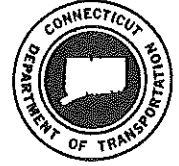




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

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DOCKET NO. 1102-N-13-T

RE: APPLICATION OF YOVANNY JORGE D/B/A QUISQUEYA TAXI TO
OPERATE TWO (2) MOTOR VEHICLES, IN TAXICAB SERVICE,
WITHIN AND TO AND FROM HAMDEN, EAST HAVEN, NEW HAVEN,
AND WEST HAVEN TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

December 22, 2014

I. INTRODUCTION

A. Applicant's Proposal

By application filed on February 24, 2011, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Yovanny Jorge d/b/a Quisqueya Taxi (hereinafter "applicant") of 6 Rockview Street, 2nd Floor, West Haven, Connecticut, seeks authorization to operate two (2) motor vehicles, in taxicab service, within and to and from Hamden, East Haven, New Haven, and West Haven 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 December 9, 2014. The extended length of time between the application date and the date of hearing resulted from the application of Regulations of Connecticut State Agencies §13b-17-131a, which requires that a final decision or judgment shall have been rendered and become effective before any applicant may file a subsequent application seeking additional operating authority of the same type of service, in the same or overlapping territory. The instant case was scheduled after the final decision and expiration of the appeal period in the matter of Ada's Taxi, LLC, Docket No. 1102-EXP-11-T.

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. Notice to the public was given by publication on the department website at www.ct.gov/dot.

The Commissioner of Transportation designated a hearing officer to conduct the hearing on this matter, pursuant to General Statutes §13b-17.

C. Appearances

Yovanny Jorge is the owner of, and appeared on behalf of, Quisqueya Taxi. The applicant's address is 6 Rockview Street, 2nd Floor, West Haven, Connecticut 06516.

No opposition was presented to the application.

II. FINDINGS OF FACT

1. The applicant seeks to operate two taxicabs within and to and from Hamden, East Haven, New Haven, and West Haven.

2. The applicant drove a taxicab for Ecuamex Taxi from 2005 to 2012. The applicant

ceased working as a taxicab driver because she was not making enough income to make ends meet. In 2012, the applicant resumed working as a Certified Nursing Assistant.

3. The applicant wants to start a taxicab company because it would serve her economic needs more than driving a taxicab.

4. The applicant's criminal conviction history shows no criminal record.

5. The applicant owns an Acura utility vehicle, outright, and would use that in her business. She would also purchase a 2007 Nissan Murano, estimated at \$7,800, for her second vehicle.

6. The applicant's estimated costs for outfitting the vehicles as a taxicab would average approximately \$700, per vehicle. The applicant's estimated maintenance costs for a six-month period would include tires, brakes, oil changes and cleaning, for a total of \$775, per vehicle.

7. The applicant's estimated insurance cost for one taxicab, for a six-month start-up period would be approximately \$3,500, for two the cost is \$7,125. The applicant would make monthly payments of \$1,187.

8. As of November 19, 2014, the applicant had cash in her account in the amount of \$35,485, and has an average balance of \$13,334, which is based on the previous 3 months.

9. The applicant has liabilities in the amount of \$9,800.

10. The applicant's criminal conviction history, dated December 10, 2014, shows no criminal record.

11. The applicant and her son will drive the taxicabs in the beginning. The applicant knows some people she would use to drive. A witness at the hearing also indicated he would drive for the company if she were to receive authority.

12. Elim Lopez lives in Seymour and is a pastor at the applicant's church in New Haven. He knows the applicant to be a member in good standing at the church; she is the Sunday school director and is a hard worker. Lopez does not use taxicabs.

13. Priscilla Calo lives in West Haven and is the assistant to the principal at a public high school in New Haven. She has known the applicant for seven years from church. She sometimes uses a taxicab if her car breaks down and sometimes the students use taxicabs, but she is not aware that there are problems with getting taxicabs in her area.

14. Francisco Perez is from West Haven and has known the applicant for twenty years. He knows the applicant to be a hard worker and helpful to people. Perez currently drives for Uber and is willing to drive for the applicant.

15. Cecilio Diaz lives in West Haven and has known the applicant for seven years. He knows her to be a hardworking, diligent and responsible individual. Diaz knows Jorge to be professional. Sometimes his child takes a taxicab to and from the train station in West Haven to his home. Sometimes his child has to wait for a taxicab, but they have not had problems getting transportation.

16. Angel Rivera lives in West Haven and has known the applicant for seven years from church. He knows her to be professional and a hard worker.

17. Irma Delacruz is from West Haven and has known the applicant through church. She supports the applicant and knows her to be a hard worker.

18. Mary Estrada is from East Haven and used to take the applicant's taxicab when the applicant was driving a taxicab. Estrada uses public transportation and knows the applicant to be an on time, caring person, who is a leader in her church. She supports the applicant. Estrada sometimes waits for a taxicab when she calls because sometimes they are late.

19. William Calo is from New Haven and he supports the applicant because she is Latino and the people in his building would use her services. He does not use taxicabs.

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 §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) of the General Statutes, 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 suitability, the applicant provided the requisite criminal conviction history report that shows no criminal conviction history. The applicant has experience as a taxicab driver from driving a taxicab for another company in New Haven for approximately seven years. Several witnesses testified on behalf of the applicant. They supported the applicant and all testified as to what a hard worker she is, that she is honest, dedicated and upstanding. No

negative evidence was introduced on the record relative to this applicant's suitability.

In support of financial wherewithal, the applicant provided documentary evidence to support her funds in the bank. As of November 2014, the applicant has assets in the amount of approximately \$45,000. She has liabilities of approximately \$9,800. Her start-up costs would include insurance, maintenance fees and the cost of outfitting the vehicles as taxicabs, for a total output of approximately \$11,787. The applicant possesses the financial wherewithal to operate the proposed service.

Lastly, the applicant must prove that the public convenience and necessity requires the operation of a taxicab or taxicabs. On this element, the evidence fails. Several witnesses appeared on behalf of the applicant to support the applicant in her endeavor; however, the testimony did not address public convenience and necessity. The applicant's witnesses, for the most part, did not use taxicab transportation. Two witnesses testified that they sometimes use taxicabs and they stated that they had to wait for a taxicab sometimes. No compelling evidence was introduced into evidence to support the public convenience and necessity element that must be proven for a grant of authority.

IV. CONCLUSIONS OF LAW

Based on the totality of the evidence, I conclude as a matter of law that the applicant is suitable to operate the proposed service, the applicant possesses the financial wherewithal to operate the proposed service, but the public convenience and necessity does not require a taxicab to be granted in this case.

V. ORDER

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Yovanny Jorge d/b/a Quesqueya Taxi is hereby denied.

Dated at Newington, Connecticut, on this 22nd day of December 2014.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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