

(860) 594-2875

DOCKET NO. 1507-NGOV-88-L

RE: APPLICATION OF KAYBELLA TRANSPORTATION, LLC. TO OPERATE THREE (3) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF ELEVEN (11) 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 GUILFORD.

FINAL DECISION

OCTOBER 26, 2015

## I. INTRODUCTION

### A. APPLICATION

By application filed on July 28, 2015, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Kaybella Transportation, LLC (hereinafter "applicant") located at 2351 Boston Post Road, Guilford, Connecticut seeks authorization to operate three (3) motor vehicles, having a seating capacity of eleven (11) 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 Guilford.

### B. HEARING

Pursuant to Connecticut General Statutes, Section 13b-103(a) (3), as amended, a public hearing on this application was held on October 22, 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 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

Richard Ficorilli appeared pro se on behalf of the applicant. The applicant's address is 2351 Boston Post Road, Guilford, Connecticut 06437.

## 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 does not hold any livery authority but operates Shoreline Taxi with two taxicabs in Guilford, Madison and Clinton.

2. The applicant has not yet submitted a signed executed contract with Logisticare. Logisticare does not want to issue a contract unless the Department grants livery authority to the applicant. Once the applicant receives livery authority, Logisticare will execute a contract with the applicant.

3. Claude Bisson, Transportation Manager for Logisticare, testified in support of the applicant's request for authority to provide transportation for Logisticare under contract. Since there has been a decline in requests for ambulatory livery service, as the state actively tries to get

people into public transportation, Logisticare can really only utilize two (2) vehicles in livery service and not the three (3) vehicles originally requested.

4. The livery vehicles requested by Logisticare will be in the shoreline area.

5. There can be long delays between the time an applicant files for authority for service under contract until the actual livery permit is granted.

6. There are two livery providers working for Logisticare in the area the applicant wants to operate in.

7. The applicant had a profit of \$38,626 as of September 30, 2015. The business checking account shows a balance of \$15,596 and the applicant has accounts receivable of \$4,945.

8. Mr. Ficorilli has plans to donate to this venture, three (3) vehicles, which are fully paid for. The annual insurance premium is \$15,000 for the three vehicles. Property tax will be \$736 and repairs and maintenance will cost \$3,200.

9. Donald Prichard from Olsen Transportation testified, as a member of the public, against granting the application on the basis that his work from Logisticare has declined recently.

### 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 thereunder, in accordance with Connecticut General Statutes Section 13b-103.

To show financial support, the applicant submitted information that the applicant has a profit of \$38,626 as of September 30, 2015. The business checking account shows a balance of \$15,596 and the applicant has accounts receivable of \$4,945. There will be no vehicle overhead as Mr. Ficorilli plans to donate to the applicant company three (3) vehicles, which are fully paid for. The annual insurance premium for those vehicles is \$15,000. Property tax will be \$736 and repairs and maintenance will cost \$3,200. Based on the evidence presented, the applicant is financially viable to operate the proposed livery service.

Regarding the applicant's suitability, the applicant submitted a criminal record check for Mr. Ficorilli which shows no convictions. Mr. Ficorilli has business experience from running a successful taxicab company. The applicant has shown the requisite suitability to be granted a livery permit.

Although the applicant requested three (3) vehicles, it appears that given the testimony about the decline in requests for ambulatory livery service, a grant of two (2) vehicles would be more appropriate. While the department understands Mr. Prichard's concern about the diminished livery requests, the nature of the business is such that it is cyclical and given the time it takes for an operator to be approved, it does not want to leave Logisticare without adequate livery providers. Mr. Bisson can utilize two (2) of the applicant's livery vehicles and that is the grant that the applicant will receive.

The final element that needs to be proven is that there is an executed contract with Logisticare. An executed contract will be forthcoming once the department grants this livery application. Based on the evidence presented, the applicant will be granted the authority to operate the two (2) vehicles that Logisticare has requested.

The applicant must submit to the hearing officer an executed contract with Logisticare within sixty (60) days from the date of this decision or the durational authority granted will be revoked automatically without further hearing.

#### IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application is hereby granted. Accordingly, Livery Permit Number 3506, standing in the name of Kaybella Transportation, LLC is hereby issued as follows:

#### **LIVERY PERMIT NO. 3506**

#### **DURATIONAL LIVERY SERVICE UNDER CONTRACT WITH LOGISTICARE DOCKET NO. 1507-NGOV-88-L-GRANTED ON OCTOBER 23, 2015**

Kaybella Transportation, LLC is authorized to operate two (2) motor vehicles, having a seating capacity of eleven (11) adults or less, for the provision of transportation for hire by virtue of a contract with Logisticare from a headquarters in Guilford.

#### **RESTRICTIONS:**

**The applicant must submit an executed contract with Logisticare within sixty (60) days of the date of this final decision or the authority contained herein will be automatically revoked. This decision constitutes notice pursuant to Connecticut General**

**Statute Section 4-182.**

**The applicant must register and insure all of the motor vehicles granted in this docket within sixty (60) days from the date of this final decision. Any vehicles not registered or insured within the sixty (60) day period will be revoked automatically.**

The authority for the two (2) vehicles granted in Docket No. 1502-NGOV-15-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 the Logisticare.

The permit holder shall notify the department of any termination of its contract with the Logisticare 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 shall void the authority for the vehicles 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 26, 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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Judith Almeida  
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Administrative Law Unit  
Bureau of Finance and Administration