

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0911-N-84-L

RE: APPLICATION OF AT YOUR SERVICE LIMO, LLC TO OPERATE TWO (2) 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 BRISTOL, CONNECTICUT.

FINAL DECISION

March 22, 2010

I. INTRODUCTION

A. Application

By application filed on November 20, 2009 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, At Your Service Limo, LLC (hereinafter "applicant") located at 503 Emmett Street, # 23, Bristol, Connecticut, seeks authorization to operate two (2) 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 Bristol, Connecticut.

B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a), as amended, a public hearing on this application was held on March 10, 2010.

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. Legal notice to the public was given by publication on the Department of Transportation web site at www.ct.gov/dot.

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

C. Appearances

Edyta and Mariusz Drewniak appeared on behalf of the applicant without counsel. The applicant's mailing address is 503 Emmett Street, #23, Bristol, Connecticut.

Andrzej Cieslik, court certified interpreter and translator with AC Interpreting and Translating, appeared to translate witness testimony.

Sheldon Lubin, utilities examiner with the Regulatory and Compliance Unit of the department appeared at the hearing.

No opposition was presented to the application at the hearing.

II. FINDINGS OF FACT

1. The applicant holds interstate livery authority issued on September 2009 by the Federal Motor Carrier Safety Administration in Permit MC-682585-P.

2. The applicant's owner and manager are Polish and seek to provide livery service to the Polish-speaking community of New Britain and surrounding areas as well as the general public.

3. New Britain has the largest population of Polish speaking people of any city in Connecticut and is referred to as "Little Poland"; its residents have the ability to complete an entire day's business within a few neighborhoods.

4. The applicant's proposed in-state livery business would provide services to Polish-speaking residents who would otherwise not use livery service due to language barrier issues.

5. The applicant owns outright two super-stretch limousines that it currently uses in interstate livery service to provide rides to out of state airports, out of state nights on the town and out of state events.

6. The two limousines owned by the applicant have no outstanding loans against them.

7. The vehicles are currently insured for \$1,500,000, with the premium for both cars totaling approximately \$11,200.

8. Mrs. Drewniak works as a realtor when not working for the applicant.

9. The Drewniaks had cash on hand in the approximate amount of \$57,300 as of March 9, 2010. The Drewniaks will use their private funds if required for the business.

10. The owner of the applicant company, Mariusz Drewniak and his wife Edyta Drewniak, the manager of the company, both hold commercial driver's licenses and drive for the company.

11. Drewniak has no criminal conviction and has not had any criminal involvement since the date of the criminal history, submitted as part of the application.

12. Harold Bosword is the applicant's accountant. Bosword's accounting firm is owned by a Polish-American who's primary client base consists of Polish-speaking clients. Most of these clients do not speak English well enough to engage in day to day activities in English.

13. The applicant's current interstate client base is 90% Polish.

14. Several witnesses who appeared would like to use intrastate livery transportation to Connecticut casinos, for local nights on the town, weddings and other functions. These witnesses currently do not use such services locally because of the language barrier. The witnesses do not feel comfortable hiring livery services whose employees do not speak Polish because of their language barriers.

15. The witnesses who appeared at the hearing and who testified are familiar with the applicant as they have used the applicant for interstate livery trips. The witnesses would like to use the applicant's services for instate livery trips.

16. One witness owns a beauty/hair salon and her clients often request referrals for livery services for weddings. Her clients are mostly Polish-speaking members of the public.

III. 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 is an operator of interstate livery service and provides livery service to the many members of the Polish community in Bristol and New Britain and surrounding areas. Many of the applicant's clients would like to use the applicant for trips within Connecticut. Several witnesses appeared to testify on behalf of the applicant's intrastate livery application as they have use for the applicant's services, having used the applicant for interstate livery. The applicant's management also testified that it would be available to the general public for service, in addition to serving its Polish community. The public's convenience and necessity would be improved by a grant of authority for intrastate livery service.

The applicant provided proof of cash in the amount of \$57,300 that the applicant's owner and his wife would use for purposes of the business. The applicant is currently in operation as an interstate livery provider. The costs for starting the local livery service would be minimal, since the company is already in existence. The applicant estimated its annual costs at \$6000 for repairs and maintenance; \$18,000 for fuel, \$6000 for garage rental and property taxes at \$1200. The applicant estimates its revenue at \$50,000 to \$65,000. Its insurance is already in place. The applicant, therefore, possesses the financial wherewithal to operate the proposed intrastate livery service. The Drewniak's have sufficient revenue to operate the proposed service, but the record does not show a business account in the applicant's name. Because the applicant company requires a separate business account in detail sufficient to allow the department to inspect same, such a bank account will have to be established if authority is granted.

As for suitability, the applicant submitted the criminal conviction history for the owner of the business. Witnesses appeared to testify on behalf of the owner of the company and his wife. No evidence was entered into the record to refute the suitability of the applicant's management. Accordingly, the applicant possesses the suitability to operate the proposed service and possesses the ability to operate within the regulations and statutes governing livery service.

IV. CONCLUSIONS OF LAW

At Your Service Limo, LLC possesses the financial wherewithal and the suitability to operate the proposed livery service. Further, the public convenience and necessity will be improved by a grant of authority, in accordance with Connecticut General Statutes Section 13b-103.

V. ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, the application of At Your Service Limo, LLC, given Docket No. 0911-N-84-L, is granted and Permit Number 3233 is hereby amended and reissued as follows:

LIVERY PERMIT NO. 3233 FOR THE OPERATION OF LIVERY SERVICE

At Your Service Limo, LLC is hereby permitted and authorized to operate TWO (2) motor vehicles having a seating capacity of less ten (10) adults or less, in General Livery Service, between all points in Connecticut from a headquarters in Bristol, Connecticut.

CONDITION PRECEDENT:

Prior to registration of its vehicles, the applicant is ordered to establish a bank account in the name of the company and provide proof to the department of same within 15 days from the date of this final decision.

At Your Service Limo, LLC is further permitted and authorized to engage in transportation as a contract carrier of passengers by motor vehicle in interstate or foreign commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate No. MC-682585-P.

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.

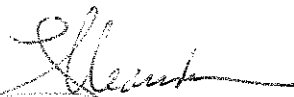
This Permit is transferable only with the approval of the Department and is issued subject to compliance by the holder hereof with all motor vehicle laws of the State of Connecticut, and with such rules, regulations and orders as this Department may from time to time prescribe.

At Your Service Limo, LLC shall register its vehicles in intrastate livery service within 30 days from the date of this final decision.

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, this 22nd day of March 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration