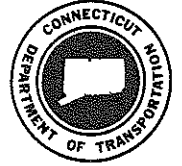




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1012-N-115-T

RE: APPLICATION OF CT TAXI, LLC FOR AUTHORIZATION TO OPERATE FIVE (5) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM CROMWELL, DURHAM, MIDDLEFIELD, MIDDLETOWN AND PORTLAND.

FINAL DECISION

August 23, 2011

I. INTRODUCTION

A. Applicant's Proposal

By application filed on December 28, 2010, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, CT Taxi, LLC (hereinafter "applicant") of 532 Middlefield Street, Middletown, Connecticut, seeks authorization to operate five (5) motor vehicles in taxicab service, within and to and from Cromwell, Durham, Middlefield, Middletown and Portland.

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 department in Newington on June 8, 2011 and August 2, 2011.

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. Notice to the public was given by publication on the department's website.

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.

C. Appearances

Krystyna Kecki, appeared on behalf of the applicant. The applicant was represented by attorney Devin Dingler. Mr. Dingler's mailing address is 102 Oak Street, Hartford, CT 06106.

Sairah Sandhu appeared on behalf of Executive 2000 Transportation, LLC which received intervenor status in this matter. Executive 2000 Transportation, LLC was represented by attorney Michael Stone with a mailing address of 129 Church Street, Suite 806, New Haven, Connecticut 06510.

Sheldon Lubin, a member of the Regulatory and Compliance Unit of the department, was present at the hearing.

II. FINDINGS OF FACT

1. The applicant is requesting authority to operate five (5) motor vehicles in taxicab service within and to and from Cromwell, Durham, Middlefield, Middletown and Portland.

2. The applicant, Mrs. Kecki, has operated a commercial janitorial cleaning business and wants to open a taxicab company.

3. Mrs. Kecki's husband, Hafiz Mahmood, is currently a taxicab driver with Horizon Cab in the New Haven area.

4. Executive 2000 Transportation, LLC operates ten (10) taxicabs in the service area that the applicant is seeking.

5. Linda Pierce and Jeffery Pierce are long time neighbors of the applicant. When their son visits, several times a year, he uses taxicabs to get around. The difficulty he faces is that the waiting time can exceed 45 minutes or the taxicab may not show up at all. The Pierces share a car and also occasionally use taxicabs themselves. They also had waiting time issues of thirty to forty-five minutes.

6. Lawrence Massey is a Middletown resident who uses taxicabs. He has also had waiting time issues when getting a taxicab in Middletown. In one instance, he waited 1 ½ hours for a taxicab but forty-five minutes to one hour are not uncommon waiting times.

7. Jerome Bruton is a college student who can't keep a car on campus in Hartford. He uses taxicabs to get back to Hartford from Middletown. He has waited one to two hours for a taxicab. He thinks more taxicabs are needed in the Middletown area on nights and weekends.

8. The applicant's insurance cost is \$3,292 per vehicle annually.

9. The applicant's annual expenses include property tax of around \$200, repairs and maintenance of \$800 and fuel of \$3,960.

10. The applicant owns one vehicle outright. Additional vehicles will cost approximately \$4,900 per vehicle.

11. As of July 13, 2011, there is about \$45,005 in the applicant's bank account.

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 Connecticut General Statutes 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.

With regard to suitability Mrs. Kecki has presented a criminal record check which has no criminal record. She has been the owner of her own business and her husband is familiar with taxicab operation from his work as a taxicab driver. Mrs. Kecki appears to have a good understanding of what is required to operate a taxicab business which she expressed in the extensive cross examination she underwent at the hearing. The applicant has proven suitability for this application to be granted.

With regard to financial ability, the applicant's annual expenses per vehicle include insurance cost of \$3,292, property tax of around \$200, repairs and maintenance of \$800 and fuel costs of \$3,960. The applicant owns one vehicle outright. Additional vehicles will cost approximately \$4,900 per vehicle. As of July 13, 2011, there is about \$45,005 in the applicant's bank account. Expanding the applicant's cost to operate one taxicab to include the cost for five taxicabs that the applicant has requested will result in the applicant depleting more funds than are presently available. Based on the evidence the applicant submitted, the applicant only has the financial ability to operate four out of the five motor vehicles requested.

With regard to public convenience and necessity, the applicant presented the testimony of several witnesses who have used taxicab service in Middletown and have experienced difficulty accessing it with long wait times and some no shows. The witness evidence is compelling that there is a need for additional taxicab service. The addition of the applicant to the market should alleviate some of those waiting time issues.

While the applicant has shown that there should be additional taxicab service it is not to the level requested in the application. The applicant will be granted two (2) motor vehicles to start taxicab service in the town of Middletown. The applicant did not provide proof that there was a need for taxicab service in Cromwell, Durham, Middlefield or Portland.

With regard to the number of taxicabs operated, the applicant appears to be stretching her family thin by having her college student son provide dispatching and driving services. Her son, Michael, is a full time student who has yet to receive his commercial driver's license. While there was also some mention of having access to drivers, it is unclear who these individuals would actually be.

Given the testimony at the hearing, it is much more reasonable for the applicant to start with two vehicles than to try to undertake a five vehicle operation from the start. Having the

three family members drive, dispatch and provide the administration of the business alone does not seem practical. The applicant can always expand in the future should the need arise.

IV. CONCLUSION AND ORDER

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of CT Taxi, LLC is hereby granted in part and Certificate Number 1224 is hereby issued as follows:

TAXICAB CERTIFICATE NUMBER 1224
FOR THE OPERATION OF A MOTOR VEHICLE IN TAXICAB SERVICE

CT Taxi, LLC is permitted and authorized to operate two (2) motor vehicles within and to and from Middletown.

RESTRICTIONS:

The applicant must register a vehicle granted under this certificate within thirty (30) days from the date of this decision.

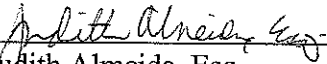
This certificate may not be sold or transferred until it has been operational, i.e. a vehicle registered with a taxicab plate there under, for not less than twenty-four (24) consecutive months. This certificate is transferable only with the approval of the department.

This certificate shall remain in effect until it is amended, suspended or revoked by the department. Failure of the certificate holder to maintain proper insurance and/or to 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 certificate.

This certificate 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.

Dated at Newington, Connecticut, on this 23rd day of August 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida, Esq.
Staff Attorney III
Administrative Law Unit
Bureau of Public Transportation