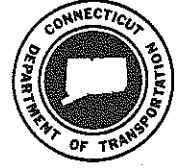


STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1002-N-82-L

RE: APPLICATION OF APPLEWOOD LIMOUSINE, LLC TO OPERATE TWO (2) MOTOR VEHICLES, HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN MILFORD, CONNECTICUT.

FINAL DECISION

October 28, 2010

## I. INTRODUCTION

### A. Application

By application filed on February 23, 2010 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Applewood Limousine, LLC (hereinafter "applicant") whose address is 35 Avery Avenue, Milford, 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 the Milford, Connecticut.

### B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a), as amended, a public hearing on this application was held on October 14, 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. Notice to the public was given by publication on the department website at [www.ct.gov/dot](http://www.ct.gov/dot).

Laila A. Mandour, Esq. was designated by the Commissioner of Transportation to conduct the hearing on this matter and to render a final decision, pursuant to Connecticut General Statutes Section 13b-17.

### C. Appearances

Susan and Dagoberto Cano appeared on behalf of the applicant. Dagoberto Cano is the owner and Susan Cano is the manager. The Canos presented the evidence on behalf of the company.

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

No opposition was presented to the application.

## II. FINDINGS OF FACT

1. The applicant operates two vehicles in interstate livery service pursuant to a livery permit issued in 2007.

2. The applicant has established a clientele from providing interstate livery service over the past three years.

3. The applicant has no citations on record, nor does the owner have any

criminal convictions.

4. The applicant seeks to expand its service to provide intrastate livery service to its established clients who are requesting local service.

5. Anne Gray of Milford uses the applicant's livery service to out of state airports. She wants to use the applicant for trips to Bradley.

6. Gray wants her instate service to be provided by the applicant, because of her positive experiences with the applicant's interstate service. She always calls the applicant for service and her calls for instate service are subcontracted to another provider. She would rather have the applicant provide the service directly.

7. The applicant receives a minimum of four calls per month for intrastate livery service.

8 The applicant has cash on hand in the amount of \$1921 as of October 13, 2010.

9. The applicant's monthly vehicle operation expenses per vehicle are estimated at approximately \$320 for repairs and maintenance; fuel at \$250 and taxes at \$469. The annual premium for insurance is \$3,293 per vehicle, which is being financed at \$346 per month. The applicant will have additional expenses only of registration, since it already owns its vehicles and they are in service.

10. No opposition was presented to this application.

### 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 interstate livery provider and has been providing interstate livery service for approximately three years. The applicant has established a clientele

over the three years. The majority of the applicant's work comprises transportation to airports. More of the applicant's current clients are seeking transportation within Connecticut, mostly to Bradley International Airport in Windsor Locks. Although the applicant may transport out of state, it cannot provide transportation to its current or any future clients to Bradley Airport.

One of the applicant's witnesses, Anne Gray, testified that she and her husband use the applicant's service to out of state airports, however, more recently they have found more economical flights from Bradley Airport and would rather travel from there. Although the Grays call the applicant for all transportation needs, the service the Grays receive for instate transportation are other providers that the applicant subcontracts with to provide the rides. The Grays would rather have the applicant drive them.

The applicant is an established transportation provider. It has built a client base over the years and the applicant seeks to expand to be able to provide the local service that its clients request. It is reasonable to conclude that a grant of this application would improve the public's convenience and necessity.

On the issue of suitability, the applicant provided the criminal conviction history report for the owner and driver of the company. The report showed no criminal convictions and further, the applicant's department record reflects that there have been no citation filed against the applicant. The applicant appears willing and able to follow the regulatory structure and requirements and has done so for the past three years without incident. Accordingly, the evidence supports a conclusion that the applicant's management is suitable to operate the proposed service.

Lastly, in the issue of financial wherewithal, the applicant filed the requisite balance sheet with its application. The evidence reflects that the expenses that the applicant will incur will be minimal since the applicant already has two vehicles operating in interstate livery service. It has been meeting its obligations in a timely manner and already owns its vehicles. The applicant is financially suitable to operate the proposed service.

#### IV. CONCLUSIONS OF LAW

The evidence of record supports the conclusion that the applicant is financially suitable to operate the proposed service, that the applicant's management possesses the suitability to operate the proposed service and that a grant of this application would improve the public convenience and necessity, in accordance with Connecticut General Statutes Section 13b-103.

#### V. ORDER

Based upon the foregoing and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Applewood Limousine, LLC is hereby granted and Permit Number 3156, standing in the name of Applewood Limousine, LLC is hereby

amended and reissued:

LIVERY PERMIT NO. 3156  
FOR THE OPERATION OF LIVERY SERVICE

Applewood Limousine, LLC, is hereby permitted and authorized to operate two (2) motor vehicles having a seating capacity of less than ten (10) adults in GENERAL LIVERY SERVICE between all points in Connecticut from a headquarters in Milford, Connecticut.

Applewood Limousine, LLC must register all vehicles granted herein within thirty (30) days from the date of this final decision.

This Permit may not be sold or transferred until it has been operational, i.e., a vehicle registered with the livery plates thereunder, for not less than twenty-four (24) consecutive months.

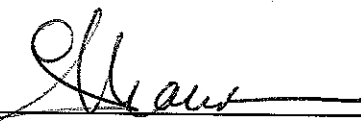
This Permit shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the Permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or the rules, regulations and orders of the Department shall be considered 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.

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 28<sup>th</sup> day of October 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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