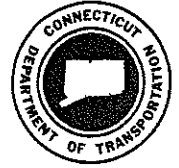


File

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 0712-N-198-L

RE: APPLICATION OF FRIENDLY CAR & LIMO SERVICE, LLC TO OPERATE TWO (2) 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, CONNECTICUT.

FINAL DECISION

November 3, 2008

I. INTRODUCTION

A. Application

By application filed on December 26, 2007 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Friendly Car & Limo Service, LLC (hereinafter "applicant") located at 45 Woodmere Road, Stamford, Connecticut seeks authorization to operate two (2) 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 Stamford, Connecticut.

B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a), as amended, a public hearing on this application was held on September 16, 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 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

Friendly Car & Limo Service, LLC, whose mailing address is P.O. Box 2401, Darien, Connecticut, appeared through its partners, Mohammed Nazrul and Mohammed H. Kabir. The applicant was represented by Stephanie Laska, Esquire, of the law firm of Harris, Harris & Schmid, whose mailing address is 11 Belden Avenue, Norwalk, Connecticut.

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

No opposition was presented to the application.

II. FINDINGS OF FACT

1. The applicant currently holds Permit Number 2645 for the registration of its federal authority for the transportation of passengers in interstate livery service as a motor common carrier from a headquarters in Stamford.

2. The applicant has been in business since 1995 and its members, Mohammed Nazrul and Mohammed Kabir have been driving for the company since 1995.

3. Currently, the applicant operates seven (7) motor vehicles in interstate livery service, with six drivers who have been employees for the company for the past ten years. One of the vehicles is driven by an owner operator.

4. The applicant has established a client base that would like to use the applicant for in-state livery service and which the applicant would like to provide.

5. Nazrul and Kabir, the members of the applicant company, have no criminal record, nor do they have any criminal matters pending.

6. Nazrul and Kabir have each had a motor vehicle accident that was not disclosed on the application, however, the failure to disclose was due to a miscommunication between them and their attorney's office.

7. If granted authority, the applicant will use two of the cars currently registered in interstate livery service. The applicant will incur only the registration costs if it begins an intrastate service.

8. As of September 7, 2008, the applicant had total assets in the amount of \$157,122 and capital in the amount of \$105,972, with cash on hand in the amount of \$15,366.

9. No opposition was presented to the application.

III. 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(b).

In support of financial wherewithal, the applicant provided a balance sheet, and supporting documentation, showing that as of September 7, 2008, Kabir had \$59,893

in a savings account and Nazrul having a checking account in the amount of \$4,993 which is available to the company if required. As of September 8, 2008, the company had capital of \$105,972 and total assets in the amount of \$157,122. The company has a line of credit in the amount of \$50,000. The applicant currently has its vehicles insured since they are in operation in the interstate business. The applicant will not be purchasing new cars in the near future. The totality of the evidence supports the applicant's financial suitability/wherewithal to operate the proposed service since the vehicles are owned and insured.

In support of suitability to operate the proposed service, the applicant provided the criminal conviction histories for the two member/owners of the company. The criminal convictions show no activity and further, Nazrul and Kabir testified that they are not engaged in any kind of criminal activity. In addition, the two members testified that they are familiar with the statutes and regulations and the department requirements for the operation of livery service. Further, the applicant has been in operation for several years, with no negative incidents. No negative evidence was produced on the record to negate the management's suitability to operate the proposed service.

Lastly, in support of public convenience and necessity, the applicant's owners testified the applicant has been in operation for the past twelve years. As such, the applicant has built a client base and Nazrul and Kabir testified that much of their business comes from repeat customers. These customers have requested intrastate service from the applicant. There is little doubt that the applicant's current clients have need for intrastate service and that it would be more convenient for clients to use the same company for that service.

Currently, the applicant either declines calls for intrastate service or refers them to other companies. Having authority to provide intrastate service, to at least those established clients, would improve the public convenience and necessity, especially in light of the management's testimony that there are times where an interstate livery trip might be diverted to a local airport due to weather conditions or other problems.

While the applicant did not produce witnesses on the issue of public convenience and necessity, clearly one can conclude that because the applicant has been in operation for over 12 years and because the applicant has established a clientele, at least some of those clients would call the applicant for intrastate livery service. Accordingly, a grant of authority would improve the public convenience and necessity. Moreover, based on the testimony, and because it is likely that two vehicles have been and would be requested at the same time, whether the call is for the movement of corporate personnel, for a local airport, a wedding or night on the town, two vehicles would improve the present and public future convenience and necessity. No evidence admitted to the contrary.

IV. CONCLUSIONS OF LAW

Based on the totality of the evidence, the applicant is suitable to operate the proposed service, possesses the financial wherewithal to operate the proposed evidence and a grant of authority will improve the present or future public convenience and necessity, in accordance with Connecticut General Statutes Section 13b-103(b).

V. ORDER

The application of Friendly Car & Limo Service, LLC is hereby approved in accordance with Connecticut General Statutes Section 13b-103(a), and Permit Number 2645, standing in the name of Friendly Car & Limo Service, LLC, is hereby amended and reissued as follows:

LIVERY PERMIT NO. 2645
FOR THE OPERATION OF LIVERY SERVICE

Friendly Car & Limo Service, LLC is hereby permitted and authorized to operate two (2) motor vehicles, having a seating capacity of less than ten (10) adults, in GENERAL LIVERY SERVICE between all points in Connecticut from a headquarters in Stamford, Connecticut.

Friendly Car & Limo Service, LLC 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-293957.

The authority granted in this decision may not be sold or transferred until it has been operational, i.e., a vehicle registered with the livery plates thereunder, for not less than twenty-four (24) consecutive months.

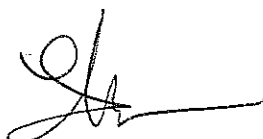
This Permit shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the Permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or the rules, regulations and orders of the Department shall be considered sufficient cause to amend, suspend or revoke this 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 this Department may from time to time prescribe.

A memorandum of this Permit, bearing the seal of the Department, shall be kept conspicuously posted in the motor vehicles operated under this Permit.

Dated at Newington, Connecticut, this 3rd day of November 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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