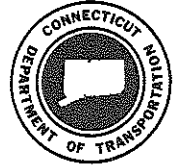




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 0806-N-105-T

RE: APPLICATION OF MY TAXI, LLC TO OPERATE TWO (2) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM CHESHIRE, MERIDEN AND WALLINGFORD TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

August 25, 2009

I. INTRODUCTION

A. Applicant's Proposal

By application filed on June 5, 2008, with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, My Taxi, LLC (hereinafter "applicant"), seeks authorization to operate two (2) motor vehicles in taxicab service within and to and from Cheshire, Meriden and Wallingford to all points in Connecticut.

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 administrative offices of the Department in Newington, Connecticut on January 27, April 7, April 9 and June 25, 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 by Section 13b-97(a) of the Connecticut General Statutes, as amended. Legal notice to the public was given by publication in the Record Journal, a newspaper having 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.

D. Appearances

Mubarik Mir appeared on behalf of My Taxi, LLC. The applicant was represented by attorney Donald Weisman whose mailing address is 59 Hungerford Street, Hartford, Connecticut 06106.

Mr. William Scalzi, Transportation General, Inc. d.b.a. Metro Taxi appeared pro se in opposition to the application. Transportation General received intervenor status in this matter. His mailing address is 65 Industry Drive, West Haven, Connecticut 06516.

Sheldon Lubin, a Department staff member, appeared at the hearing.

E. Judicial Notice

Transportation General, Inc. d.b.a. Metro Taxi has authorization to operate seventeen (17) taxicabs in Meriden and four (4) taxicabs in Wallingford.

II. FINDINGS OF FACT

1. The applicant seeks to operate two (2) motor vehicles in taxicab service within and to and from Cheshire, Meriden and Wallingford.
2. Metro Taxi operates seventeen (17) taxicabs in Meriden and four (4) taxicabs in Wallingford.
3. The applicant has been driving a taxicab for nine years, three of which have been with Metro Taxi in the Meriden area.
4. Carol Davis lives in Cheshire and works at Mid State Medical Center in Meriden. She has been using taxicabs for the past five years. She needs a taxicab at least two times a day. She uses taxicabs to go to and from work and to go to doctors appointments. She has slept on the floor of her office because she could not get a ride home. When she has called Metro Taxi and she estimates 80% of the time she cannot get a ride unless she calls a taxicab driver directly.
5. Reverend Ernestine Holloway utilizes taxicabs in Meriden daily. She needs taxicab service daily for herself and her parishioners. When she has called Metro Taxi she has difficulty getting service 95% of the time. She has even complained to a supervisor. The police have brought her home three different times because she could not get a taxicab. She also spent the night in the hospital waiting for a taxicab ride. She has called drivers directly and still does not get rides.
6. Cletus Louis lives in Meriden with his wife and children. At the present time his wife uses taxicabs to get to work. He transports his children to school and daycare with taxicabs because he does not drive. He has had to cancel appointments due to the lack of taxicabs. His wife has had problems getting taxicabs at the train station in Meriden at night. She also made complaints to the supervisors at Metro Taxi.
7. Amy Novak uses Metro Taxi in the morning and afternoon. She has difficulty getting taxicabs after 4:00 p.m. She had to wait several hours at her child's day care center for transportation. She uses taxicabs four to six times a week and two to three times a day. She supports another taxicab service in Meriden. In one week, she waited two hours on three occasions for a taxicab.
8. Kelly Ahern used taxicabs in the past but does not use them now due to the long wait. She used to use taxicabs to go to and from work and grocery shopping. She has been left without transportation at the grocery store. She has had to pay for a hotel when she could not get a ride home late at night. She now walks or gets rides with friends.

9. Lenny Fryer is a disabled veteran. His family uses Metro Taxi for taxicab service. Mr. Fryer's wife needs taxicab service from the train station in Meriden to their home. Because of the lack of taxicab service, he only sees his wife three days a week because they take care of their grand children in West Haven and the bad cab service prevents them from coming to Meriden. He supports an additional taxicab service in Meriden.

10. Victoria Church uses Metro Taxi. She has had to wait while at the grocery store an hour to an hour and a half or more. She has taken taxicabs for years and has a problem getting service. She uses taxicabs three to four times a week.

11. Ahmed Noori's wife uses Metro Taxi. She uses taxicab service to get home from doctor appointments. She has had to wait 30 minutes to an hour for service. His wife uses a taxicab every two weeks.

12. Pankaj Patel uses Metro Taxi taxicab service. He had a bad experience with Metro Taxi because of a long wait. As a result of waiting too long, he received a ticket by the police for loitering. Mr. Patel uses taxicab service a couple of times a week.

13. Patricia Gelonese lives in Meriden and uses taxicabs daily to go to medical appointments. She has been late getting to her medical appointments. She had a couple of bad experiences with Metro Taxi drivers who insulted her or acted inappropriately.

14. Charles Gerkens works at the Wallingford Post Office. He uses taxicabs to get to and from work in the winter or during bad weather. He had difficulty getting a taxicab at night. He supports another taxicab service in Meriden.

15. Victoria Deflorio is a Meriden resident who uses Metro Taxi and does not get good service. On one occasion in 2008 she was waiting for a taxicab in the emergency room in Meriden. Ms. Deflorio waited about three hours and the taxicab did not show up. She has had multiple problems getting a taxicab ride.

16. The applicant currently owns a 2000 Ford Crown Victoria sedan with a fair market value of \$3,290 and a 2001 Chrysler Town and Country with a fair market value of \$7,990.

17. The applicant's annual insurance cost is \$4,250 per vehicle.

18. The applicant has \$30,788 in the bank.

19. The applicant has minimum liabilities.

20. The applicant does not have a clear understanding of how he is going to operate the taxi business, quote fares and fill out trip sheets.

21. Mr. Mir testified he averages 15 trips per day. The trip sheets provided show that his average is actually about 10 trips per day.

22. Mr. Mir testified that he was called into Metro Taxi offices on February 12, 2009 to create past trip sheets for the company. Contrary to his claim, it appears he was not held there against his will for several hours.

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(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.

In support of financial wherewithal to operate the proposed service, the applicant presented evidence that it currently owns a 2000 Ford Crown Victoria sedan with a fair market value of \$3,290 and a 2001 Chrysler Town and Country with a fair market value of \$7,990. The applicant's insurance cost is \$4,250 per vehicle per year. The applicant has \$30,788 in the bank with minimum liabilities. Based on the evidence presented, the applicant has adequate financial resources to operate the proposed service.

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 has applied for a taxicab license in Cheshire, Meriden and Wallingford. The applicant's witnesses primarily testified about the need for taxicab service in Meriden but rarely mentioned a need in Wallingford or Cheshire. Since there was no substantial evidence on the need for Wallingford or Cheshire that portion of the request will be denied.

The applicant presented witnesses who testified about the lack of taxicab service in Meriden. The sheer number of credible witnesses coupled with their very negative reports about the current taxicab service clearly shows that Meriden does not have adequate taxicab service. The witnesses routinely testified about waiting over an hour for taxicab service, if the cab showed up at all. There were multiple reports about being stranded at various locations including the emergency room, the mall, grocery stores and day care centers. Witnesses had to rent hotel rooms or sleep in their offices due to the lack of taxicab service to return to their

homes. Based on the evidence presented, there applicant has proven that public convenience and necessity requires that Meriden receive additional taxicab service.

In support of suitability, the applicant submitted a criminal record check for Mr. Mir showing no criminal violations. Although the applicant has been a driver for Metro Taxi for several years and for another company before that, Mr. Mir appeared unfamiliar with the rules and regulations governing taxicab service.

Mr. Mir initially testified that he had a business plan then later admitted he did not have one. When pressed, he said that the plan was not in writing. After a hiatus in the case, Mr. Mir submitted with a written business plan but he did not appear to be all that familiar with its contents when questioned about it. Mr. Mir left unanswered questions concerning staffing, driving and who was going to perform what function in the new company and how the company would operate. He appeared to be deciding how things would operate as he was testifying, with no forethought.

Mr. Mir testified that in the past he did not fill out trip sheets because trip sheets were not required by Metro Taxi. He also claims that on, February 12, 2009, he was held captive at the Metro Taxi offices for several hours and was forced to produce several written trip sheets before he could leave. This testimony was not credible. One of the trip sheets supposedly written on that day had writing on it by Mr. Mir's children proving that it was not produced in the offices of Metro Taxi as Mr. Mir claimed. Later, when questioned about the January and February trip sheets, Mr. Mir testified that many of his trip sheets were originals and not made by him in Metro Taxi offices on February 12th. In addition, Mr. Mir testified that he does not put all of his trips on the trip sheets as required by the Department. This is a violation of the Department regulations.

Many of Mr. Mir's answers were somewhat evasive or conflicting such as when he testified about the average fare he collects or how much business he has and what hours he works. Mr. Mir testified at length about Meriden needing more taxicabs but had no idea how many taxicabs are licensed to operate in Meriden. Mr. Mir testified that he averages 15 trips per day and works about 12 hours a day. His trip sheets showed that he averaged about 10 trips per day and although he may work a twelve hour shift there were frequently gaps of hours he did not work during the shift. He also appeared confused about the existing flat rate he is charging while working with Metro Taxi and what flat rate he will be charging for his own company in the future.

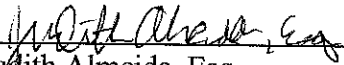
Based on the above, it is questionable whether Mr. Mir has sufficient business acumen to operate the proposed taxicab service. He does not appear to understand the Department's rules and regulations and his answers to questions were often conflicting or incorrect. Therefore, based on the evidence presented, the applicant is deemed to be not suitable to operate the proposed taxicab service at this time.

IV. CONCLUSION

Based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of My Taxi, LLC is hereby denied.

Dated at Newington, Connecticut, on this 25th day of August 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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