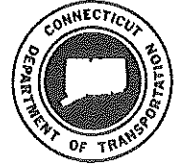




STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1507-N-77-L

RE: APPLICATION OF SKY LIMO, LLC TO OPERATE FOUR (4) MOTOR VEHICLES, EACH HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) PASSENGERS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NEWINGTON.

FINAL DECISION

MARCH 31, 2016

## I. INTRODUCTION

### A. General

By application filed on July 13, 2015, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Sky Limo, LLC ("applicant") with a mailing address of 705 N. Mountain Road, B-203, Newington, Connecticut 06111 seeks authorization to operate four (4) motor vehicles, having a seating capacity of less than eleven (11) passengers, in general livery service between all points in Connecticut from a headquarters in the town of Newington.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on March 29, 2016.

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 the Connecticut General Statutes Section 13b-103. 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

Roman Genov appeared on behalf of the applicant. The applicant was represented by Attorney Polina Shapiro with a mailing address of 650 Farmington Ave, Hartford, Connecticut, 06105.

### D. Administrative Notice

Administrative Notice was taken of the testimony of Roman Genov in the hearing in Docket Number 1508-N-103-L for D & I Car Service, LLC. on February 2, 2016, in which he opposed the application for two (2) new livery vehicles in Newington as an intervenor.

Administrative notice was also taken of the two companies owned by Mr. Genov, Sky Transportation P-3304 which authorizes seven (7) general livery vehicles and seven (7) governmental for a total of fourteen (14) vehicles and P-2627 for Simon Transportation which authorizes twenty-three (23) vehicles of which there are seven (7) general livery vehicles and sixteen (16) medical livery.

## II. FINDING OF FACTS

1. The applicant seeks to operate four (4) vehicles in intrastate livery service from a headquarters in Newington.
2. Mr. Genov owns two other livery companies Sky Transportation and Simon Transportation.

3. The startup costs for the first six months include insurance costs of \$13,200, property tax of \$4,640 and monthly financing of \$19,992. There will be no additional administrative costs as the new business will operate within the existing framework of the applicant's other two livery businesses.
4. The applicant's asset is a balance of \$50,000 in the bank.
5. The applicant will be utilizing a Cadillac Escalade, a Lincoln MKZ, a Chevy Suburban and a Toyota Avalon.
6. The applicant presented no public witnesses in support of its application.
7. A review of the evidence from the D & I Car Service hearing in Docket Number 1508-N-103-L reflects that Roman Genov testified several times that there is no need to add two additional livery vehicles in Newington. He also testified that if his call volume quadrupled, he would still have enough vehicles to perform that work. He performs 20 to 30 livery trips a day and he only needs three cars to perform this work out of the thirty-seven (37) vehicles he has authorized.

### III. DEPARTMENT ANALYSIS

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.

Some factors to consider in granting a livery permit are whether the service will benefit the relevant class of users, whether the proposed service is more efficient, more economical, more convenient, more satisfactory, or different than the services offered by the existing service providers, whether the new service would create a potentially beneficial effect upon rates and customer service and whether the acquisition of equipment would be more suitable to customer needs, whether the population in the area that the applicant proposes to service is increasing, whether potential customers have requested a service like that suggested by the applicant and whether the proposed service will improve the existing mode of transportation as recently defined in Steve Martorelli v. Department of Transportation (SC19307).

In support of financial wherewithal, the applicant presented evidence that the startup costs for the first six months of operation are insurance costs of \$13,200, property tax of \$4,640 and vehicle financing of \$19,992. There will be no additional administrative costs. The applicant has a bank balance of \$50,000. The applicant can adequately operate its business for six months given its existing financing and therefore has proven its financial suitability.

With regard to suitability of management, the applicant provided the requisite criminal conviction history for both Roman Genov and Grigoriy Genov, the two members of the LLC, which show no criminal convictions. The applicant currently operates two other livery companies and has not received any citation actions against those entities. Based on the evidence presented, the applicant is suitable to operate the proposed service.

With regard to the public convenience and necessity determination, the applicant presented no public witnesses in support of its application. The only testimony proffered was the self-serving testimony of Roman Genov as to the need for his additional livery service. What is disturbing regarding Mr. Genov's testimony in this hearing is that it directly conflicts with the testimony Mr. Genov gave in a prior hearing before this hearing officer on February 2, 2016, less than two months ago.

Mr. Genov appeared at a hearing for D & I Car Service (Docket Number 1508-N-103-L) in opposition to the application and stated that there is no public need for additional livery vehicles in Newington. Mr. Genov also claimed that he could perform four times as much livery work than he was doing with the same vehicles that he had and that he only needs three out of the thirty-seven livery cars he has to do the work he receives. Considering his prior testimony, Mr. Genov's testimony in this matter is not credible.

Analyzing the factors to consider with regard to granting the livery authority reflects further deficiencies in the applicant's case. Specifically, Mr. Genov testified that his service would be cheaper than his competitors. However, no evidence was presented showing what his competitors are charging and how his rate is lower. There was also no evidence presented showing how the proposed service is more efficient, more economical, more convenient, more satisfactory, or different than the services offered by the existing service providers or whether the types of vehicles the applicant intends to use were different or more desirable than those offered already.

Nor was there any evidence presented on whether the population in the area that the applicant proposes to service is increasing and not serviced by the existing service providers. In fact, Mr. Genov testified that his existing clients are being serviced by his other two livery companies and he is merely starting a new company to shift this private pay work to the new entity. There were also no trip sheets presented to show how much livery work the applicant is currently doing and no evidence was presented showing any work declined by the applicant because of lack of vehicles.

Another matter that should be brought to the attention of the applicant is that his livery promotion of offering a free trip after taking nine trips is a violation of the department's regulations on discounting. The applicant should therefore cease offering this promotion.

Based on the evidence presented, the applicant has not proven the required elements to be granted a livery permit specifically that public convenience and necessity would be improved by a grant of this application.

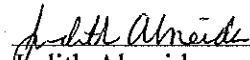
#### IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as

amended, the application of Sky Limo, LLC is hereby denied.

Dated at Newington, Connecticut on this 31st day of March 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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**SECRETARY'S RETURN  
DOCKET NO. 1507-N-77-L**

I hereby certify that true and correct copies of the Final Decision, dated March 31, 2016 in the above-entitled matter, were forwarded on March 31, 2016.

**COPIES OF THE ABOVE-NOTED DECISION WERE FORWARDED AS FOLLOWS:**

**APPLICANT/RESPONDENT :**

Roman Genov  
Sky Limo, LLC  
705 N. Mountain Road  
Newington, CT 06111

**CERTIFIED MAIL: 91 7199 9991 7033 6862 1534**

**APPLICANT'S COUNSEL:**

Polina Shapiro, Esq.  
650 Farmington Avenue  
Hartford, CT 06105

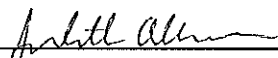
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**Copy to: Secretary of State, Legislative Record Unit**

**INTERVENORS:**

N/A

CERTIFIED BY:

  
\_\_\_\_\_  
Judith Almeida, Staff Attorney 3  
Administrative Law Unit  
Bureau of Finance and Administration

cc: ALU Library  
ALU File: 1507-N-77-L

Sec. Return Final Decision(2)