



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0803-N-56-L

RE: APPLICATION OF CHASQUI LIVERY, LLC TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NEW HAVEN.

FINAL DECISION

January 22, 2009

I. INTRODUCTION

A. Application

By application filed on March 17, 2008 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Chasqui Livery Service, LLC (hereinafter "applicant") located at 16 Dayton Street, New Haven, Connecticut seeks authorization to operate one (1) motor vehicle, having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in New Haven, Connecticut.

B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a), as amended, the department held a public hearing on this application on October 23, 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. The public received legal notice by publication in the New Haven Register, 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

Juan Alvarez appeared on behalf of Chasqui Livery Service, LLC, whose mailing address is 16 Dayton Street, New Haven, Connecticut, and was represented by John J. Carangelo, Esq. whose mailing address is 30 Fountain Street, New Haven, Connecticut.

William Scalzi appeared on behalf of Metropolitan Livery, Inc., holder of Permit No. 736. Metropolitan Livery, Inc.'s mailing address is P.O. Box 26094, West Haven, Connecticut. Metropolitan Livery, Inc. petitioned for intervenor status, however at the hearing, Scalzi requested leave to make a statement as a public witness, as he had other commitments. Accordingly, Scalzi was afforded the opportunity to make a statement.

Sheldon Lubin, utilities examiner with the Regulatory and Compliance Unit, attended at the hearing.

II. FINDINGS OF FACT

1. Juan Alvarez is the manager and member of the applicant company. He received his commercial license in 1987 and has been working in the private transportation business since then. Alvarez is a truck driver/technician for a company in Stratford that does work for United Illuminating.

2. Alvarez has experience from working with Metro Taxi for approximately a month and a half and he worked the night shift. Alvarez also worked for his brother, who owns a livery company in Manhattan, prior to the 2001 bombings.

3. Alvarez has a cousin who owns a livery company named Accurate Transportation, a livery service that transports people to medical appointments.

4. Alvarez wants to work for his cousin to provide trips to medical appointments.

5. No information was provided regarding Accurate Transportation or any of its services or witnesses regarding the public convenience and necessity for the applicant's services.

6. The applicant's management has no criminal record.

7. The applicant has cash in the amount of \$21,045 as of November 7, 2008, with total assets of approximately \$247,420 and a capitol balance of \$87,067.

8. The applicant owns two vehicles, but would purchase a new vehicle for the business, which he would finance through the car dealer. The insurance coverage is estimated at \$5,297 per year for the proposed vehicle.

9. The applicant's estimated fuel and maintenance on the vehicle is \$5,800

III. Statement by William Scalzi

Scalzi spoke on behalf of Metropolitan Livery, which was established in 1988 and holds authority for 21 livery vehicles. Metropolitan provides general livery as well as livery under contract with approximately 41 vehicles (broken down as 20 for general livery and 21 for livery under contract. The company is currently operating 17 vehicles.

IV. 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.

The applicant provided the requisite criminal conviction history form in support of suitability. The applicant's manager and member, Alvarez, has no criminal convictions. Alvarez has had minimal experience driving livery. He testified that he worked for a month for Metro Taxi and for his brother prior to 2001 but that he is willing and capable operating the proposed service within the livery regulatory scheme.

In support of financial wherewithal, the applicant provided evidence of cash on hand in the amount of \$21,045. Although he has two vehicles, the applicant will purchase a vehicle for use in the proposed business and it will finance the purchase. The gas and maintenance for the proposed service is approximated at \$5,880 for the year.

With regard to public convenience, other than the Alvarez's testimony, the applicant failed to produce any independent evidence on the record, to corroborate his testimony and to show that the proposed service would improve the present or future public convenience and necessity.

Lastly, William Scalzi's testimony was afforded little weight as it was not probative of any of the issues before this hearing officer.

V. CONCLUSIONS OF LAW

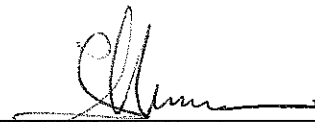
The applicant possesses the suitability and the financial wherewithal to operate the proposed service, in accordance with Section 13b-103(b) of the Connecticut General Statutes, however, the applicant has not met his burden of proving that the proposed service will improve the present or future public convenience and necessity as required by Section 13b-103(b). Accordingly, the application fails.

VI. ORDER

Based upon the evidence of record, and pursuant to Section 13b-103 of the Connecticut General Statutes, the application of Chasqui Livery, LLC is hereby denied.

Dated at Newington, Connecticut, this 22nd day of January 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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Bureau of Finance and Administration