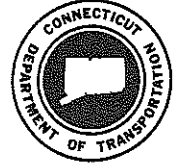


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1101-N-02-L

RE: APPLICATION OF PROVAN, LLC 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

October 6, 2011

I. INTRODUCTION

A. General

By application filed on December 23, 2010 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Provan, LLC (hereinafter "applicant"), with a mailing address of P.O. Box 17088, Stamford Connecticut, 06907 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 September 14, 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 pursuant to the Connecticut General Statutes Section 13b-103. Legal notice to the public was given by publication on the department's website.

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

C. Appearances

Jimmy Lamothe appeared pro se on behalf of the applicant. The applicant's mailing address is P.O. Box 17088, Stamford, Connecticut 06907.

Vito Bochicchio appeared on behalf of Eveready Transportation, Inc. and was granted intervenor status. The mailing address is P.O. Box 15, Darien, Connecticut 06820.

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

D. Contracts

The applicant sent copies of his contracts for shuttle service to the hearing officer for review.

II. FINDINGS OF FACT

1. The applicant has been operating vans, under contract with several corporations, in shuttle service for the past five years.

2. The applicant has approximately five contracts to shuttle employees or residents to and from the local train station. The employees/residents do not pay for the transportation.

3. The applicant's vehicles have been using service bus plates. The applicant also operates two busses which are used in the shuttle service and have bus plates.

4. At some point, the applicant was informed, by the department, that he should be operating these shuttle vans with livery plates instead of service bus plates.

5. Mr. Bochicchio does not object to the applicant operating a shuttle bus company. He does object to the applicant operating a livery service with additional livery plates.

6. The applicant has interstate livery authority.

7. The applicant pays an annual insurance premium of \$13,591.

8. The applicant's assets include cash of \$23,921 and accounts receivable of \$29,725.

9. The applicant's debts include accounts payable of \$16,084, fuel of \$100, repairs and maintenance of \$2,700 to \$5,000 annually and property tax of \$78 to \$265 per vehicle.

10. Eveready Transportation, Inc. operates fourteen motor vehicles in general livery service from a headquarters in Stamford.

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 information that shows that the applicant pays an annual insurance premium of \$13,591. The applicant's assets include cash of \$23,921 and accounts receivable of \$29,725. The applicant's debts include accounts payable of \$16,084, fuel of \$100, repairs and maintenance of approximately \$5,000 annually and property tax of approximately \$265 per vehicle. The applicant is financially suitable to operate the proposed business.

With regard to suitability, the applicant has submitted a criminal record check which shows no criminal convictions. The applicant has been operating a successful shuttle operation in

Stamford for several years. The applicant followed the advice he got from the department that he had to get a livery permit so he made this application to be on the right side of the law. Based on the evidence presented, the applicant has proven the requisite suitability to operate the proposed service.

The last criterion which must be met is public convenience and necessity. The applicant fails on this point because it brought no independent witnesses to prove that it needed a general livery permit. However, looking at the shuttle service the applicant is operating, it does not appear that a livery permit is needed. The applicant operates by performing shuttle service under contract with area businesses. The applicant provided copies of these contracts for review. The individuals that ride the shuttle do not pay for the service, the companies that contract with the applicant do. The applicant is currently operating this business with service bus plates.

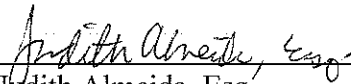
The definition of service bus is in Connecticut General Statutes Section 14-1(80) which is defined as "any vehicle except a vanpool vehicle or a school bus designed and regularly used to carry ten or more passengers when used in private service for the transportation of persons without charge to the individual." Based on the definition, the applicant can perform the shuttle service without livery plates.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Provan, LLC. is hereby denied.

Dated at Newington, Connecticut on this 6th day of October 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida, Esq.

Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration