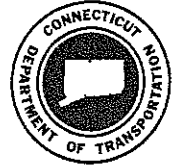


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STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

(860) 594-2875

DOCKET NO. 0703-AV-55-T

RE: APPLICATION OF VALLEY LIVERY AND LIMO, LLC DBA VALLEY CAB TO OPERATE TWO (2) ADDITIONAL MOTOR VEHICLES, IN TAXICAB SERVICE, WITHIN AND TO AND FROM THE TOWNS OF ANSONIA, BEACON FALLS, DERBY, MONROE, SEYMOUR, SHELTON AND OXFORD TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

December 13, 2007

## I. INTRODUCTION

### A. Applicant's Proposal

By application filed on March 12, 2007, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Valley Livery and Limo, LLC dba Valley Cab (hereinafter "applicant") of Ansonia, Connecticut, seeks authorization to operate two (2) additional motor vehicles in taxicab service within and to and from Ansonia, Beacon Falls, Derby, Monroe, Oxford, Seymour and Shelton to all points in Connecticut.

The applicant currently holds taxicab certificate number 1112 and is authorized to operate seven (7) motor vehicles in taxicab service within and to and from Ansonia, Beacon Falls, Derby, Monroe, Oxford, Seymour and Shelton to all points in Connecticut. If approved, the applicant will operate a total of nine (9) motor vehicles in taxicab service within and to and from said territory to all points in Connecticut.

### B. 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 September 18, 2007. Trip sheets, corresponding to dispatch sheets, were produced on November 8, 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 Connecticut Post, 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.

### C. Appearances

Adel Mansour, owner of the applicant company, appeared on its behalf without counsel. The applicant's mailing address is 26 Beaver Street, Bldg. 2 Unit 1, Ansonia, Connecticut.

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

No opposition was presented to the application.

## II. FINDINGS OF FACT

1. The applicant is holder of taxicab certificate number 1112 and is authorized to operate seven (7) motor vehicles within and to and from the seven towns of Ansonia, Beacon Falls, Derby, Monroe, Oxford, Seymour and Shelton to all points of Connecticut.
2. The towns that comprise the applicant's service area include Ansonia which has an area of 6.2 square miles; Beacon Falls with an area of 9.9 square miles; Derby with an area of 5.4 square miles; Monroe with an area of 26.3 square miles; Seymour with an area of 14.6 square miles and Shelton with an area of 30.9 square miles.
3. The applicant's seven-town territory is an area comprised of approximately 126.7 square miles.
4. As of March 13, 2007 the applicant's account receivables were \$46,239 and proof of the applicant's owner's net worth, dated March 22, 2007, showed a net worth of \$442,386.
5. As of September 15, 2007, the applicant maintained a bank balance of \$25,148.
6. The two vehicles the applicant purchased to put into service are 2002 Impalas that each has a fair market value of \$5,400.
7. The applicant's annual premium for liability insurance is \$5,044 per vehicle.
8. The additional vehicles that the applicant seeks to put into service will be inspected for safety equipment prior to registration.
9. The applicant's annual property taxes are approximated at \$350 for the two additional vehicles.
10. The applicant's cost for fuel, repairs and maintenance for the two additional vehicles is estimated at approximately \$20,000.
11. The management of the applicant has no criminal conviction history.
12. The applicant's trips sheets for the two week period of August 1, 2007 through September 15, 2007 show that the applicant operated an average of five to seven vehicles on eight (8) days in the two week period and the applicant operated four or less cars on six days of the two week period.
13. The applicant provides an average of 16 trips per vehicle throughout its 7 town territory.

14. The applicant has no citation matters pending, nor has the applicant had any citation matters in the past two years.

15. No opposition was presented to this application.

16. There are no other taxicab companies servicing the area of concern.

### 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 submitted the requisite balance sheet with its application. The applicant's financial information shows that as of March 13, 2007, the applicant's accounts receivables were in the amount of \$46,239. As of March 22, 2007 the applicant had a net worth of \$442,386. The estimated cost for the two vehicles that the applicant's owner wants to purchase is \$5,400. The applicant's bank statement shows a balance of \$25,148 as of September 15, 2007. The estimated cost of liability insurance for the two additional vehicles is estimated at \$5044 per vehicle, which would be paid in installments. Based on the financial information provided, the applicant possesses sufficient funds to operate two additional vehicles.

In support of suitability, the applicant provided the management's criminal conviction history form which shows no record for Adel Mansour. Mansour testified that he has drivers available and willing to drive the additional vehicles. Mandour testified that due to a shortage of vehicles, his customers must wait from 15 to 45 minutes for a taxicab. Because the applicant's territory consists of seven towns (approximately 126 square miles) the taxicabs must travel further to pick up customers. An additional two vehicles would enable the company to cover the territory while providing timely service. The vehicles must be inspected prior to registration, which will ensure the adequacy of safety equipment of the proposed vehicles. Based on the evidence, the applicant possesses the

suitability to operate the proposed additional vehicles.

Lastly, in support of public convenience and necessity, witnesses testified in support of additional taxicabs in the area of concern. Karl Jones resides in Derby and works in Ansonia. He uses the applicant's taxicabs often. He has had to wait up to 45 minutes for service and has been late to work for that reason. Although Jones has called other taxicabs, he has been unable to get service because other companies do not have authority in Ansonia and Derby.

Mohammed Mazzoub owns a gas station and body shop in Derby. Many of his customers drop off their cars for service and require transportation to their destination while their cars are being worked on. Mazzoub's customers have complained to him about the long waiting times for a taxicab. Additionally, Cecelia Thompson lives in Seymour, in senior citizen housing. She deals with Valley Cab often and has experienced longer wait times for service.

The last matter to be discussed is that of the usage of the applicant's taxicab fleet. The trip sheets show that on five days of the two weeks for which trip and dispatch sheets were submitted, the applicant was operating only two or three vehicles, thus the fleet was not used to capacity on those days. In such a situation, a taxicab company would be required to use its fleet to capacity prior to having additional taxicabs approved for service. In this situation, however, since there are no other taxicab companies to provide service, the applicant's request for two additional vehicles will be granted, however, they will be granted with a condition that all of its vehicles (except where a vehicle is in for repair) are used and maximized to provide service to the public.

#### IV. CONCLUSIONS OF LAW

Based on the evidence of record, Valley Livery & Limo, LLC dba Valley Cab possesses the suitability and financial wherewithal to provide the proposed additional service and that the public convenience and necessity requires the operation of taxicabs for the transportation of passengers in accordance with Connecticut General Statutes Section 13b-97(a).

#### V. ORDER

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Valley Livery & Limo, LLC dba Valley Cab is hereby approved and issued as follows:

#### TAXICAB CERTIFICATE NO.1112 FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE

Valley Livery & Limo, LLC dba Valley Cab is hereby **CONDITIONALLY** permitted and authorized to operate nine (9) motor vehicles in taxicab service within and to and from Ansonia, Beacon Falls, Derby, Monroe, Oxford, Seymour and Shelton to all points

in Connecticut.

**CONDITIONS:**

The two additional vehicles granted in this decision shall be granted on a probationary period so as to allow the certificate holder to show usage of its entire fleet. The probationary period shall commence from the date of the Final Decision and shall be in effect for a one-year period. Within three months of the end of the probationary period, the certificate holder shall provide to the Regulatory and Compliance Unit of the Department for review all trip sheets for each of its nine vehicles within a two week period of the certificate holder's choice.

The Regulatory and Compliance Unit is hereby ordered to review said trip sheets and make the determination as to full usage of vehicles. Compliance by the certificate holder shall be memorialized in a memorandum to the certificate holder's permanent permit file and if compliance is not forthcoming, the certificate holder shall be ordered to hearing to show cause why the two additional vehicles should not be revoked

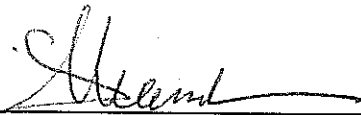
This Certificate may not be sold or transferred until it has been operational, i.e., a vehicle registered with a taxicab plate thereunder, for not less than twenty-four (24) consecutive months. This Certificate is transferable only with the approval of the Department.

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 13<sup>th</sup> day of December 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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