



STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1005-N-50-T

RE: APPLICATION OF ABC D'LUX TAXI, LLC TO OPERATE FOUR (4) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM BLOOMFIELD, EAST HARTFORD, EAST WINDSOR, ENFIELD, FARMINGTON, GRANBY, HARTFORD, MANCHESTER, NEWINGTON, ROCKY HILL, SIMSBURY, SOUTH WINDSOR, VERNON, WEST HARTFORD, WETHERSFIELD AND WINDSOR TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

January 19, 2010

I. INTRODUCTION

A. Applicant's Proposal

By application filed on June 30, 2010, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, ABC D'Lux Taxi, LLC (hereinafter "applicant") of West Hartford, Connecticut, seeks authorization to operate four (4) motor vehicles in taxicab service within and to and from Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield and Windsor to all points in Connecticut.

B. Hearing

Pursuant to Section 13b-97(a) of the General Statutes, as amended, a public hearing on this application was held at the administrative offices of the Department in Newington, Connecticut, on November 23, 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 by Section 13b-97(a) of the General Statutes, as amended. Notice to the public was given by publication on the department website at www.ct.gov/dot.

A hearing officer was designated by the Commissioner of Transportation to conduct the hearing on this matter, pursuant to General Statutes Section 13b-17.

C. Appearances

The applicant appeared through and was represented by Robert J. Kor, whose mailing address is 67 North Main Street, West Hartford, Connecticut. The applicant's address is 41 Fuller Drive West Hartford, Connecticut.

Mary Alice Moore Leonhardt, Esq., whose mailing address is 102 Oak Street, Hartford, Connecticut, filed appearances and petitioned for party and, alternatively, intervenor status on behalf of: Edward McGhie d/b/a United Cab Company, holder of taxicab certificate number 1078 and whose address is 23 Vernon Avenue, Vernon, Connecticut;

Abdelazziz M. Yousef d/b/a Enfield Taxi and Windsor Taxi, holders of taxicab certificate numbers 1048 and 1164, respectively and whose mailing address is P.O. Box 3244, Enfield, Connecticut; Ace Taxi Service, Inc. d/b/a Ace Transportation (which was corrected on the record to accurately reflect Ace Taxi Service d/b/a Ace Taxi), holder of taxicab certificate number 1066 and whose mailing address is 134 East Center Street, Manchester, Connecticut, and East Hartford Cab Company d/b/a Ace Taxi, holder of taxicab certificate number 1145 and whose mailing address is P.O. Box 411, Vernon, Connecticut.

Intervenor status was denied Abdelazziz M. Yousef d/b/a Enfield Taxi and Windsor Taxi, Ace Taxi Service d/b/a Ace Taxi, East Hartford Cab Company d/b/a Ace Taxi based upon failure of the petitioners to serve their petitions to applicant's counsel.

A-1 Taxi, LLC, holder of taxicab certificate number 1064 whose mailing address is 36 Parkwest Drive, Vernon, Connecticut, petitioned for party status, failed to appear at the hearing and was denied party and intervenor status.

Airport Express Livery & Taxi, holder of taxicab certificate number 1153, whose mailing address is 7 Cricket Road, East Windsor, Connecticut, petitioned for party status, failed to appear at the hearing and was denied party and intervenor status.

Best Cab, LLC, holder of taxicab certificate number 1166, whose mailing address is 492 Ash Drive, Windsor Locks, Connecticut, petitioned for party status, failed to appear at the hearing and was denied party and intervenor status.

Carl Gilberto d/b/a/ Carl's Taxi, LLC, holder of taxicab certificate number 1162, whose mailing address is 81 Lake Drive, East Hampton, Connecticut, petitioned for party status, failed to appear at the hearing and was denied party and intervenor status.

City Cab, LLC, holder of taxicab certificate number 1152, whose mailing address is 7 Cricket Road, East Windsor, Connecticut, petitioned for party status, failed to appear at the hearing and was denied party and intervenor status.

D & I Taxi, LLC, holder of taxicab certificate number 1204, whose mailing address is 106 Barkedge Drive, Newington, Connecticut, petitioned for party status, failed to appear at the hearing and was denied party and intervenor status.

Executive Cab Co., Inc., holder of taxicab certificate number 1012, whose mailing address is 285 Elm Street, Windsor, Connecticut, petitioned for party status, failed to appear at the hearing and was denied party and intervenor status.

Lexus Transportation, Inc., holder of taxicab certificate 24, whose mailing address is 43 Spice Hill Drive, Wallingford, Connecticut petitioned for party status, failed to appear at the hearing and was denied party and intervenor status.

Rana Cab Company, LLC, holder of taxicab certificate number 1191, whose mailing address is 50 Ashford Street, Hartford, Connecticut, petitioned for party status, failed to appear at the hearing and was denied party and intervenor status.

Sha Alam d/b/a Sha's Taxi, holder of taxicab certificate number 1085, whose mailing address is 34 Stanley Street, East Hartford, Connecticut, petitioned for party status, failed to appear at the hearing and was denied party and intervenor status.

At the hearing, on the record, Mary Alice Moore Leonhardt, Esq. entered her appearance on behalf of the following intervenors:

-- Beulah Taxi Company, holder of taxicab certificate number 1101, whose mailing address is 6 Linwood Drive, Bloomfield, Connecticut. Beulah Taxi was appeared through Venniel Clark, its owner and was granted intervenor status.

-- Bill's Taxi Co., holder of taxicab certificate number 1080, whose mailing address is 2 Richard Lane, Bloomfield, Connecticut. Bill's Taxi Co. appeared through William Saunders, its owner, and was granted intervenor status.

-- Crown Taxi, LLC, holder of taxicab certificate number 1202, whose mailing address is 66 Lyman Road, West Hartford, Connecticut. Crown Taxi, LLC appeared through Ahmed Abdi, its owner, and was granted intervenor status.

-- George Samuels d/b/a George, Taxi, holder of taxicab certificate number 1024, whose mailing address is 42 Hayden Avenue, Windsor, Connecticut. George Samuels appeared on behalf of his company and was granted intervenor status.

-- Grigory Bratslavsky d/b/a Grigory's Taxi Company, holder of taxicab certificate number 1084, whose mailing address is 78 Crown Ridge, Newington, Connecticut petitioned for party status. Grigory Bratslavsky appeared on behalf of his company and was granted intervenor status.

D. Amendment to Application

The applicant amended his application to reflect a request for three vehicles in taxicab service, rather than the original four.

E. Post Hearing Submissions and Motions

Late filings were ordered by the hearing officer consisting of appearances by Mary Alice Leonhardt, Esq. on behalf of Grigory Bratslavsky d/b/a Grigory's Taxi Company, Crown Taxi, LLC, George Samuels d/b/a George Taxi, Beulah Taxi Company. Written appearances were filed only for Grigory Taxi and Beulah Taxi Company on November 29, 2010. Accordingly, no information provided on behalf of George Samuels and Crown Taxi is considered in this final decision.

Intervenor Grigory's Taxi filed post hearing submissions which were not introduced at hearing, nor did the intervenor request leave to make submissions post hearing. Further, the information was not ordered by this hearing officer. The applicant objected to the submissions and the objection was sustained. Therefore, the submissions by Grigory's Taxi were not reviewed or taken into consideration in making the findings of fact and conclusions of law herein.

II. FINDINGS OF FACT

1. The applicant is owned by Igor Gitelman who currently drives for ABC Taxi as an owner operator. Gitelman pays a weekly lease fee for driving his vehicle in taxicab service under taxicab certificate number 1211 and seeks to begin his own taxicab business.

2. The applicant plans to put on the road only minivans or SUVs.. Minivans and SUVs have more room than sedans, will more easily carry more luggage than a sedan and will be easier to get in and out of for people who may have problems getting into smaller cars due to knee or back problems.

3. The applicant's insurance is estimated at \$3,975 for one vehicle.

4. The applicant plans to use cell phones for dispatch and eventually get a radio dispatch system.

5. Edward Francis Brown from West Hartford, Connecticut is employed with an engineering firm in East Hartford. He is vice president in charge of North American operations and has about 400 people reporting to him. The company Brown works for employees approximately 2000 people.

6. Brown travels internationally and hires the applicant for transportation to New York and Boston airports. Brown has used the applicant approximately six times in the past six months.

7. Brown finds that the applicant is outstanding, on time or early each time, extremely professional and pleasant. He is easy to communicate with for coordination of transportation when Brown travels. Brown intends to use the applicant for all of his taxicab requirements.

8. Robert Bruner from Bloomfield, Connecticut is retired and has used the applicant's services to the airport on two occasions. The applicant was on time with a clean taxicab and dressed as a professional and Bruner has had good experience with the applicant's service.

9. Bruner is very satisfied with the applicant's service. Bruner is aware that there are other taxicab companies but he would require a reference for another existing company before he used it. He has had no problems getting service from the applicant.

10. Margolin Yulis lives in West Hartford, Connecticut. Yulis arranges for taxicab transportation for dancers and singers from Russia or Israel who come to Connecticut to perform. These events vary in their occurrence from one to four times a month.

11. Yulis uses the applicant's taxicab service to provide rides for these entertainers to Connecticut from out of state airports.

12. Yulis has no problems getting service from the applicant currently.

13. Galina Levina from Farmington, Connecticut, and her husband and son have used the applicant in his capacity as driver for ABC Taxi for over a year. Levina always arranges with Gitelman for service and Gitelman has been able to meet all of her needs

for taxicab service. The only problem she might face with getting a taxicab is language barrier.

14. George Gellert from North Granby, Connecticut started using Gitelman's taxicab for approximately one year ago and has used Gitelman's taxicab about twenty or twenty-five times. He likes using Gitelman's cab because he has a large family and when they travel, they have a lot of luggage. Gitelman is the only person who was able to provide timely service that can accommodate Gellert's family and luggage. Further, Gitelman is always on time, his car is clean and Gitelman is dependable.

15. Gettert tried to use Yellow Cab's service before and did not have good experience with other companies due to the size of the vehicles. Yellow Cab was delayed, if it showed up and Gellert tried to take Ace Cab and the car that showed up was very dirty. Gitelman is available for Gellert, however, approximately 99% of the times that Gellert called for service.

16. Christopher Norton from Marlborough, Connecticut supports the applicant because he called for taxicab service in April or May 2010 and Yellow Cab and Ace Taxi were unable to provide service. Gitelman provided Norton with service on the day he called and the service was very good. Norton has also made appointments with Gitelman for transportation to Hartford.

17. Edwin Moustafa from Somers, Connecticut owns two restaurants, one in Enfield and one in Cromwell. He has seen inebriated customers at his Cromwell restaurant for whom he has called taxicabs. Moustafa has called Yellow Cab and he waited for 45 or more minutes, but the taxicab never showed up. Moustafa drove the customer home. Moustafa also called Executive Cab at another time and the taxicab was extremely late. Moustafa had no such information relative to the Enfield restaurant.

18. Grigory Bratslavsky speaks Russian, as do some other taxicab drivers.

III. DISCUSSION

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 the financial suitability, the applicant provided evidence showing that the cost of insurance will be \$3,975 per year per vehicle. Based on the approval of more than one car, the applicant will may qualify for a multicar discount. The cost of the required taxicab equipment will be approximately \$520 per vehicle. Proposed advertising costs would be approximately \$3,750 for the first year and \$4,500 to \$5,400 the following years. Gitelman has an outstanding loan on which he owes approximately \$17,000, for which the monthly payments are \$446. Approximate monthly operating expenses per vehicle are estimated at \$800 for fuel, \$100 maintenance and property taxes at \$400 to \$550. The evidence of record shows the applicant's cash on hand to be approximately \$29,066. Based on the evidence, the applicant is financially suitable to operate three vehicles in taxicab service.

On the issue of suitability to operate the proposed service, the applicant provided the criminal conviction history for Gitelman, the owner and manager of the proposed service. The history shows that Gitelman has no criminal convictions. No evidence was introduced that reflected negatively on Gitelman suitability to operate the proposed service. Intervenor Grigory Bratslavsky d/b/a Grigory Taxi Co. and Beulah Taxi filed post hearing submissions entitled "web information from Google engine search." which was not reviewed by this hearing officer as they are not part of the record in this matter.

Lastly, on the issue of public convenience and necessity, the applicant produced several witnesses who testified in support of its owner on what a good job Gitelman is doing as a current taxicab driver. Gitelman currently works for ABC Taxi, which is a company owned by Alex Sherman. The evidence shows that Gitelman runs the operations of ABC Taxi and the owner only collects the lease fee. In that regard, Gitelman testified that he asked for permission from Sherman to advertise for the company and was authorized to do so on behalf of ABC Taxi.

The evidence shows that all of the witnesses who testified in support of the applicant currently use Gitelman (ABC Taxi) for taxicab service. Several of Gitelman's clients use ABC Taxi for interstate service, to and from out of state airports. In addition, the majority of the witnesses testified that Gitelman provides excellent service and that he is never late, nor has he ever, except one time, turned down service requests. By virtue of the fact that Gitelman is able to provide all of these witnesses with taxicab service, the conclusion must be made that the public convenience and necessity does not require the operation of a taxicab or additional taxicabs in the area of concern. Rather, there is substantial evidence on the record showing that the current level of service is adequate to meet the current demand.

The evidence also shows that there were only one or two occasions that Gitelman was unavailable to provide service to a witness. The record also reflects that Gitelman provides several trips interstate. A witness testified that on one occasion when Gitelman could not provide service, the witness called a limousine company. Moreover, there was testimony that some of the witnesses prearranged the trips. Some of the evidence presented tends to support livery service more than taxicab service. Regardless, the record lacks substantial evidence in support of a taxicab or taxicabs in the area of concern. More so the evidence shows that the public convenience and necessity is being met by Gitelman as a driver for ABC Taxi.

Several intervenors petitioned in opposition to this application. No evidence was presented by the intervenors supporting their contention that there was no public convenience and necessity in the area of concern. The testimony of those intervening companies who testified in opposition is considered self serving and not taken into consideration, but for the fact that there are other Russian speaking taxicab drivers, such as Bratslavsky.

IV. CONCLUSIONS OF LAW

Igor Gitelman, owner of ABC Taxi D'Lux, LLC, possesses the financial wherewithal to operate up to three vehicles if two were owner operated. Gitelman further possesses the suitability to operate the service, however, the public convenience and necessity does not require the addition of a taxicab or taxicabs in the area of concern as required in Connecticut General Statutes Section 13b-97.

V. ORDER

Based upon the foregoing and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of ABC D'Lux Taxi, LLC is hereby denied.

Dated at Newington, Connecticut, on this 19th day of January 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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