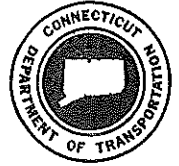




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1307-GOV-303-L

RE: APPLICATION OF SKY TRANSPORTATION, LLC TO OPERATE THREE (3) MOTOR VEHICLES, HAVING A SEATING CAPACITY 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 PLYMOUTH, CONNECTICUT.

FINAL DECISION

December 13, 2013

I. INTRODUCTION

A. Application

By application filed on July 30, 2013 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103(a)(3) of the Connecticut General Statutes, as amended, Sky Transportation, Inc. (hereinafter "applicant") located at 81 Hillside Avenue, Plymouth, Connecticut seeks authorization to operate three (3) motor vehicles, 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 the town of Plymouth.

B. Hearing

Pursuant to Connecticut General Statutes Section 13b-103(a)(3), as amended, a public hearing on this application was held on December 5, 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 General Statutes Section 13b-103(a)(1). Legal notice to the public was given by publication on the department's web site at www.ct.gov/dot.

The undersigned hearing officer was designated by the Commissioner of Transportation to conduct the hearing on this matter, pursuant to Connecticut General Statutes Section 13b-17.

C. Appearances

The applicant appeared through its owners Grigory and Roman Genov, and was represented by Polina Bodner Shapiro, Esq., whose mailing address is 650 Farmington Avenue, Hartford, Connecticut 06105.

No opposition was filed to this application.

II. FINDINGS OF FACT

1. Sky Transportation, LLC holds livery permit 3304 and is authorized to operate three motor vehicles in general livery service. The applicant has been in operation since May 2013 and no record of citations.
2. The applicant operates its three livery vehicles under a current executed contract with Logisticare Solutions, LLC (hereinafter "Logisticare").

3. Logisticare is a transportation broker that provides non-emergency medical transportation to Medicaid clients in the State of Connecticut.
4. Logisticare assigns the applicant approximately 100 trips per day. With its three cars, the applicant currently completes approximately 75 rides per day and declines approximately 25 rides because it does not have enough vehicles to accommodate all of the calls assigned.
5. With the implementation of the Affordable Care Act, Logisticare anticipates an increase of approximately 55,000 Medicaid patients who will need non-emergency medical transportation in January 2014.
6. If approved, the applicant will be providing transportation for Logisticare in the northwest region, including Waterbury and the surrounding area.
7. Claude Bisson has been employed by Logisticare for 15 years and has worked as its Transportation Manager for the past 8 years. As the Transportation Manager for Logisticare, Bisson supports the approval of the instant application for three additional livery vehicles to help meet Logisticare's demand for non-emergency medical transportation.
8. The contract by and between Logisticare and the applicant is current, executed and automatically renews annually.
9. The applicant has been dependable in providing transportation for Logisticare and has helped Logisticare provide transportation to remote areas of the state when needed.
10. The owners/managers of the applicant company have no criminal convictions.
11. The applicant owns outright the three vehicles it intends to use for this business.
12. The applicant's cash on hand as of October 31, 2013 totals approximately \$21,100. The annual insurance premium for the three vehicles is \$8,645, which is financed monthly. Other estimated costs and expenses including office expenses, gas, repairs and maintenance, payroll and insurance for the five month period of July 2013 to October 2013 totals \$75,200. The applicant's total revenue for said period is \$98,200 and its net income was \$22,900.
13. No opposition was presented to this application.

III. DISCUSSION AND CONCLUSIONS OF LAW

The department has jurisdiction over each person, association, limited liability company or corporation owning or operating a motor vehicle in livery service, pursuant to 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 General Statutes Section 13b-103.

The applicant provided the requisite balance sheet and proof of its cash on hand. The applicant showed a net profit and has funds to operate for an initial six months. The applicant is currently in operation and has had no problems with its operation.

The owners/managers of the applicant company, Grigory and Roman Genov testified to their ability and willingness to operate within the confines of the regulatory scheme governing livery service. Claude Bisson, Logisticare's Transportation Manager spoke highly of the company.

The applicant and Logisticare are parties to an existing contract for non-emergency transportation services to Medicaid patients. Logisticare expects its demand for transportation to increase significantly based on the passage of the Affordable Care Act.

There is substantial evidence on the record to conclude that the applicant's management is suitable to operate the proposed service, is financially suitable to operate the proposed service and there is an existing contract meeting the public convenience and necessity requirement in accordance with Connecticut General Statutes Section 13b-103.

IV. ORDER

Based upon the foregoing, therefore, and pursuant to Connecticut General Statutes 13b-103, as amended, the application of Sky Transportation, LLC is hereby granted and Permit Number 3304 standing in the name of Sky Transportation, LLC is hereby amended and reissued as follows:

LIVERY PERMIT NO. 3304
FOR THE OPERATION OF MOTOR VEHICLES IN LIVERY SERVICE

Sky Transportation, LLC is hereby permitted and authorized, in accordance with and under the provision of the General Statutes, as amended, to operate the following:

Three (3) motor vehicles with a seating capacity of less than ten (10) adults in general livery service from a headquarters in Plymouth.

The authority granted on May 24, 2013, may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder, for not less than twenty-four (24) consecutive months. If during the twenty-four (24) month period, the applicant enters into a contract for the full or partial sale and transfer of any of the vehicles authorized, the authority transferred into this permit will be revoked.

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

DURATIONAL LIVERY SERVICE
FOR THE PROVISION OF DURATIONAL TRANSPORTATION OF PASSENGERS FOR
HIRE BY VIRTUE OF A CONTRACT WITH LOGISTICARE SOLUTIONS, LLC
GRANTED IN DOCKET NO. 1307-GOV-303-L ON DECEMBER 16, 2013

Sky Transportation, LLC is hereby permitted and authorized to operate three (3) motor vehicles having a seating capacity of less than ten (10) adults for the provision of livery service under contract with Logisticare Solutions, LLC from a headquarters in Plymouth, Connecticut.

RESTRICTIONS:

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

The authority granted in this Docket (No. 1307-GOV-303-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 Solutions, LLC.

The permit holder shall notify the Department of any termination of its contract with Logisticare Solutions, LLC or the cessation of the active provision of service thereunder. The permit holder shall file with the Department on an annual basis, upon registration or

re-registration of the motor vehicles 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 Solutions, LLC 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 shall be kept conspicuously posted in each motor vehicle operated hereunder.

Dated at Newington, Connecticut, this 13th day of December 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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