

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 0804-N-71-L

RE: APPLICATION OF ACE TAXI SERVICE, INC. TO OPERATE EIGHT (8) 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 ENFIELD.

FINAL DECISION

August 3, 2009

## I. INTRODUCTION

### A. General

By application filed on April 14, 2008, with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Ace Taxi Service, Inc. d.b.a. Ace Transportation (hereinafter "applicant"), with a mailing address of P.O. Box 411, Vernon, Connecticut, seeks authorization to operate eight (8) 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 town of Enfield. The applicant is the holder of livery permit number 2699.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was held on June 16, 2009.

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 the Connecticut General Statutes Section 13b-103. Legal notice was placed in the Manchester Journal Inquirer.

A hearing officer designated by the Commissioner, pursuant to Connecticut General Statutes Section 13b-17 conducted the hearing on this matter.

### C. Appearances

Michael Olschafskie appeared on behalf of Ace Taxi Service, Inc. d.b.a. Ace Transportation. The applicant was represented by attorney Mary Alice Moore Leonhardt with a mailing address of 67 Russ Street, Hartford, Connecticut.

Sheldon Lubin, a member of Department staff, was present at the hearing.

## II. FINDINGS OF FACT

1. The applicant seeks to operate eight (8) motor vehicles in livery service from a headquarters in Enfield.
2. The applicant has cash in the amount of \$573,000, marketable securities of \$753,000 and other assets of \$755,000 with total assets of \$12,132,000.
3. The applicant pays an annual cost of \$26,400 to insure its vehicles.
4. The applicant's Rockville Bank statement shows a balance of \$36,695.
5. The applicant expects to receive \$50,000 to \$75,000 in revenue in the first six months.
6. There is limited livery service in Enfield currently.

7. State Representative Kathleen Tallarta testified in support of the application. Ms. Tallarta stated that she has heard from her constituents regarding the need for an additional livery service.
8. Richard Stevens supports the application. Mr. Stevens is a funeral director who needs livery service on a weekly basis. He has been hiring livery companies from out of state to cover his livery needs. He estimates he needs four to five cars per week.
9. Bruce Maneeley testified in support of the application. Mr. Maneeley operates a banquet and conference center. He has had to hire livery vehicles from Waterbury and New Haven. He estimates his livery need at two to three times a week. He has also utilized out of state livery companies to meet his need.
10. Patrick Crowley has been on the town council for the past six years. He is in support of the application based on the growth in Enfield.
11. Mark Nolasco owns a restaurant. Mr. Nolasco stated there was a need for a local reliable livery service. He thinks his clients would utilize the service two times a week.
12. The applicant plans to operate two limos and six Lincoln Town Cars.
13. The applicant has lined up drivers for the livery vehicles.
14. The applicant operates limited livery service for the elderly and handicapped and service under contract with governmental agencies.
15. There was no opposition to the application.

### III. DEPARTMENT ANALYSIS

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

In support of financial wherewithal, the applicant provided financial information that shows that the applicant has cash of \$573,000, marketable securities of \$753,000 and other assets of \$755,000 for total assets of \$12,132,000. The applicant will pay an annual cost of \$26,400 to insure the vehicles. The applicant's Rockville bank statement shows a balance of \$36,695. The applicant expects to receive \$50,000 to \$75,000 in revenue in the first six months. Therefore, the applicant is financially suitable to operate the proposed business.

With regard to suitability, the applicant provided the requisite criminal conviction history form for Mr. Olschfskie and Mr. James Lilley. The history forms show no convictions within the last ten years. The applicant operates both a successful taxicab company and other livery operations and has done so for many years. Based on the evidence presented, the applicant is deemed suitable to operate the proposed livery service.

As part of the requirements that must be met for a livery permit to be granted, the applicant must show that public convenience would be improved by the service. To show the need for the service, the applicant presented several witnesses who worked in various industries including restaurants and banquet facilities. The witnesses testified that they have used out of state livery companies to meet their livery needs because of the lack of livery service in the Enfield area. Based on the evidence presented, the applicant has proven that public convenience and necessity would be improved by the additional livery service.

#### IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Ace Taxi Service, Inc. d.b.a. Ace Transportation is hereby granted and Livery Permit Number 2699 is amended and re-issued as follows:

#### LIVERY PERMIT NO. 2699 FOR THE OPERATION OF LIVERY SERVICE

1. Ace Taxi Service, Inc. d.b.a. Ace Transportation is hereby permitted and authorized to operate eight (8) motor vehicles, each having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in Enfield.
2. Ace Taxi Service, Inc. d.b.a. Ace Transportation is hereby permitted and authorized to operate two (2) motor vehicles, each having a passenger seating capacity of ten (10) adults or less, in livery service for the transportation of the elderly and handicapped persons between all points in Connecticut from a headquarters in Vernon.

#### Restrictions

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

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 may from time to time prescribe thereunder.

This permit is transferable only with the approval of the Department and is issued subject to compliance by the holder thereof 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 prescribed.

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

**DURATIONAL LIVERY SERVICE UNDER CONTRACT WITH FEDERAL, STATE OR MUNICIPAL AGENCY IN DOCKET NUMBER 9707-GOV-65-L-GRANTED AUGUST 21, 1997**

Ace Taxi Service, Inc. d.b.a. Ace Transportation is permitted and authorized to operate two (2) motor vehicles, each having a seating capacity of ten (10) adults or less, for the provision of livery service under contract with a federal, state or municipal agency or lower tier contract thereof from a headquarters in Vernon.

**RESTRICTIONS**

The authority granted in Docket Number 9707-GOV-65-L shall be durational in nature and shall exist only for the time period that the permit holder has continuing contracts in effect for the provision of service with lower tier agents or directly with federal, state or municipal agencies.

Pursuant to Docket Number 9707-GOV-65-L, the permit holder shall notify the Department of any termination of these contracts or cessation of active provision of service. To re-register additional vehicles authorized under this decision, the permit holder shall certify a list of the contracts, for which this grant is made, that are in effect on such date (of registration).

The authority granted in Docket Number 9707-GOV-65-L is transferable by evidence that the transferee has qualifying contracts in place that meet the restriction in the decision or that the transferee is the successor to the contracts on which that grant was based.

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 amended, suspended or revoke this permit.

This permit is transferable only with the approval of the Department and is issued subject to compliance by the holder thereof 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 prescribed.

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

**DURATIONAL LIVERY SERVICE UNDER CONTRACT WITH DYNCORP MANAGEMENT RESOURCES, INC. (DYNTEK) IN DOCKET NUMBER 9812-GOV-96-L-GRANTED JUNE 4, 1999 AND UNDER AN UPDATED AGREEMENT OF APRIL 24, 2001 IN DOCKET NUMBER 0010-GOV-117-L-GRANTED MAY 29, 2001**

Ace Taxi Service, Inc. d.b.a. Ace Transportation is permitted and authorized to operate nine (9) motor vehicles, each having a seating capacity of ten (10) adults or less, for the provision of livery service under contract with Dyntek between all points in Connecticut from a headquarters in Vernon.

**RESTRICTIONS**

Pursuant to Docket Number 9812-GOV-96-L and 0010-GOV-117-L, the authority granted under contract with Dyncorp is durational in nature and shall exist only for the period of time that the permit holder has a current and continuing contract in effect for the provision of service for non-emergency medical transportation in accordance with said contract.

The permit holder shall notify the Department of Transportation of any termination of this contract or cessation of active provision of service there under. The permit holder shall file with the Department on an annual basis upon the registration or re-registration of the motor vehicles authorized in this decision, a current executed copy of the extension of said contract. Failure to file an extension of the contract or a new contract shall void the authority for all vehicles granted pursuant to this contract.

The authority granted under this decision, pursuant to said contract is not transferable and shall remain in effect until revoked by the Department or until the contract under which this authority is granted has expired. 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 order of the Department shall be considered sufficient cause to revoke said permit.

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

**DURATIONAL LIVERY SERVICE UNDER CONTRACT WITH LOGISTICARE IN DOCKET NUMBER 0412-GOV-25-L-GRANTED JUNE 30, 2005**

Ace Taxi Service, Inc. d.b.a. Ace Transportation is permitted and authorized to operate three (3) motor vehicles, each having a seating capacity of ten (10) adults or less, for the provision of livery service under contract with Logisticare from a headquarters in Vernon.

## RESTRICTIONS

The authority granted in Docket Number 0412-GOV-25-L shall be durational in nature and shall exist only for the time period that the permit holder has continuing contracts in effect for the provision of service with lower tier agents or directly with federal, state or municipal agencies.


Pursuant to Docket Number 0402-GOV-25-L, the permit holder shall notify the Department of any termination of these contracts or cessation of active provision of service. To re-register addition vehicles authorized under this decision, the permit holder shall certify a list of the contracts, for which this grant is made, that are in effect on such date (of registration).

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.

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

Dated at Newington, Connecticut on this 3rd day of August 2009.

### CONNECTICUT DEPARTMENT OF TRANSPORTATION

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