Diageo, a large beverage company with approximately one thousand employees.

11. The expanded corporations are approximately three to four miles from the train station.

12. Norwalk's population has grown by approximately 3,500 to 4,000 new residents

since the 2000 census.

13. Approximately 27,000 people commute into the city on a daily basis.

14. Currently, bus shuttle service operated by Norwalk Transit District operates on a limited schedule and takes people to and from the train station during peak hours of 6:30 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m.

15. Taxicabs and car services are used to transport people from the train station to businesses within the city of Norwalk.

16. Irene Dixon is the director of sales for the Hilton Garden Inn in Norwalk whose duties include ensuring that the hotel is filled to capacity and to ensure guest satisfaction. She is involved with all aspects of customer service. Dixon has observed, at least two times per day, that the hotel staff has problems getting taxicabs for guests.

17. Dixon is concerned about current taxicab service because of the long waiting time, which varies from fifteen minutes to a half hour or longer.

18. Eveready Norwalk, Inc. provides the best service to the Hilton Garden Inn of the three taxicab companies in Norwalk, but it cannot provide service for all of the hotel's calls.

19. Dixon has agreed to have the applicant's taxicab, or taxicabs, park at the hotel to better serve the customers of the hotel if additional authority is granted.

20. When Dixon started working at the Hilton Garden Inn, the hotel operated two shuttles to transport guests to their destinations. Another shuttle and another limousine service had to be added to accommodate the increasing demand of hotel guests for transportation.

21. Dixon receives complaints from hotel guests who say they cannot get taxicab transportation.

22. Some members of the general public have waited for a taxicab from a minimum of fifteen minutes to an hour.

23. George Martell is a commissioner of the Second Taxing District in Norwalk and

owns a bar and grill in South Norwalk. He has received telephone calls regarding bad taxicab service.

24. Martell is aware of only two taxicab companies in Norwalk – Norwalk Taxi, Inc. and Norwalk Yellow Cab, Inc. even though the applicant has been authorized for one year to operate five (5) taxicabs within and to and from Norwalk.

25. Carvin Hilliard, who represents Ward B on the Norwalk City Council, last drove in a taxicab approximately ten months to a year prior to hearing. His experience with the taxicab was not good because it was late.

26. Katherine Saldana is an 11-year resident of Norwalk and relies on taxicabs for transportation. Four years prior to the date of hearing, she called Norwalk Yellow Cab, Inc. for a ride and the taxicab did not show up after she called several times. She now only uses Norwalk Taxi, Inc. for transportation approximately three times a week.

27. Saldana was not aware that the Eveready Norwalk, Inc. operated at taxicab service in Norwalk for the past year.

28. Carol Goodchild manages Eastside Café and owns Harbor Lights, Overtons and 88 Washington Street. Goodchild's experience with taxicabs has been primarily with Norwalk Taxi, Inc. Her businesses do not use Norwalk Yellow Cab, Inc. because of bad experiences her employees have had with people who work for Norwalk Yellow Cab, Inc.

29. Bruce Morris is a state representative for the 140th district. He has received complaints from his constituents regarding unacceptable taxicab service; when his constituents try to get a taxicab, it is either late or it does not show up at all.

30. Robert Virgulak is a commercial realtor whose clients come from New York and who cannot get taxicab transportation when they come to meet with Virgulak to do business within the State of Connecticut.

31. Douglas Sutton, a Norwalk Common Council member, has personally experienced bad taxicab service when he and his son have tried to get timely taxicabs from their home to the railroad station in Norwalk.

32. If there are enough taxicabs for the public to use, then the commuting public

may be inclined to take public transportation and taxicabs to get them to their destination, which would take some cars off the road.

33. There is no way to tell and no correlation between expansion of business, the building of residential units or the building of commercial property and the incidence of taxicab usage.

34. As of May 30, 2007, Norwalk Yellow Cab, Inc. had 24 vehicles registered in taxicab service within and to and from Norwalk.

35. Norwalk Yellow Cab, Inc. forfeited authority for five (5) taxicabs on December 7, 2005. To reinstate the forfeiture, the company will have to file an application and go through the hearing process.

36. As of May 30, 2007, Norwalk Taxi, Inc. had 19 vehicles registered in taxicab service within and to and from Norwalk.

37. As of May 30, 2007, Eveready Norwalk, Inc. had 5 vehicles registered in taxicab service within and to and from Norwalk.

38. The applicant's trip sheets for the month of March 2007 average approximately 9 trips per taxicab, per day,

39. In the month of March 2007, the applicant operated 4 or *less* taxicabs on 27 out of the 31 days.

40. High utilization for a taxicab in the area of concern is an average of approximately 20 – 25 rides per taxicab per shift. See Application Of Norwalk Taxi, Inc. D.B.A. Norwalk Taxi To Operate Five (5) Additional Motor Vehicles In Taxicab Service Within And To And From Norwalk, Docket No. 0006-AV-11-T, Department of Transportation (Final Decision, October 10, 2000), Application Of Norwalk Taxi, Inc. D.B.A. Norwalk Taxi Seeking Authorization To Operate Ten (10) Motor Vehicles In Taxicab Service Within And To And From Norwalk, Docket No. 0501-AV-01-T, Department of Transportation (Final Decision, July 7, 2005)

41. In March 2007, the applicant's trip sheets show that the applicant provided an average of only 9 rides per taxicab, per day for 4 taxicabs in its fleet.

42. Since each taxicab at full capacity should be providing approximately 20 rides

per taxicab (as an approximate full capacity number), then each of the 4 taxicabs in the applicant's fleet presumably would be able to increase the number of trips it can provide to the general public by 11 trips per cab.

43. If the applicant uses its 5th taxicab daily, the applicant can increase the number of trips it provides to its public by 20 additional daily rides.

III. DISCUSSION

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. No certificate shall be issued unless the department finds that the person is suitable to operate a taxicab service. In so doing the department must take into consideration any convictions of the applicant under federal, state or local laws relative to safety, motor vehicle or criminal violations, the number of taxicabs to be operated under the certificate, the adequacy of the applicant's financial resources to operate the service, the adequacy of insurance coverage and safety equipment and the availability of qualified operators.

In support of financial wherewithal, the applicant provided the requisite financial information which consisted of the following: Proof of cash balance in the amount of $280,147 as of May 14, 2007; net worth statement of the applicant company as of May 31, 2007 in the amount of $266,562, prepared by an independent accountant. The principal of the applicant company has no liabilities and has a net worth, as presented by an independent accountant, of $4,693,519. These funds are available to the applicant should they be required. The applicant, therefore, has the financial wherewithal to provide the requested service.

The only problem regarding financial issues, which will not bar the grant of

authority but which will be required prior to registering vehicles, was testimony of the applicant's management relative to its bank accounts. The testimony proffered by Vito Bochiccho indicated that the financial resources for all of his companies are within one bank account. Bochicchio further testified that the accounts could not be separated for review. It has been a long standing requirement of the department that applicants for taxicab authority maintain funds ready and available, in the applicant's name, to operate additional vehicles and further, their records must be such that the department can verify the accuracy of those items, even if the internal accounting separates each company's funds. Affiliation with entities that may possess the funds required does not meet the burden of financial wherewithal. Therefore, the applicant will be ordered to maintain its accounts in accordance with Section 13b-96-30(b) Regulations of Connecticut State Agencies.

The applicant's total annual insurance premium for the five taxicabs currently in operation is $26,000. The insurance per vehicle is $5,200. The vehicle property taxes, fuel and repairs and maintenance are to be paid by the owner-operators. The applicant's lease fee would be in the amount of $225 per week including insurance. The applicant will not have to purchase vehicles since it will be using owner-operators for the additional vehicles requested. The applicant has several people ready to drive for the company.

In further support of its suitability to operate the proposed service, the applicant provided a criminal conviction history form for its two principals, which show no record for Vito Bochicchio, Jr. or Paul Bochicchio. No citations have been filed or are pending against the applicant. If a grant of authority is made, all vehicles authorized will require safety inspection prior to being registered and placed into service.

In order to meet the criteria for a certificate of public convenience and necessity, the applicant must prove that the public's convenience and necessity require the operation of a taxicab or taxicabs for the transportation of passengers. In making this determination, several requirements should be met by the applicant, including present or current need. During the pendency of the hearing, there was testimony on the current expansion of business in Norwalk and on future residential and commercial expansion. The testimony of future expansion is given no weight in the determination of public convenience and necessity as future need is not contemplated by Section 13b-97(a) of the General Statutes.

With regard to current necessity, the record is replete with testimony about

the expansion of businesses in Norwalk and as a result the growing numbers of workers in Norwalk due to this expansion. Mary Pugh, a senior level marketer, testified that approximately 27,000 people commute daily into Norwalk for their employment and that Norwalk's population has grown by approximately 3,500 to 4,000 new residents since the 2000 census. There was testimony about the needs of these workers within Norwalk to have enough taxicabs available to provide local access to other types of transportation, such as busses or the train and to local business and events. Testimony also showed that the general public of Norwalk also requires access to reliable taxicab service enabling them to reach family, physicians, stores or events within Norwalk.

Moreover, testimony of the opposing parties supported additional taxicabs to meet the current need in Norwalk. The evidence, in its totality supported additional taxicab service in the area of concern. The only evidence on the record in opposition to the application was that of the intervenors, and their opposition was addressed to *which* company should have additional taxicabs not that additional taxicabs are needed. The intervenors are advised that if there is such a need for taxicabs in Norwalk to file an application for additional authority and prove that the public's convenience and necessity requires an additional or additional vehicles for the transportation of passengers.

There was substantial testimony introduced on the record that the current taxicab service is not adequate because the taxicabs are not timely – sometimes don't show up at all when called - the taxicabs are not clean, and the drivers are not polite.

Several witnesses who testified indicated, however, that they had *never heard* of the applicant's company, although the applicant received authority for five taxicabs on May 5, 2006 - a year prior to this application being heard. People were unaware of the applicant's presence in Norwalk; consequently, the applicant was not called upon for service by these witnesses. The applicant's business plan should include getting its name into the community so its services could be fully utilized by those who need it.

With regard to the issuance of a certificate of public convenience and necessity, Connecticut General Statutes Section 13b-97(a) requires the department to take into consideration the number of taxicabs to be operated. To prove this element, the department has consistently required that the applicant's vehicles be in service to meet the need of the public. Additionally, each taxicab in the applicant's

fleet should be utilized to its full capacity. In Norwalk, providing, at minimum, twenty trips per day during one shift has become the standard of full capacity utilization. See Application Of Norwalk Taxi, Inc. D.B.A. Norwalk Taxi To Operate Five (5) Additional Motor Vehicles In Taxicab Service Within And To And From Norwalk, Docket No. 0006-AV-11-T, Department of Transportation (Final Decision, October 10, 2000), Application Of Norwalk Taxi, Inc. D.B.A. Norwalk Taxi Seeking Authorization To Operate Ten (10) Motor Vehicles In Taxicab Service Within And To And From Norwalk, Docket No. 0501-AV-01-T, Department of Transportation (Final Decision, July 7, 2005).

A review of the trip sheets submitted by the applicant shows that the applicant is not consistently using its five (5) vehicles to capacity. The trip sheets reflect that the applicant operated four *(4) or less* taxicabs on 27 of the 31 days in March 2007. Furthermore, the trip sheets (that were randomly chosen by the applicant for evidence) show that in March, each of the four or less taxicabs used on 27 days of the month, provided an average of nine (9) trips per day, which averages less than one trip per hour on a twelve hour shift. The trip sheets also reflect that most of the trips provided by the applicant's taxicabs originated at the train station – which supports the conclusion that the applicant is *not* responding to the public need in the other areas of Norwalk, for which the real need lies.

While the applicant may argue that Connecticut General Statutes Section 13b-97 states "...[t]he department shall not consider as a ground for denial of a request for an increase in the number of taxicabs to be operated within the territory specified, any number of taxicabs not currently registered...." the vehicle in use must be used to full capacity. There is no evidence on the record to controvert the conclusion that all of the applicant's taxicabs were registered for use in March 2007. The record is silent as to whether any of the applicant's vehicles were unregistered in March of 2007. Accordingly, each vehicle should have been used and each vehicle should have been used to capacity.

The applicant made much ado about Norwalk Taxi, Inc. applying for, and being granted, an additional vehicle without hearing. Much ado was also made of the fact that at one time, more vehicles were authorized for Norwalk than the number of vehicles currently authorized. The applicant proffered an argument that because at one time a certain number of taxicabs were authorized then, authorization for that certain number should be handed out to fill the "empty" authority. However, this argument is without merit, nor is it the statutory process to be followed. The changes in the number of taxicab authorized in a particular area

are based on the need of the area at the time for which application is made. The public convenience and necessity in a geographical area can fluctuate and change based on a myriad of circumstances.

There is no question that Norwalk's public convenience and necessity requires the addition of a taxicab or taxicabs as supported by the evidence. Because the foremost issue is the convenience and necessity of the public, a grant authority will be made in this case. However, because the applicant is not using its vehicles to capacity, the application will be granted in part. The applicant's trips sheets, of the applicant's choosing, in evidence, show that the applicant provides approximately nine (9) trips per day per vehicle, and moreover, only four (4) of its taxicabs were utilized for the majority of the month, thereby supporting the conclusion that the applicant is not utilizing its entire fleet to capacity.

If the average capacity is approximately 20-25 trips per car per shift, see *Application Of Norwalk Taxi, Inc. D.B.A. Norwalk Taxi To Operate Five (5) Additional Motor Vehicles In Taxicab Service Within And To And From Norwalk and Application Of Norwalk Taxi, Inc. D.B.A. Norwalk Taxi Seeking Authorization To Operate Ten (10) Motor Vehicles In Taxicab Service Within And To And From Norwalk* above, then the applicant has the ability to provide approximately 11 additional trips per taxicab for an additional approximate 44 trips per the four taxicabs. If the applicant uses its fifth taxicab, an additional approximate 20 trips can be provided to the general public; for a potential increase of approximately 64 additional rides to the public with its current fleet. Better management by the applicant's owners would likely enable the applicant to provide more trips with its current fleet.

The public's convenience and necessity require additional service, although no evidence was proffered as to the *number* of taxicabs required, which is the applicant's burden to prove. From the evidence presented on the record, it is reasonable to conclude and the evidence supports a grant of two additional vehicles in this matter so as not to penalize the public. Two additional vehicles would provide approximately 20 additional trips for a total of 40 additional trips per day. Forty trips per day, with the added trips that the applicant can provide *with better management of its current fleet*, results in an increase of approximately 104 rides per day for the public's convenience and necessity in Norwalk. One hundred four additional trips per day is a substantial expansion of service in the area of concern.

The applicant would be well served to advertise its services to the general

public of Norwalk since many of the witnesses were not aware of the applicant's taxicab service. Including advertisement in its business plan will enlighten the public as to the availability of the applicant – thereby ensuring that more members of the un-served general public will know to call the applicant for service. The applicant's management is advised to better manage its taxicabs to respond to calls within the entire area of Norwalk, not just the train station.

IV. CONCLUSIONS OF LAW

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97(a) I conclude, as a matter of law, that the applicant possesses the financial wherewithal and the suitability to operate additional taxicab vehicles, as delineated below, and that the public convenience and necessity requires the operation of two (2) additional taxicabs for the transportation of passengers as indicated above.

V. ORDER

Accordingly, the application of Eveready Norwalk, Inc. is hereby approved, in part, and Taxicab Certificate No. 1186 is hereby amended and reissued as follows:

TAXICAB CERTIFICATE NO.1186
FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE

Eveready Norwalk, Inc. of Norwalk, Connecticut, is hereby permitted and authorized to operate seven (7) motor vehicles in taxicab service, within and to and from Norwalk, to all points in Connecticut.

RESTRICTIONS

The additional authority (for the two additional vehicles) granted in this final decision may not be sold or transferred until it has been operational, i.e. a vehicle registered with taxicab plates thereunder, for not less than twenty-four consecutive months from the date of this final decision in Docket No. 0701-AV-16-T.

This Certificate shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the Certificate Holder to maintain proper insurance and/or to comply with all pertinent motor vehicle laws and other State

statutes and/or the rules, regulations and orders of the Department shall be considered sufficient cause to amend, suspend or revoke this Certificate.

This Certificate is transferable only with the approval of the Department and is issued subject to compliance by the holder hereof with all motor vehicle laws of the State of Connecticut, and with such rules, regulations and orders as this Department may from time to time prescribe.

Dated at Newington, Connecticut, on this 16th day of June 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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