



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1504-TH-45-L

RE: APPLICATION OF SKY TRANSPORTATION, LLC D/B/A SKY CAR
SERVICE TO MOVE ITS HEADQUARTERS LOCATION FROM
PLYMOUTH, CONNECTICUT TO NEWINGTON, CONNECTICUT

FINAL DECISION

November 23, 2015

I. INTRODUCTION

A. Application

By application filed on April 23, 2015 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Sky Transportation, LLC d/b/a Sky Car Service (hereinafter "applicant") located at 81 Hillside Avenue, Plymouth, Connecticut and holder of livery Permit No. 3304, seeks authorization to move its headquarters from Plymouth, Connecticut to Newington, Connecticut.

B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a), as amended, a public hearing on this application was held on October 27, 2015.

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), as amended. Legal notice to the public was given by publication on the department website at www.ct.gov.

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

C. Appearances

Roman Genov, owner of Sky Transportation, LLC d/b/a Sky Car Service appeared on its behalf. The applicant was represented by Paulina Shapiro, Esq., whose mailing address is 650 Farmington Avenue, Hartford, Connecticut 06105. The applicant's mailing address is 81 Hillside Avenue, Plymouth, Connecticut 06782.

Teddy's Transportation System (hereinafter "Teddy's"), and holder of livery Permit Number 1916, filed a petition for party status. Charles Wisniewski, president of Teddy's appeared pro se on Teddy's behalf. Teddy's operates from a headquarters in Farmington, a town contiguous to Newington. Teddy's was granted intervenor status. Teddy's mailing address of record is 406 Farmington Avenue, Farmington, Connecticut 06032.

II. FINDINGS OF FACT

1. Sky Transportation, LLC d/b/a Sky Car Service, holder of livery Permit No. 3304, operates from a headquarters in Plymouth and seeks to transfer its headquarters to Newington.

2. Roman Genov owns the company with his brother, Grigory Genov. Roman Genov is responsible for the administrative and financial operations of the company.

3. Grigory Genov is responsible for the day to day operations of the business.

4. The applicant primarily provides livery service under contract to Logisticare, a transportation broker for non-emergency medical transportation for the State of Connecticut Department of Social Services. The applicant occasionally provides private livery services to the clients, or families of clients.

5. The applicant's gross profits from January 1, 2015 to September 1, 2015 were approximately \$610,000 and its net profits were approximately \$216,000. The applicant's total assets are approximately \$409,000 and its liabilities are approximately \$253,000.

6. The applicant has no citations pending against it.

7. The owners of the applicant company have no criminal conviction history.

8. The applicant purchased Simon Transportation in January 2015. Simon Transportation is a transportation company that provides non-emergency medical transportation.

9. Simon Transportation was headquartered in West Hartford. The applicant petitioned to move the headquarters to Newington. This transfer of headquarters was approved and the applicant moved the business to Newington. The office is now located in a new business center with a lot of parking. The applicant is renting the office.

10. Genov seeks to move the other half of its business operations from Plymouth to the new offices in Newington for efficiency and cost effectiveness.

11. By moving the Plymouth business to the new office in Newington, the applicant will save costs by having one office to run, rather than two.

12. The move will provide convenience and efficiency of operation by allowing the applicant to cut costs by combining the work locations.

13. The move to Newington will enhance customer service. Most of the applicant's drivers live in Hartford and the surrounding areas to Newington. Moving to Newington would assist the employees to be at work timely, which in turn, would ensure more timely rides to its customers, especially in inclement weather.

14. The transportation that the applicant provides is not dispatched, but rather manifested forty-eight hours in advance of the provision of transportation. Members of the public do not go to the office to get rides.

15. The cost of the move will be less than a thousand dollars (\$1,000).

16. The dispatchers for both business are separate and will remain separate, but in the same office for efficiency.

17. The applicant has Two Million Dollar liability insurance. Their cars are inspected on a regular basis.

18. The applicant is party to a contract with Logisticare. The rates that the applicant is paid are dictated by its contract with Logisticare.

19. The applicant is rated on its availability and timeliness for Logisticare. The applicant will improve the public's convenience and necessity by having the vehicles closer to the Hartford and surrounding areas where their drivers will have easier access and be able to be on time to pick up the clients.

20. The applicant's dispatcher and supervisor of the drivers, Kamil Czajkowski, lives in Newington. He commutes to Plymouth and the traffic to Plymouth is usually congested. Sometimes he is late for work. When the drivers are late, sometimes they are late in picking up their customers.

21. Marta Sanchez lives in Hartford and she is a driver for the applicant. She travels from Hartford to Plymouth to pick up a car work. It takes her 45 minutes to an hour to get to Plymouth to work. Sometimes she is late for work because of heavy traffic. When she is late for work, she sometimes causes her clients to be late or miss an appointment. She would prefer to work from a headquarters in Newington.

22. Teddy's provides rides to airports, nights on the town, and business meetings, sometimes weddings and proms with sedans, limousines, and SUVs from a headquarters in Farmington.

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 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 seeks to move its current headquarters for one part of its business in Plymouth to Newington, where it also has a transportation business. This move is being sought so that the company becomes more efficient in its operation. It is also being sought to assist its employees who live in the surrounding areas of the new location. Having the headquarters closer for the employees necessarily helps the customers, since the employees would be closer to work and provide timely service, especially in inclement weather.

In support of suitability, the applicant's management has no criminal convictions, nor any citations pending. The applicant has net profits of approximately \$260,000 as of September 2015. It estimates the move of the business will be approximately \$1,000. The applicant will not be adding any vehicles to its fleet; it is currently in operation so that the cost of the move will be sufficiently covered.

The intervenor, Teddy's Transportation Systems, Inc., is in opposition to the move based on the fact that the applicant would now be closer to the intervenor's headquarters which might provide more competition to the intervenor. This argument is not persuasive. A livery application may not be denied based on the fear of competition. The fact that an existing livery service may be disserved by the grant of a new permit is not an adequate basis for denial. *Steve Martorelli v. Department of Transportation*, 316 Conn. 538 (2015).

IV. CONCLUSION OF LAW

Based on the evidence of record, Sky Transportation, LLC d/b/a Sky Car Service possesses the suitability to operate the proposed service, possesses the financial suitability to operate the proposed service, and its operation from a headquarters in Newington will improve the public convenience and necessity, in accordance with Connecticut General Statutes Section 13b-103.

V. ORDER

Based upon the forgoing, and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Sky Transportation, LLC d/b/a Sky Car Service is hereby granted and Permit Number 3304 standing in the name of Sky Transportation, LLC d/b/a Sky Car Service 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:

Five (5) motor vehicles with a seating capacity of less than eleven (11) adults in general livery service from a headquarters in Newington.

The authority granted in this permit 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 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 eleven (11) adults for the provision of livery service under contract with Logisticare Solutions, LLC from a headquarters in Newington, 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.

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. 1402-AV-126-L ON OCTOBER 7, 2014

Sky Transportation, LLC is hereby permitted and authorized to operate four (4) motor vehicles, **only for wheelchair transportation**, 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 Newington, Connecticut.

RESTRICTIONS:

- 1. 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.**
- 2. The vehicles authorized in this docket are restricted to wheelchair type vehicles only.**

The authority granted in this Docket (No. 1402-AV-126-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, on this 23rd day of November 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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