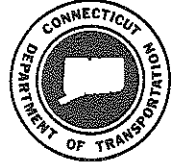


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

DOCKET NO. 0802-AV-30-T

RE: APPLICATION OF ACE TAXI SERVICE, INC. D.B.A. ACE TAXI TO
OPERATE TWO (2) MOTOR VEHICLES IN TAXICAB SERVICE
WITHIN AND TO AND FROM WILLINGTON AND TO AMEND ITS
EXISTING TERRITORY TO INCLUDE THE TOWN OF WILLINGTON.

FINAL DECISION

December 17, 2008

I. INTRODUCTION

A. Applicant's Proposal

By application filed on January 28, 2008, with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, Ace Taxi Service, Inc. d.b.a. Ace Taxi (hereinafter "applicant") with a mailing address of P.O.Box 411, Vernon, Connecticut 06066 seeks authorization to operate two (2) motor vehicles in taxicab service within and to and from the Town of Willington and to expand its existing taxicab territory to include the Town of Willington.

B. Hearing Held

Pursuant to Section 13b-97(a) of the Connecticut General Statutes, as amended, a public hearing on this application was held at the Department of Transportation in Newington, Connecticut on September 11, 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 by Section 13b-97(a) of the Connecticut General Statutes, as amended. Legal notice to the public was given by publication in The Journal Inquirer, a newspaper having a 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 Connecticut General Statutes Section 13b-17.

C. Appearances

Mr. Michael Olschafskie appeared on behalf of the applicant. The applicant was represented by Mary Alice Leonhardt, Esq. with a mailing address of 67 Russ Street, Hartford, Connecticut 06106.

Senator Tony Guglielmo appeared in support of the application. Senator Guglielmo's mailing address is 100 Stafford Street, Stafford Springs, Connecticut 06076.

Mr. Sheldon Lubin, Public Utility Examiner, appeared as a member of Department staff.

D. Administrative Notice

Administrative notice was taken of the territory that Ace Taxi currently operates in which is Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield, Windsor, Ellington, Stafford, Tolland, Somers, Suffield and Windsor Locks.

E. Applicant's Certificate

The applicant has been involved in many sales and transfers since Ace Taxi originally received authority in 1985. Unfortunately, there were errors in the applicant's Certificate Number 1066 when it was reissued by the Department. The Department will take this opportunity to correct this situation and reissue the applicant's certificate correctly. A separate history of Certificate 1066 is appended to this decision. The applicant's certificate should read:

1. Ten (10) motor vehicles in Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield, and Windsor.

A. Six (6) of the above vehicles can be used within and to and from Ellington, Tolland and Stafford.

B. Two (2) of the above ten vehicles can be operated within and to and from Somers and Suffield.

2. Two (2) motor vehicles within and to and from Windsor Locks.

F. Notice of Hearing

The Notice of Hearing was amended on the record to allow only taxicab expansion into Willington.

II. FINDINGS OF FACT

1. The applicant currently operates taxicabs in Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield, Windsor, Ellington, Stafford, Tolland, Somers, Suffield and Windsor Locks.

2. The applicant seeks to operate two (2) taxicabs in the Town of Willington and to amend its current territory to include the Town of Willington.

3. Willington is a very rural community. There are no taxicabs servicing Willington at the present time and there is no public transportation.

4. Tara Lynn Martin testified that she works as a Senior Services Program Coordinator in Willington and is in support of the application. There is a lack of public transportation in Willington. Senior citizens find it very difficult to have their basic needs met with regard to such things as going to the store and medical appointments. Ms. Martin also has a personal need for taxicab service. She estimates that she personally could use a taxicab two times a month while her clients could use taxicab service fifty to sixty times a month.

5. The population of Willington is approximately 8,000 residents.
6. Senator Tony Guglielmo appeared in support of the application. He has represented Willington for the last sixteen years. Senator Guglielmo testified that there is no grocery store in Willington and that people who do not drive are at a real disadvantage to getting around town. Constituents have complained to Senator Guglielmo about the lack of transportation services in Willington.
7. Eric Desmarais works at the Eagle Restaurant and Pub in Willington. He does not drive and he is unable to get taxicab service within Willington because there are no authorized providers. If he can't get rides from friends or co-workers, he has to walk. He would use the taxicab service a minimum of nine times a week. He estimates patrons of the bar need taxicab transportation six times a week.
8. Emanuel Rodreguez works at UCONN in Storrs, Connecticut. He does not drive and his job is eight miles away. He would use a taxicab at least ten times a week to get to and from work.
9. The applicant currently gets 20-25 calls a week requesting taxicab service in Willington.
10. Because of the geography of the applicant's territory, the applicant will need several vehicles to adequately service Willington.
11. The applicant has a pool of taxicab drivers that can service the Town of Willington.
12. The applicant's auto insurance is approximately \$4,100 per car per year.
13. To provide taxicab service in Willington, the applicant will not need additional financial funding.
14. The applicant has a net worth of \$7,235,000 with liquid assets of \$1,487,000.
15. The applicant has a balance of \$24,910 on its vehicles.
16. The applicant has cash in the amount of \$294,937 in the Bank of Rockville.

III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over common carriers, which include 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.

With regard to suitability, the applicant submitted State Police Bureau of Identification Criminal History Forms for Mr. Lilly and Mr. Olschafskie which show that Mr. Lilly has no criminal convictions and Mr. Olschafskie has convictions which are more than ten years old. Due to the length of time that has passed since the last conviction, which occurred in 1984, this conviction will not be held against the applicant. The applicant therefore has the suitability to operate the proposed service.

The applicant testified that it has many drivers available to cover the two (2) additional vehicles it will operate in Willington. The applicant has insurance and the financial resources to keep its taxicabs in good operating condition and the applicant maintains its own garage.

To prove the need for the service, the applicant presented several letters of support for its proposed service in Willington. Unfortunately, letters of support without the live witnesses are not accorded of great deal of weight in the determination process because the authors of the letters cannot be cross examined.

The applicant also presented several witnesses who spoke about the lack of public transportation and its negative effect on the community of Willington. There are no taxicab operators in Willington at this time, which shows a great need for such service.

Since there is no taxicab provider in Willington at this time, the Department welcomes the applicant to provide this much needed service to the public. Based on the fact that there is a void in Willington for taxicab service, the applicant has proven that this application needs to be granted.

IV. CONCLUSION

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Ace Taxi Service, Inc. d.b.a. Ace Taxi is hereby granted as follows:

CERTIFICATE NUMBER 1066
FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE

1. Ace Taxi Service, Inc. d.b.a. Ace Taxi is authorized to operate ten (10) motor vehicles in Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield, and Willington and Windsor.

A. Six (6) of the above vehicles can be used within and to and from Ellington, Tolland and Stafford.

B. Two (2) of the above ten vehicles can be operated within and to and from Somers and Suffield.

2. Ace Taxi Service, Inc. d.b.a. Ace Taxi is authorized to operate two (2) motor vehicles within and to and from Windsor Locks.

3. Ace Taxi Service, Inc. d.b.a. Ace Taxi is authorized to operate two (2) vehicles within and to and from Willington.

RESTRICTIONS:

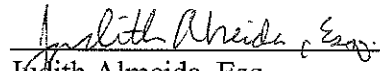
This new authority in this certificate may not be sold or transferred until it has been operational, i.e. a vehicle registered with a taxicab plate there under, for not less than twenty-four (24) consecutive months. This certificate is transferable only with the approval of the Department.

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 17th day of December 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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