

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NO. 0801-N-12-T

RE: APPLICATION OF JEAN L. CINEAS TO OPERATE ONE (1) MOTOR
VEHICLE, IN TAXICAB SERVICE, WITHIN AND TO AND FROM THE
TOWN OF STAMFORD TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

September 7, 2010

I. INTRODUCTION

A. Applicant's Proposal

By application filed on January 17, 2008, with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Jean L. Cineas (hereinafter "applicant"), seeks authorization to operate one (1) motor vehicle, in taxicab service, within and to and from Stamford to all points in Connecticut.

B. Hearing Held

Pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, a public hearing on this application was held at the administrative offices of the Department in Newington, Connecticut on August 10, 2010.

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 Connecticut General Statutes, as amended. Notice to the public was given by publication on the Department's web site.

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

C. Appearances

Jean L. Cineas appeared pro se on behalf of the applicant. The applicant's mailing address is 300 Tresser Boulevard Apt. N-8, Stamford, Connecticut 06902.

Vito Bochicchio president of Stamford Yellow Cab, Inc. d.b.a. Eveready Stamford was granted intervenor status in the hearing. His mailing address is P.O. Box 15, Darien, Connecticut 06820.

Sheldon Lubin appeared as a member of the Department's staff.

II. FINDINGS OF FACT

1. The applicant seeks to operate one (1) taxicab in Stamford.
2. The applicant, Mr. Cineas, is a longtime taxicab driver and a pastor at the New Jerusalem Church in Stamford.
3. The applicant will probably be the only driver of the vehicle it seeks to place into taxicab service.
4. The applicant is uncertain whether the company will operate on a 24/7 basis.
5. The applicant has \$6,068 in cash in the bank as of July 31, 2010.
6. The applicant's insurance cost is \$4,200 annually. Fuel costs are \$8,740 per year and repairs and maintenance are \$2,240 per year.

7. The applicant is operating a 2005 Ford Crown Victoria worth \$6,910.
8. The applicant submitted an updated criminal record check which showed no criminal record.
9. Mr. Cineas intends to operate the taxicab business from his office at the church.
10. The applicant has not developed a business plan for the business.
11. The applicant does not plan to advertise its services.

III. DEPARTMENT ANALYSIS

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 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.

With regard to the drivers the applicant will use, the applicant has not formulated an opinion as whether it will have additional drivers. The applicant stated that he may not run the company 24 hours a day as required by the Regulations of Connecticut State Agencies.

In support of financial wherewithal to operate the proposed service, the applicant presented evidence that he has \$6,068 in cash in the bank as of July 31, 2010. The insurance cost is \$4,200 annually. Fuel costs are \$8,740 per year and repairs and maintenance are \$2,240 per year. The applicant is operating a 2005 Ford Crown Victoria which is worth \$6,910. Based on the evidence presented, the applicant has the sufficient financial wherewithal to operate the proposed one vehicle.

The applicant submitted criminal record checks for Jean Cineas which were current when the application was filed, but out of date by the time of the hearing. The applicant was asked to submit a new criminal record check which showed no record. The applicant has been a taxicab driver for fifteen years. The only issue that arose with respect to suitability is the applicant's plan to not operate the taxicab business on a 24/7 basis. Unless the applicant receives permission from the Department to waive this requirement, he must adhere to the regulations. Mr. Cineas appeared familiar with the rules and regulations. Mr. Cineas has proven suitability to operate the proposed one vehicle.

To receive a grant of authority, the applicant has the burden of proving that public convenience

and necessity requires the grant of taxicab authority. The applicant presented the testimony of several witnesses. Two of the witnesses, his son and his wife, are related to him and therefore their testimony may be biased. The other two witnesses presented by the applicant did not testify about taxicab service in Stamford. There was no evidence presented by the applicant concerning public convenience and necessity in the Stamford area. Mr. Cineas's case amounted to him stating that working for Mr. Bochicchio was causing him stress and that at his age he deserves to have his own taxicab authorization. Since stress and deserving a taxicab authorization are not factors in a determination of public convenience and necessity, the application must fail.

Mr. Bochicchio, president of Stamford Yellow Cab testified and presented the testimony of Mr. Francisco Rendon. Mr. Rendon is a taxicab company owner of USA Tax in Stamford. Both individuals testified that there is a need for more taxicabs in Stamford but not more taxicab companies. This concept of a need for some but not for others has no merit and will be disregarded. Obviously, these two companies do not want any more competition but would prefer to take any increase in taxicab certificates granted for themselves. A taxicab application is not granted unless public convenience and necessity requires a grant of taxicab authority. The number of taxicab companies in an area is not considered a factor in this determination so this argument has no bearing on the outcome.

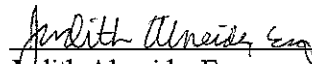
Based on the evidence presented, the applicant has proven suitability and financial wherewithal, but has not proven that public convenience and necessity requires that it receive the authority for one vehicle in taxicab service in Stamford.

IV. CONCLUSION

Based on the evidence of record and pursuant to Connecticut General Statutes Section 13b-103, the application standing in the name of Jean L. Cineas is hereby denied.

Dated at Newington, Connecticut on this 3rd day of September 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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