



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

DOCKET NO. 1206-N-91-T

RE: APPLICATION OF ABC RED TAXI, LLC. D.B.A. ABC RED TAXI TO OPERATE TWO (2) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM BARKHAMSTED, BRISTOL, BURLINGTON, CANTON, CHESHIRE, EAST HARTFORD, FARMINGTON, GOSHEN, HARTFORD, HARWINTON, LITCHFIELD, NEW BRITAIN, NEW HARTFORD, PLYMOUTH, SIMSBURY THOMASTON, TORRINGTON, WATERBURY, WATERTOWN, WINSTED AND WOLCOTT.

FINAL DECISION

May 8, 2013

I. INTRODUCTION

A. Applicant's Proposal

By application filed on June 5, 2012, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, ABC Red Taxi, LLC. d.b.a. ABC Red Taxi (hereinafter "applicant") with a mailing address of 48 Emmett Street, Terryville, Connecticut 06786 seeks authorization to operate two (2) motor vehicles in taxicab service within and to and from the towns of Barkhamsted, Bristol, Burlington, Canton, Cheshire, East Hartford, Farmington, Goshen, Hartford, Harwinton, Litchfield, New Britain, New Hartford, Plymouth, Simsbury, Thomaston, Torrington, Waterbury, Waterbury, Watertown, Winsted and Wolcott.

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 of Transportation in Newington, Connecticut on January 29, 2013 and April 23, 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 by Section 13b-97(a) of the Connecticut General Statutes, as amended. Legal 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

Patros Hormoz appeared on behalf of the applicant. The applicant was represented by Robert Cohen, Esq. with a mailing address of Suite 101, 580 Broad Street, Bristol, Connecticut 06010.

Mary Alice Moore Leonhardt represented several taxicab companies who were granted intervenor status including:

1. Edward McGhie d.b.a. United Cab C-1078.
2. Ace Taxi Service d.b.a. Ace Taxi C-1066 and East Hartford Cab Company d.b.a. Ace Taxi C-1145.
3. Suburban Transportation, Inc. d.b.a. Valley Cab and Tunxis Cab C-1144 and C-1093.
4. The Waterbury Yellow Cab & Service Company, Inc. d.b.a. Yellow Cab Co. C-107.

Ms. Leonhardt mailing address is 102 Oak Street, Hartford, Connecticut 06106.

ABC Red Taxi, LLC
DBA Red Taxi
Docket No 1206-N-91-T

Alexander Sherman and Grigory Bratslavski represented the following companies who were granted intervenor status:

1. D & I Taxi, LLC. C-1204
2. ABC Taxi, LLC. C-1211
3. Grigory Bratslavski C-1084

Mr. Sherman mailing address is 106 Barkledge Drive 106, Newington, CT 06111. Mr. Grigory Bratslavski'S mailing address is 78 Crownridge, Newington, CT 06111.

Veneil Clark, Alex Visoky and Gul R. Kahn were not present throughout the entire hearing and were removed as intervenors either before or during the hearing.

D. Administrative Notice

Administrative Notice was taken of all of the taxicab companies operating in the applicant's service area:

1. Grigory Bratslavski- operating in East Hartford, Farmington, Hartford and Simsbury.
2. Suburban Transportation, Inc. d.b.a. Valley Cab- operating in East Hartford, Bristol, Canton, Farmington, Hartford, Burlington, Harwinton, New Hartford, Plymouth, Thomaston, Litchfield, Torrington and Simsbury.
3. Edward McGhie- operating in East Hartford, Farmington, Hartford, Simsbury and Canton.
4. East Hartford Cab Company-operating in East Hartford, Farmington, Hartford and Simsbury.
5. Waterbury Yellow Cab-operating in Waterbury and Watertown.
6. ABC Taxi, LLC-operating in East Hartford, Farmington, Hartford and Simsbury.
7. Arrow Cab, Inc.-operating taxicabs in East Hartford, Farmington, Hartford and Simsbury.
8. D & I- operating in Hartford.
9. Executive 2000 Transportation-operating in New Britain, East Hartford, Farmington, Hartford and Simsbury.

II. FINDINGS OF FACT

1. The applicant seeks to operate two (2) taxicabs in the towns of Barkhamsted, Bristol, Burlington, Canton, Cheshire, East Hartford, Farmington, Goshen, Hartford, Harwinton, Litchfield, New Britain, New Hartford, Plymouth, Simsbury, Thomaston, Torrington, Waterbury, Waterbury, Watertown, Winsted and Wolcott.

2. The applicant operates a construction business. He is also a master card and visa agent and a public adjuster. He has an endorsement to drive a taxicab and he had some taxicab experience in Iran.

3. Robert LaMarre testified that he is a carpenter who employs an average of five (5) people in his business. Mr. LaMarre works on jobs all over Connecticut. His employees have difficulty getting to work because they have lost their drivers licenses. Mr. LaMerre wants his employees to use the applicant's taxicab service for transportation to and from his Bristol office but he will not be paying for the taxicab service. Currently, the employees either drive themselves or get rides with other employees.

4. George Caruso is a Thomaston resident. He uses taxicabs and does not drive. He recounted experiences of having difficulty getting a taxicab and having to make numerous phone calls. He uses taxicabs about three to five times a week. He is friend of the applicant. Mr. Caruso has not used Valley Cab, Tunxis Cab and Patriot Cab for service. He had some difficulty with Waterbury Yellow Cab in the past.

5. Crystal Blake is a Plymouth resident and a friend of the applicant. She uses taxicabs four (4) to five (5) times a week. She works as a visiting nurse. She waits one to two hours for a taxicab if she calls for one at the last minute. She usually uses Valley Cab and did not know of several other taxicab companies that service that area.

6. Giovanni Trovato testified that he works at Foxwoods Casino and commutes to Ledyard from Plymouth. He does not have use for a taxicab personally as he owns several cars. He is friends with Mr. Hormoz and may drive one of the taxicabs part time if the application is granted.

7. Raymond Marquis testified that he lives in Bristol and works as a self-employed carpenter. He usually drives his employees because they don't have driver's licenses but he finds it inconvenient. His jobs are located in the Bristol area. He says he will use the applicant's service for his employees so he does not have to transport the workers himself but his employees would pay for the taxicab service. Mr. Marquis has performed worked for the applicant in construction. He admitted that he would call the existing operators in the area for taxicab service if he needed it.

8. Jesse Medina is a Waterbury resident. He works for Mr. Marquis as a carpenter. He does not have a driver's license. He will not use taxicabs if he has to pay the fare himself.

9. Paul Tuper testified that he is a self-employed contractor with one employee who does not drive. He picks up an employee and drops him off at the work site. He had not thought of having his employee use a taxicab to get to and from work until he spoke to the applicant. He has known the applicant for the past twenty years.

10. Mitchell Beaman owns a construction business with Mr. Hormoz. He testified about the loyalty and reliability of Mr. Hormoz. He does not have a personal need for taxicab service.

11. Aaron Goderre is a Bristol resident who used to work with the applicant. He last took a taxicab a few years ago. He does not have the need to call a taxicab.

12. Nicholas Dunn testified that he works for Paul Tuper and lives in Plymouth. Mr. Tuper picks him up for work because he does not have a car. He uses taxicabs once or twice a month but will usually call a friend first. Sometimes he has waited over an hour for a taxicab. He has known the applicant for about a year.

13. Jesse Depirolomo testified that he is unemployed and does not have a driver's license. He usually gets to work through his employer or friends. The applicant is a family friend. He has not needed to call a taxicab at this point.

14. Jesse Ray testified that he does not have a driver's license and that he walks to work. He used to work for Mr. Hormoz. The last time he called for a taxicab it was three years ago. He plans to get a driver's license and purchase a car in the next few months.

15. The applicant will operate a 2003 Toyota Camry and a 2007 Ford 500 in the business. The fair market value of the two cars is \$15,759 with no loans outstanding.

16. The applicant has \$15,262 cash in the bank.

17. The vehicle insurance for each car is \$4,200 annually.

18. The applicant's first six months of expenses are: advertising of \$600, repairs and maintenance of \$1,500, property tax of \$525 and insurance of \$4,200.

19. The applicant knows a couple of drivers who have a public service licenses that would be willing to drive for him. He also knows a couple of people that are in the process of getting a public service license that also want to drive for him.

20. The applicant will be the primary dispatcher in the new company.

III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over common carriers, which include 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.

With regard to suitability, the applicant presented the criminal record check for Mr. Hormoz which shows only one old prior arrest. The applicant is an experienced business person and he is familiar with the taxicab business. There was no evidence brought to light that reflects negatively on the applicant's suitability to operate the proposed service.

As far as the applicant's financial suitability is concerned, the applicant will operate a 2003 Toyota Camry and a 2007 Ford 500 in the business. The fair market value of the two cars is \$15,759 with no loans outstanding. The applicant has \$15,262 cash in the bank. The vehicle insurance for each car is \$4,200 annually. The applicant's other expenses for the first six months are advertising of \$600, repairs and maintenance of \$1,500, property tax of \$525 and insurance of \$4,200. The applicant has sufficient funds to operate the proposed service.

With regard to proving public convenience and necessity, the applicant submitted the testimony of many witnesses. The main focus of the testimony is that the people who work in the carpentry industry usually have lost their drivers licenses and cannot drive. In many of the witnesses, the need for a taxicab service appeared to be occasional at best. Some of the witnesses did not even have a need for taxicab service, had not used a service, but say they would use the applicant's service if his application is granted. Another problem is that the employees in the carpenter's business are not testifying they will use the service. Their boss is saying they will use the service.

All of the witnesses presented are either friends or business associates of the applicant and not actually unbiased members of the public who need taxicab service. These witnesses spoke well of the applicant and seemed to want to help him but that is not enough reason to be granted a taxicab certificate.

The applicant has chosen a service area that is so large that it would be almost impossible to

ABC Red Taxi, LLC
DBA Red Taxi
Docket No 1206-N-91-T

service all of these towns with only two cars. This does not seem to be a workable plan. The primary reason the applicant wants to get into the taxicab business is that he wants to provide jobs to a few people. While that is certainly a laudable goal, it does not prove public convenience and necessity.

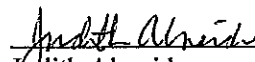
Based on the evidence presented, the applicant has not shown the need for an additional taxicab service in Barkhamsted, Bristol, Burlington, Canton, Cheshire, East Hartford, Farmington, Goshen, Hartford, Harwinton, Litchfield, New Britain, New Hartford, Plymouth, Simsbury, Thomaston, Torrington, Waterbury, Waterbury, Watertown, Winsted and Wolcott.

IV. CONCLUSION

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of is hereby denied.

Dated at Newington, Connecticut on this 8th day of May 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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

ABC Red Taxi, LLC
DBA Red Taxi
Docket No 1206-N-91-T