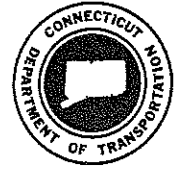


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STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NO. 0704-AV-78-L

RE: APPLICATION OF RUDY'S LIMOUSINE SERVICE, INC. TO  
OPERATE FIFTEEN (15) ADDITIONAL MOTOR VEHICLES,  
HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN  
GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN  
CONNECTICUT FROM A HEADQUARTERS IN STAMFORD.

FINAL DECISION

December 3, 2007

## I. INTRODUCTION

### A. General

By application filed with the Department of Transportation (hereinafter "department") on April 23, 2007, pursuant to Section 13b-103(a)(1) of the Connecticut General Statutes, as amended, Rudy's Limousine Service, Inc. (hereinafter "applicant") located at 85 Old Long Ridge Road, Stamford, Connecticut seeks authorization to operate fifteen (15) motor vehicles, having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in the city of Stamford.

### B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a)(1), as amended, a public hearing on this application was held on September 6, 2007. Late-filed trip sheets were submitted and received by the department on September 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 General Statutes Section 13b-103(a)(1), as amended. Legal notice to the public was given by publication in The Advocate, 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

Rudy's Limousine Service, Inc. appeared through its owner, Roy D. Spezzano, and was represented by Kenneth G. Walsh, Esq., of the Law firm of Ferguson, Aufsesser, Hallowell & Wrynn, LLP, 66 Field Point Road, Greenwich, Connecticut. The applicant's mailing address is 85 Old Long Ridge Road, Stamford, Connecticut.

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

No opposition was presented to the application.

### D. Official Notice

Official notice was taken of In Re: Application Of Rudy's Limousine Services, Inc. Of Two Additional Motor Vehicles In General Livery Service Between All Points In Connecticut From A Headquarters In Stamford, Without Hearing Or Written Notice Of The Pendency Of The Application, Department of Transportation, Final Decision, Application Number 0702-AVWO-29-L (May 7, 2007).

## II. FINDINGS OF FACT

1. The applicant is holder of livery permit number 1951 and is authorized to provide livery service from a headquarters in Stamford to all points in Connecticut.
2. The applicant's fleet consists of a total of one hundred three (103) vehicles. Thirty-nine (39) of the applicant's vehicles are registered with intrastate (L) livery plates and sixty-four (64) of the applicant's vehicles are registered with interstate livery (Z) plates.
3. If the application is approved, the applicant will re-register fifteen of its interstate vehicles to intrastate vehicles.
4. The applicant's trip sheets do not indicate how many intrastate trips are turned down on a daily basis, however, they trip sheets show how many intrastate trips are completed.
5. The trips sheets show that the applicant completes an average 350 to 450 trips per day, thirty (30) to forty (40) of which are intrastate trips.
6. Twenty-four (24) of the applicant's reservationists/dispatchers each turn away an average of 3 calls per day for Connecticut intrastate service – totaling an average of 77 calls within Connecticut per day.
7. The trip sheets show that a car, on average, can complete approximately four to five trips per day.
8. The applicant pays approximately \$5000 per vehicle for insurance.
9. The applicant's July 2007 operating account bank statement showed an average daily balance of \$1,158,754. As of July 2007, the applicant's total assets were in the amount of \$9,811,621.
10. The applicant purchases new vehicles approximately every two years at a cost of approximately \$41,000 per car.
11. The applicant's management has no history of criminal convictions.
12. The applicant has not been the subject of any citations within two years from the date of the instant application.

13. The applicant's customers often change last minute trip route requests and destinations within or during a trip, thereby requiring the applicant to provide an intrastate vehicle last minute.

14. No opposition was presented to the application.

### III. DEPARTMENT DISCUSSION

The department has jurisdiction over each person, association, limited liability company or corporation owning or operating a motor vehicle in livery service, pursuant to 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 General Statutes Section 13b-103(a)(3).

In support of suitability, a review of the record shows no criminal conviction history for any of the owners of the applicant company. Moreover, the applicant has not received a citation for any violations of the regulations or statutes governing livery authority within the past two years from the date of the filing of the application. The record contains no evidence to contravene a conclusion that the applicant's management possesses the suitability and wherewithal to operate the proposed additional vehicles within the required statutes, regulations and orders of the department.

In support of financial wherewithal, the applicant provided the requisite balance sheet. In addition, the applicant submitted at the hearing, copies of its financial accounts, fiscal tax returns and bank statements. The applicant shows sufficient funds to operate the proposed service as the applicant's July 2007 operating account bank statement showed an average daily balance of \$1,158,754. As of July 2007, the applicant's total assets were in the amount of \$9,811,621.

The applicant's intent is to convert some of its interstate vehicles to be registered in intrastate service so that it may accommodate calls that it receives that may be interstate in nature, but when the trip is underway, may change to be an intrastate trip. In that regard, the applicant will not be purchasing additional vehicles, but rather using vehicles currently in its fleet. Therefore, the additional cost to operate the proposed additional service will be minimal. The applicant's current cash on hand and assets provide the applicant with the financial wherewithal to operate the proposed service.

Lastly, the applicant must prove that the public's present and future convenience and necessity will be improved by a grant of authority. In support of this requirement, the applicant submitted trip sheets into evidence for two weeks within 2007. The trip sheets, along with other documentary evidence and the testimony of the applicant's owner, showed that the applicant provides between 400 and 450 trips per day, with a fleet of 103 motor vehicles; and of that fleet thirty-nine (39) vehicles are authorized for intrastate service.

The applicant's records show that 24 of the applicant's dispatchers turn down approximately 77 trips within Connecticut per day. The record is silent as to how many trips, of the average daily turned down trips, are interstate in nature and could potentially turn into intrastate trips due to last minute changes and request.

The applicant's owner testified that often, the applicant's customers might begin with an interstate trip request and en route, change their direction to the drivers and the company. At that point, the company must make a decision as to whether it will provide the trip illegally, so as to accommodate their customer, or not provide the trip, go back to the garage and change cars and potentially ruin the customer's trip or risk being cited for illegal operation. This situation would cause great inconvenience to the public. By authorizing additional intrastate vehicles, the present and future public convenience and necessity would be well served. The customers need, where they would require intrastate service en route or where there were not enough vehicles to provide such trips, would be accommodated if the applicant had additional vehicles.

As to how many vehicles would accommodate the need, the average number of calls provided by each vehicle can be up to five trips per day. Therefore, fifteen vehicles would easily accommodate the approximate number of trips - 77- that the record shows the applicant turns down on a daily basis due to lack of intrastate vehicles. Notwithstanding the above, the applicant is reminded that the vehicles registered for intrastate service are to be used for interstate service prior to being booked for interstate service, so that the local need is addressed.

#### IV. CONCLUSIONS OF LAW

Based upon the evidence of record and pursuant to Connecticut General Statutes Section 13b-103, as amended, Rudy's Limousine Service, Inc. possesses the financial wherewithal and the suitability to operate the proposed additional service and the evidence shows that the public's present and future convenience and necessity would be improved by a grant of authority for fifteen vehicles in livery service.

#### V. ORDER

Accordingly, the application of Rudy's Limousine Service, Inc. is hereby granted and Permit Number 1951, standing in the name of Rudy's Limousine Service, Inc. is hereby amended and reissued as follows:

LIVERY PERMIT NO. 1951  
FOR THE OPERATION OF LIVERY SERVICE

Rudy's Limousine Service, Inc. is hereby permitted and authorized to operate FIFTY-FOUR (54) motor vehicles, each having a passenger seating capacity of ten adults or less, in GENERAL LIVERY SERVICE from a headquarters in Stamford, Connecticut.

Rudy's Limousine Service, Inc. is further permitted and authorized to operate motor vehicles as a common carrier of passengers, in charter and special operations in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate No. MC-150181.

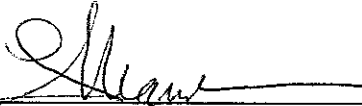
The authority granted in this Final Decision for fifteen additional vehicles in General Livery Service may not be sold or transferred until it has been operational, i.e. with vehicles registered with livery plates for not less than twenty-four (24) consecutive months. If during the twenty-four (24) month period the applicant enters into a contract for the full or partial sale and transfer of any of the vehicles herein authorized, said authority granted in this Final Decision will be revoked.

This Permit shall remain in effect until revoked by the department. Failure of the Permit holder to maintain proper insurance and/or 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 revoke said Permit.

This permit 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 the department may, from time to time, prescribe.

Dated at Newington, Connecticut, this 3<sup>rd</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