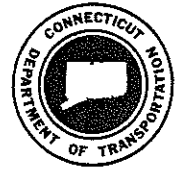


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STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 0702-N-37-L

RE: APPLICATION OF SEDAN SERVICE, INC. DBA SEDAN SERVICES TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NEWINGTON.

FINAL DECISION

October 30, 2007

I. INTRODUCTION

A. General

By application filed on February 22, 2007 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Sedan Service, Inc. DBA Sedan Services (hereinafter "applicant"), with a mailing address of 565 Franklin Avenue, Hartford, Connecticut, seeks authorization to operate one (1) motor vehicle, having a seating capacity of ten (10) adults or less in general livery service between all points in Connecticut from a headquarters in the town of Newington.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on September 27, 2007 and October 9, 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 Hartford Courant, 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

Mr. Michael Massa appeared pro se on behalf of the applicant. The applicant's mailing address is 565 Franklin Avenue, Hartford, Connecticut 06114.

Mr. Gianpaolo DiGrazia appeared as an intervenor on behalf of Hollywood Coach & Limousine. The mailing address is 538 Franklin Avenue, Hartford, Connecticut.

Mr. Brian McTeague appeared as an intervenor on behalf of Castle Sedans LLC. The mailing address is 689 Franklin Avenue, Hartford, Connecticut 06114.

II. FINDINGS OF FACT

1. The applicant has operated one vehicle in interstate livery service since December 2006. The applicant seeks to put an intrastate livery plate on this vehicle.
2. The applicant will be operating its business from an apartment in Newington, while its vehicles are garaged at the Double A Transportation facility in Rocky Hill.
3. The applicant performed an illegal intrastate livery trip on September 29, 2007 utilizing an intrastate livery plate, L6563L, registered to Double A Transportation.

4. The applicant operates a white 1998 Lincoln Town Car stretch limousine with plate number Z8567Z.
5. The applicant's annual insurance premium for the one vehicle is \$4,685.
6. The applicant's Peoples Bank statement for September 2007 shows an ending balance of \$14,249.
7. The fair market value for the applicant's limousine is \$17,000.

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 information that it had approximately \$14,000 in a bank account. The insurance on the vehicle is \$4,685 per year. The value of this vehicle is \$17,000. Based on the evidence presented, the applicant had the requisite financial suitability to operate the proposed livery service.

With regard to suitability, the applicant provided the requisite criminal conviction history form for Michael Massa which shows no criminal convictions. The applicant was been in interstate livery business since December 2006 with no citations.

At the hearing, there was evidence presented that the applicant allowed his father, a driver for the company, to transport a wedding party for hire in his stretch limousine utilizing an intrastate livery plate, L6563L. This license plate is registered to Double A Transportation. Mr. Massa's testimony that he was unaware of this occurrence even though his father was driving his livery vehicle, defies credibility as he is only operating one vehicle in livery service at this time. Mr. Massa identified his white stretch limousine and his father in wedding photos and the vehicle had the intrastate livery plate L6563L. There were also photos entered into evidence of livery plate L6563L on a black Lincoln Town Car owned by Double A Transportation. Clearly, the applicant has been involved in performing illegal intrastate livery service on at least one occasion for Double A Transportation. The applicant garages his one livery vehicle at the Double A Transportation facility.

Another concern is that the applicant appears unfamiliar with the rules and regulations governing livery service such as how to charge customers in intrastate livery service. Of further concern is the applicant's involvement with an internet website that has acted illegally in booking some intrastate livery transportation due to its billing procedures. The applicant cannot be rewarded for operating illegally. Based on all of the evidence presented concerning the applicant's suitability, it is clear that at this time the applicant lacks the necessary suitability to be allowed to operate in intrastate livery service.

The applicant must also show that public convenience would be improved if the livery authority is granted. On the issue of need for the service, the applicant presented Thomas Bascetta, the President of Double A Transportation. Mr. Bascetta testified that he will refer intrastate livery work to the applicant. It is clear from the evidence presented that he has already started doing this, even though the applicant does not have intrastate livery authority yet.

The applicant also presented Dan Sidorov as a witness. Mr. Sidorov runs a livery internet booking service. This company is performing illegal livery service due to the way it handles the billing aspect of the referrals. The Department does not allow a booking company, with no livery authorization, to bill customers directly.

Mr. Massa was given the opportunity to present additional witnesses at the first hearing date. At that time, he chose to present his witnesses at the second hearing date. At the beginning of the second hearing the applicant claimed his witnesses could not come back for the continuation. At no time in the scheduling of the second hearing date did the applicant notify the Department that he needed another hearing date to accommodate witnesses.

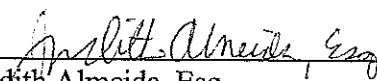
Since the applicant did not present sufficient evidence in support of its application to show public convenience and necessity and the applicant lacks suitability, the department must deny the application.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Sedan Service, Inc. DBA Sedan Services. is hereby denied.

Dated at Newington, Connecticut on this 30th day of October 2007

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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