



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1310-N-350-L

RE: APPLICATION OF PRONTO EXPRESS LIMO SERVICE, LLC TO OPERATE THREE (3) MOTOR VEHICLES HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE, BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN BRIDGEPORT, CONNECTICUT.

FINAL DECISION

April 1, 2014

I. INTRODUCTION

A. Application

By application filed on October 4, 2013 with the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes §13b-103, as amended, Pronto Express Limo Service, LLC (hereinafter "applicant") seeks authorization to operate three (3) motor vehicles having a seating capacity of ten (10) adults or less, in general livery service, between all points in Connecticut from a headquarters in Bridgeport, Connecticut.

B. Hearing

A public hearing on this application was held on February 11, 2014 in accordance with General Statutes §13b-103(a).

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 §13b-103(a)(1). Legal notice to the public was given by publication on the department website at www.ct.gov/dot.

The Commissioner of Transportation designated a hearing officer to conduct the hearing on this matter, pursuant to General Statutes §13b-17.

C. Appearances

Pronto Express Limo Service, LLC appeared through its owner, Jose Calle, and was represented by Mark L. Bergamo, Esq. of The Marcus Law Firm, whose mailing address is 275 Branford Road, North Branford, Connecticut, 06471.

No opposition was presented to the application.

II. FINDINGS OF FACT

1. The applicant is the holder of Permit No. 3322, for the registration of authorization issued by the Federal Motor Carrier Safety Administration, to operate motor vehicles in interstate livery service.

2. The applicant owns outright a 2004 and 2005 Lincoln Town Car, both of which are in operation and which provide interstate livery service. The applicant has a third vehicle, a 2004 GMC Envoy, that is not yet registered and that was paid off in January 2014. The vehicles have a combined market value of \$20,695.

3. The annual insurance premium for three vehicles is \$10,500. The applicant will finance the insurance with a down payment of \$1,051 and a monthly installment of \$1,070 for nine months. The insurance estimate for a six-month period is approximately \$6,395.

4. The applicant had a cash balance in the amount of \$29,257 at the end of January 2014.

5. The applicant shows revenue of approximately \$40,704 for nine months ended September 30, 2013. Its expenses totaled \$16,917 with a net income annualized at \$31,716, or \$15,858 for six months.

6. The applicant's estimated expenses include advertising at \$1,500, repairs and maintenance at \$4,950, property taxes at \$400, telephone at \$1,980, office expenses a \$375, miscellaneous and professional fees of \$1,750, for a six-month total of \$11,205 for the three vehicles. Since the applicant is currently in business with two vehicles, it is likely that the applicant's expenses will not be as high with the addition of one vehicle to its fleet.

7. The applicant's management has no criminal conviction history record.

8. Jose Calle drives one of the two vehicles in operation. There is another driver who works for the company and drives the second vehicle currently in service. The third driver helps out occasionally. If authority is approved, Calle will establish the business office hours and hire a dispatcher.

9. The applicant currently has a clientele to whom it provides interstate livery service. The applicant's clients continue to ask the applicant for rides to and from intrastate destinations. The applicant has declined these requests because it is not permitted for intrastate livery service.

10. Eric Rosales lives in Bridgeport, Connecticut. Rosales owns a real estate, mortgage, and tax preparation business in Connecticut. He currently uses the applicant's livery service when he travels from out of state airports. He has asked the applicant for service to the casino but was unable to get the ride because the applicant does not hold intrastate authority. Rosales would like to use the applicant for his livery service needs, which would be for going out to dinner and to transport his employees. Rosales has used taxicabs but would rather use limousines even at a higher cost.

11. Blasina Morales lives in Bridgeport, Connecticut. She works nights in New York. She uses Metro North to New York and trains and buses in New York. In Connecticut, she would like to use the applicant for transportation to the mall or other places within the state. Morales understands that livery service is more costly than taxicab service and she is willing to pay a higher price for livery service to have the transportation available to her. She would use the service two or three times a month.

12. Yohel Feliz lives in Bridgeport, Connecticut. He owns and works at Evolution Barber Shop for the past 6 years. He uses the applicant to go to the airport. He would use the applicant for trips to the casino and for parties and nights on the town. He's used another livery service in the past and he likes the quality of the applicant's service and would prefer to use the applicant's service.

13. Selena Morales lives in Bridgeport, Connecticut. She is a full time student and

works at a children's gym. She was referred to the applicant for transportation to JFK airport in New York. She has been using the applicant's service since and she would use the applicant for instate for special occasions every so often.

14. No opposition was filed to this application.

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 General Statutes §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 §13b-103.

Jose Calle, the manager of the applicant company has been operating two vehicles in interstate livery service. Calle submitted a criminal conviction history form dated December 2012 that shows no criminal record; nor has Calle been involved in criminal activity as of the date of the report. The applicant has been operating livery service since October 2013 without incident.

There was an issue brought up during the hearing showing that the applicant had been operating in interstate livery service since 2009, but it appears that Calle did not realize that he had to register the interstate authority with the State of Connecticut. When he was made aware, he complied with the authority registration requirement so that he is in compliance with the rules and regulations of the department. Because the applicant corrected its status when the management learned of the requirement to register, this transgression will not be held against the applicant. No other negative information was entered on the record to show the management as unsuitable to operate the proposed service.

In support of financial wherewithal to operate the proposed service, the applicant provided evidence showing its operating/start-up costs for a six-month period would be approximately \$11,205. The applicant shows revenue of approximately \$40,704 for nine months ended September 30, 2013. Its expenses totaled \$16,917 with a net income annualized at \$31,716 or \$15,858 for six months; leaving the applicant a surplus.

On the issue of public convenience and necessity, Jose Calle testified that he receives several calls a day for rides for intrastate livery service. Because he is not authorized to provide such service, he turns down the requests. Several witnesses testified in support of this application. Collectively, the witnesses testified that they used the applicant for interstate service to out-of-state

airports. The witnesses like the service because it is prompt and they want the ability to use the applicant in state for nights on the town, business trips, and special events. While the witnesses were all supportive, the collective need does not support a grant of three vehicles. A grant of two vehicles should meet the demand and if the applicant finds that the calls are overwhelming and cannot be met, Calle can apply for additional vehicles.

IV. CONCLUSION OF LAW

The totality of the evidence presented in the instant case supports the conclusion that the management of the applicant possesses the suitability to operate the proposed service within the construct of the statutes, rules and regulations governing livery service in Connecticut. The applicant possesses the financial wherewithal to operate the proposed service. Lastly, the evidence supports a grant of two vehicles to meet the public's convenience and necessity.

V. ORDER

Based upon the foregoing and pursuant to General Statutes §13b-103, as amended, the application of Pronto Express Limo Service, LLC is hereby granted in part. Permit Number 3322, standing in the name of Pronto Express Limo Service, LLC, is hereby amended and reissued as follows:

LIVERY PERMIT NO. 3322 FOR THE OPERATION OF LIVERY SERVICE

Pronto Express Limo Service, LLC is hereby permitted and authorized to operate TWO (2) motor vehicles, having a seating capacity of less than ten (10) adults, in GENERAL LIVERY SERVICE between all points in Connecticut from a headquarters in Bridgeport.

Pronto Express Limo Service, LLC is further permitted and authorized to operate motor vehicles as a common carrier of passengers, in charter and special operations, in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate No. MC-701899.

This Permit may not be sold or transferred until it has been operational, with its vehicles registered with the livery plates thereunder, for not less than twenty-four (24) consecutive months.

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.

This Permit is transferable only with the approval of the Department and is issued subject to compliance by the holder hereof with all motor vehicle laws of the State of Connecticut, and with such rules, regulations and orders as this Department may from time to time prescribe.

A memorandum of this Permit, bearing the seal of the Department, shall be kept conspicuously posted in the motor vehicles operated under this Permit.

Dated at Newington, Connecticut on this 1st day of April 2014.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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