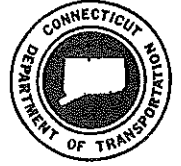




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1207-GOV-103-L

RE: APPLICATION OF CT LIVERY, LLC. TO OPERATE SEVEN (7) MOTOR VEHICLES, EACH HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS, IN THE TRANSPORTATION OF PASSENGERS FOR HIRE BY VIRTUE OF A CONTRACT WITH, OR A LOWER TIER CONTRACT FOR ANY FEDERAL, STATE OR MUNICIPAL AGENCY BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN MIDDLETOWN.

FINAL DECISION

December 19, 2013

A. APPLICATION

By application filed on July 16, 2012, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, CT Livery, LLC. (hereinafter "applicant") located at 532 Middlefield Street, Middletown, Connecticut seeks authorization to operate seven (7) motor vehicles, each having a seating capacity of ten (10) adults or less, in the transportation of passengers for hire by virtue of a contract with, or a lower tier contract for, any federal, state or municipal agency between all points in Connecticut from a headquarters in Middletown.

B. HEARING

Pursuant to Connecticut General Statutes, Section 13b-103(a)(3), as amended, a public hearing on this application was held on March 7, 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 Connecticut General Statutes Section 13b-103(a)(1), as amended. 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

Krystyna Kecki appeared on behalf of CT Livery, LLC and was represented by Michael Stone, Esq. Mr. Stone's mailing address is 129 Church Street, Suite 806, New Haven, CT 06510.

Executive 2000 Transportation, LLC filed for intervenor status in the matter which was granted exclusively to discuss public convenience and necessity. Nasir Sandhu appeared on behalf of Executive 2000 Transportation, LLC. Executive 2000 Transportation, LLC was represented by the legal team of Heather Kaufman and Amir Shaikh who have a mailing address of P.O. Box 568, Columbia, CT 06237.

II. FINDINGS OF FACT

1. The applicant is currently the holder of a taxicab certificate to operate two (2) taxicabs in Middletown.
2. The applicant is seeking to start a livery service to provide livery trips to Logisticare, a transportation broker in Connecticut.
3. The applicant currently provides medical livery trips for Logisticare with its two taxicabs. The applicant seeks to move the Logisticare business to livery vehicles.
4. The applicant has leased office space at 25 Broad Street in Middletown.
5. Mrs. Kecki's husband is acting as a dispatcher and back up driver and her son helps in the business. Mrs. Kecki does the office work.

6. The applicant has a sufficient number of drivers to cover the seven (7) additional vehicles requested.
7. The applicant provides twelve (12) to fifteen (15) medical rides per day per vehicle and covers two hundred and forty (240) miles per day.
8. Mr. McMellon worked as the Director of Operations for Logisticare. Logisticare needs the applicant to provide transportation for its clients. At the time the contract was entered into on June 1, 2013, Logisticare contracted with the applicant to operate seven (7) vehicles.
9. Executive 2000 Transportation, LLC has authority to operate eighteen (18) livery vehicles and twenty-one (21) taxis.
10. Executive 2000 Transportation, LLC received authority for six (6) governmental livery authorities in 2012. At the time of the hearing, they had only registered three (3) vehicles.
11. Executive 2000 Transportation, LLC uses all of its twenty-one (21) taxis to do contract work for Logisticare.
12. Executive 2000 Transportation, LLC is upset with the call volume they receive from Logisticare. Under the contract they have with Logisticare, call volume is not guaranteed.
13. Members that use the transportation provided by Logisticare can request a preferred provider, although they are not guaranteed to get that provider.
14. Logisticare would rather use livery vehicles than taxicabs based on the fact that livery vehicles carry a higher insurance limit.
15. Executive 2000 Transportation, LLC refused a Logisticare call request as recently as the day before the hearing.
16. The owners of Executive 2000 Transportation, LLC are quoted in a local newspaper from June 2012 as stating that their business is "expanding".

III. DISCUSSION

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 there under, in accordance with General Statutes Section 13b-103.

To show financial support the applicant submitted the following information that the applicant has \$49,000 cash in the name of CT Livery, LLC. The applicant has no liabilities. The total cash required to purchase livery vehicles is \$18,800. Total annual property tax is \$1,446. Insurance for the year would cost \$24,500. Estimate repairs would be \$6,684. Based on the evidence presented, the applicant is financially viable to operate the proposed livery service.

Regarding the applicant's suitability, the applicant has been operating a taxicab company with two (2) vehicles so they now have experience in transportation management. Mrs. Kecki provided a criminal record check which shows no convictions. There was nothing negative disclosed concerning the applicant's suitability which would prevent this application from being granted.

Lastly, the applicant must prove that the public's convenience and necessity will be improved by the proposed service. This can be done by providing a contract with a broker and having that broker support the contract through witness testimony. The applicant presented a witness from Logisticare, Mr. McMellon, who testified that his company needs additional vehicles and has sufficient work to keep the applicant's vehicles busy. Logisticare has requested that the applicant be granted seven (7) livery authorizations by entering into a contract for these vehicles.

In 2012, Longisticare also supported Executive 2000 Transportation in its application for six (6) additional livery vehicles. As of the date of the hearing, three (3) of those vehicles are not being used. Executive 2000 is using all of their existing taxicabs to do Logisticare work so clearly they could move that work back to the livery vehicles and take care of their taxicab service as they are required to do pursuant to the Regulations of Connecticut State Agencies Section 13b-96-36.

Based on the evidence presented, the applicant will be granted the authority to operate the seven (7) vehicles.

VI. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application of CT Livery, LLC. is hereby granted. Accordingly, Livery Permit Number 3275, standing in the name of CT Livery, LLC is hereby issued as follows:

LIVERY PERMIT NO. 3275

DURATIONAL LIVERY SERVICE UNDER CONTRACT WITH LOGISTICARE, INC. DOCKET NO. 1207-GOV-103-L-GRANTED DECEMBER 17, 2013

CT Livery, LLC authorized to operate seven (7) motor vehicles, having a seating capacity of less than ten (10) adults, for the provision of transportation for hire by virtue of a contract with Logisticare, Inc. from a headquarters in Middletown, Connecticut.

RESTRICTIONS:

The applicant must register and insure all of the motor vehicles granted in this docket within forty-five (45) days from the date of this final decision. Any vehicles not registered or insured within the forty-five (45) day period will be revoked.

The additional authority granted in Docket No. 1207-GOV-103-L, shall be durational in nature and shall exist only for the period of time that the permit holder has a current and continuing contract in effect for the provision of service with Logisticare.

The permit holder shall notify the department of any termination of its contract with Logisticare or the cessation of the active provision of service there under. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicle authorized in this decision, a current, executed copy of the extension of said contract. Failure to file an extension of the contract, or a new executed contract with Logisticare, shall void the authority for the vehicle authorized pursuant to this contract.

This permit is not transferable and shall remain in effect until revoked by the department or until the contract under which this authority is granted has expired. Failure of the permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke said permit.

A memorandum of this permit, bearing the seal of the department, shall be conspicuously posted in each motor vehicle operated under this permit.

Dated at Newington, Connecticut on this 19th day of December, 2013

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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