



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 1202-N-14-L

RE: APPLICATION OF ELLI LIMO, LLP. TO OPERATE ONE (1) MOTOR VEHICLE, 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

June 28, 2013

I. INTRODUCTION

A. General

By application filed on February 7, 2012, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Elli Limo, LLP (hereinafter "applicant") with a mailing address of 10 Vincent Court Stamford, Connecticut 06905 seeks authorization to operate one (1) motor vehicle, 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, as amended, a public hearing on this application was held on June 11, 2013.

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

Abbas Abbaspour appeared pro se on behalf of the applicant. His mailing address is 10 Vincent Court, Stamford, Connecticut 06905.

II. FINDING OF FACTS

1. The applicant seeks to operate one (1) livery vehicle in intrastate livery service from a headquarters in Stamford.
2. The applicant has been operating in interstate livery service for many years. The applicant also worked in real estate for a time.
3. At the current time the applicant acts as an independent operator for other livery companies performing one to two trips per day.
4. Mr. Abbaspour opened Elli Limo in 2007 to perform interstate service. In 2009 he started experiencing a downturn in business and some of his corporate accounts have since declined.
5. Mr. Abbaspour admits that he is paying his bills with his credit cards and is not in a good financial state.
6. The applicant utilizes a 2007 Yukon SUV in the business which has a value of \$19,511. There is an outstanding loan balance of \$15,206.

7. The applicant's estimated annual revenue is \$6,000.
8. The applicant's insurance premium is \$3,148 per year.
9. The applicant's bank account balance ranges from \$69 to \$789.
10. Mr. Abbaspour testified that he needs the intrastate license to be able to bring in more revenue.

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 has presented evidence that the applicant is essentially staying above water by paying its debt with credit cards. The bank account balances are less than \$800 and the vehicle and insurance are not paid off yet. The estimated revenue was \$6,000. While granting the intrastate license would not require any additional expenditure, the applicant appears to have little or no cash reserves to combat any financial threat to its business. Based on the evidence presented, the applicant is not financially suitable to operate the proposed service.

With regard to suitability, the applicant provided the requisite criminal conviction history for Abbas Abbaspour which showed no convictions. Mr. Abbaspour has been in the livery business as a driver or livery owner since the 1980's. He is aware of the rules and regulations which govern livery service. Based on the evidence presented, the applicant has proven its suitability to operate this livery service.

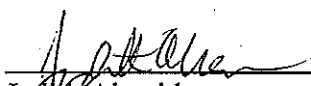
The applicant must also prove public convenience and necessity. In that regard, the applicant did not present any witnesses to testify about the need for its intrastate livery service. Mr. Abbaspour testified that he needs the ability to perform intrastate livery trips to generate more income. While the department sympathizes with the applicant, it is not a basis to grant a livery application.

IV. CONCLUSION AND ORDER

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

Dated at Newington, Connecticut on this 28th day of June 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration