



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1305-NGOV-243-L

RE: APPLICATION OF COMFORT CARE TRANSPORTATION, LLC. TO OPERATE TWO (2) MOTOR VEHICLES, HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, FOR 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 DANBURY.

FINAL DECISION

October 22, 2013

## I. INTRODUCTION

### A. APPLICATION

By application filed on May 2, 2013, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Comfort Care Transportation, LLC. (hereinafter "applicant") located at 70 Locust Street, Danbury, Connecticut seeks authorization to operate two (2) motor vehicles, each having a seating capacity of ten (10) adults or less, for 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 Danbury.

### B. HEARING

Pursuant to Connecticut General Statutes, Section 13b-103(a)(3), as amended, a public hearing on this application was held on October 8, 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

Odilene and Luis Degodoy appeared on pro se on behalf of Comfort Care Transportation, LLC. The De Godoy's mailing address is 55 James Street, Apt #1, Danbury, Connecticut 06810.

## II. FINDINGS OF FACT

1. The applicant is seeking to perform contract work to provide livery trips for Logisticare, a transportation broker in Connecticut. The applicant currently operates one vehicle in general livery service.

2. The applicant submitted a sign executed contract with Logisticare to provide medical transportation services.

3. Claude Bisson, Transportation Manager for Logisticare, testified that he supports the applicant's request to have two (2) livery vehicles available to provide transportation for Logisticare.

4. The two (2) vehicles requested will service the North West region of the state.

5. The Affordable Care Act is going to add an estimated 55,000 additional members to L

6. The applicant has three vans which can be used to transport the elderly and handicapped. All three vans do not have an outstanding loan.

7. The applicant has \$32,584.23 in the bank.

8. The annual insurance premium is \$8,521 per vehicle.

9. The applicant's expenses for the next six months total \$24,919.

### 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 Connecticut General Statutes Section 13b-103.

To show financial support the applicant submitted information showing that it has three vehicles, two of which can be used to provide the transportation. None of the vehicles has an outstanding loan. The applicant has \$32,584.23 in the bank. The annual insurance premium is \$8,521 per vehicle. The applicant's expenses for the next six months total \$24,919. Based on the evidence presented, the applicant is financially viable to operate the proposed livery service.

Regarding the applicant's suitability, Mrs. Degodoy provided a criminal record check which showed no criminal convictions. The applicant has been in the livery business with one vehicle since last year. There have been no complaints filed against the applicant. The applicant has shown the requisite suitability to operate the expanded service.

The final element that needs to be proven is that there is an executed contract from Logisticare which was presented as an exhibit. There was also witness testimony from Claude Bisson, a Manager at Logisticare, as to the need for the livery service. Based on the evidence presented, the applicant will be granted the authority to operate the two (2) vehicles requested.

VI. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application of Comfort Care Transportation, Inc. is hereby granted. Accordingly, Livery Permit Number 3269, standing in the name of Comfort Care Transportation, LLC. is hereby reissued as follows:

**LIVERY PERMIT NO. 3269**

Comfort Care Transportation, LLC. is hereby permitted and authorized to operate one (1) motor vehicle in general livery service to all points in Connecticut from a headquarters in Danbury.

**RESTRICTIONS**

This certificate may not be sold or transferred until it has been operational, i.e., its vehicles registered with taxicab plates thereunder, for not less than twenty-four (24) consecutive months. This certificate is transferable only with the approval of the department.

This certificate shall remain in effect until it is amended, suspended, or revoked by the department. Failure of the certificate holder to maintain proper insurance and/or to comply with all pertinent motor vehicle laws and other State statutes and/or the rules, regulations and orders of the department, as this department may from time to time prescribe, shall be considered sufficient cause to amend, suspend or revoke this certificate.

**DURATIONAL LIVERY SERVICE  
UNDER CONTRACT WITH LOGISTICARE, INC.  
DOCKET NO. 1305-NGOV-243-L-GRANTED OCTOBER 17, 2013**

Comfort Care Transportation, LLC. is authorized to operate two (2) 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 Danbury.

**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 for two (2) vehicles granted in Docket No. 1305-NGOV-243-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.

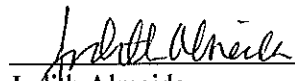
The permit holder shall notify the department of any termination of its contract with Logisticare or the cessation of the active provision of service there under. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicle authorized 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 October 22, 2013

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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