



File
STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 0807-N-119-L

RE: APPLICATION OF USA TAXI & LIMOUSINE OF STAMFORD, INC.
D.B.A. USA LIMOUSINES TO OPERATE FIVE (5) 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 STAMFORD.

FINAL DECISION

March 12, 2009

I. INTRODUCTION

A. General

By application filed on July 3, 2008 with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, USA Taxi & Limousine of Stamford, Inc. DBA USA Limousines (hereinafter "applicant"), with a mailing address of 1069 East Main Street, Suite 310, Stamford, Connecticut, seeks authorization to operate five (5) 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 Stamford.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was held on February 19, 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 to the public was given by publication in the Stamford Advocate, 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

Francisco Rendon appeared on behalf of the applicant. The applicant's mailing address is 1069 East Main Street, Suite 310, Stamford, Connecticut 06902. The applicant was represented by Attorney Edward Marcus with a mailing address of 275 North Branford Road, North Branford, Connecticut 06471.

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

II. FINDINGS OF FACT

1. The applicant has held interstate Livery Permit Number 3016 since 2005. There have been no citations against the company.
2. The applicant owns several motor vehicles with a fair market value of \$13,100 to \$20,950.
3. The applicant will pay an annual cost of \$4,400 to insure each of its vehicles.
4. The applicant's balance sheet shows \$53,607 in cash, accounts receivable of \$32,348, officer's loan of \$53,269, retained earnings of \$81,105 and a net income of \$22,866.
5. The December 2008 bank statement had an average month ending \$36,569.

6. The applicant's fuel estimate is \$1,920 a month for the Lincoln Navigator and \$1,680 for the Town Car.
7. The applicant receives approximately seven (7) to eight (8) requests for intrastate livery service on a daily basis. The applicant anticipates performing six (6) to eight (8) requests for livery service each day to Bradley International Airport.
8. The applicant is seeking to establish the only bilingual, English and Spanish, livery company in Stamford. Some of the applicant's drivers speak several different languages including Creole and French.
9. The applicant currently operates four (4) vehicles with interstate livery plates. Two of these vehicles will be utilized as intrastate vehicles. The applicant seeks to purchase 2008 Lincoln Town Cars.
10. The applicant has entered into agreements with ten (10) independent contractors to drive for the livery service. In addition to these individuals, there are other people wishing to drive for the applicant.
11. Mr. Sidney Morgan, an employee in Conference Services with UBS in Stamford, testified that he prefers to utilize the applicant due to the applicant's timeliness and its courteous drivers. The other livery companies that he has used are not able to respond as quickly for transportation. Most of the company's requests for livery service have little or no lead time. They also have a need for Spanish speaking livery drivers as the company has Spanish speaking bankers who need transportation. The company needs transportation to various Connecticut locations including Shelton, Greenwich and Bradley International Airport. Mr. Morgan's company needs approximately six (6) livery trips per week.
12. Mr. Jesus Bravo, a minister and President of the Colombo Hispano American of Connecticut supports the application. Mr. Bravo and his parishioners have the need for livery service because their organization receives foreign dignitaries such as the President of Columbia. He is reluctant to utilize other livery companies because he is not familiar with them and there are language barriers. Since Mr. Bravo has the need to transport dignitaries, he needs to find a very reliable livery service. Mr. Bravo needs approximately ten (10) livery trips a month.
13. 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 owns several motor vehicles with a fair market value of \$13,100 to \$20,950. To insure the vehicles, the applicant will pay an annual cost of \$4,400 for each vehicle. The applicant's balance sheet shows a balance of \$53,607, accounts receivable of \$32,348, officer's loan of \$53,269, retained earnings of \$81,105 resulting in a net income of \$22,866. The December 2008 bank statement had an average month ending \$36,569. Due to the applicant's low net income, late payments on some bills and large loan due to its officer, the company is only viable for four (4) vehicles at this time.

With regard to suitability, the applicant provided the requisite criminal conviction history forms for both Mrs. and Mr. Rendon which show no convictions. The applicant has been operating a livery business successfully since 2005 with no citations. Based on the evidence presented, the applicant has proven the requisite suitability to operate the proposed 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 in support of its application. Mr. Sydney Morgan works for USB in conference services. Part of his job involves locating livery vehicles for executives and clients. Many times the requests for livery vehicles occur with little notice. On some occasions, Spanish speaking drivers are needed. His company could use the services of the applicant about six times per week. He is hesitant to use other livery companies because they are not as timely or as responsible as the applicant.

The applicant also presented the testimony of Jesus Bravo, a minister in the Stamford area. Mr. Bravo also supports the application because his church and his parishioners, often Spanish speaking, have the need for intrastate livery services. Several times a year, he needs livery service for various dignitaries that visit. His livery needs are about ten (10) times a month.

The applicant also presented the testimony of several drivers and/or dispatchers in support of its application. Two of the dispatchers estimated that the company gets seven to eight calls a day for intrastate livery service. Each livery vehicle should be able to handle at least two trips per day. Based on the testimony of witnesses as to usage, the applicant can perform the intrastate livery requests it gets with four (4) livery vehicles.

Based upon the applicant's financial ability and public convenience and necessity, the applicant has proven that it should receive a grant of four (4) motor vehicles.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of USA Taxi & Limousine of Stamford, Inc. d.b.a. USA Limousines is hereby granted in part and Livery Permit Number 3016 is amended and reissued as follows:

LIVERY PERMIT NO. 3016
FOR THE OPERATION OF LIVERY SERVICE

USA Taxi and Limousine of Stamford, Inc. d.b.a. USA Limousines is hereby permitted and authorized to operate four (4) 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 Stamford.

USA Taxi & Limousine of Stamford, Inc. d.b.a. USA Limousines is hereby permitted and authorized to operate motor vehicles for the transportation of passengers in special and charter operations in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate Number MC-505725.

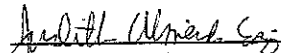
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates there under for not less than twenty-four (24) months.

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.

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

Dated at Newington, Connecticut on this 12th day of March 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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