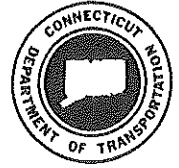


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1607-N-77-L

RE: APPLICATION OF FZR, LLC DBA CT RISING STAR LIMO TO OPERATE TWO (2) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN WALLINGFORD.

DECISION

NOVEMBER 2, 2016

I. INTRODUCTION

A. General

By application filed on July 15, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, FZR, LLC dba CT Rising Star Limo ("applicant") with a mailing address of 2 Ryan Drive, Wallingford, Connecticut 06111 seeks authorization to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service between all points in Connecticut from a headquarters in the town of Wallingford.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on November 1, 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

Syed Shamsi appeared on behalf of the applicant. The applicant was represented by Attorney Benjamin Trachten with a mailing address of 679 State Street, New Haven, Connecticut 06511.

D. Administrative Notice

Administrative notice was taken of the general livery operators in Wallingford. There are two companies headquartered in Wallingford, Encore Enterprises, LTD and Morostar Limousine, LLC.

II. FINDING OF FACTS

1. The applicant seeks to operate two (2) motor vehicles in livery service from a headquarters in Wallingford.
2. The applicant is currently operating in interstate livery service under Livery Permit 3369 which was granted in 2014.
3. The applicant's first six month of expenses include insurance costs of \$3,000, maintenance of \$1,800, property tax of \$1,100, legal expenses of \$1,000, vehicle payments of \$5,322 and communications costs of \$1,764 for a total expense of \$13,986.

4. The applicant has \$59,086 in a Peoples Bank account.
 5. The applicant regularly gets work from Carey Limousine and will continue getting intrastate referrals from Carey.
 6. The applicant has many years of driving experience with Connecticut Limo and also driving professionally in New York.
 7. The applicant's son will help manage the business and oversee the technology and marketing.
 8. The applicant will operate a 2013 Lincoln MKT and a 2016 Lincoln Navigator.
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9. The applicant regularly gets requests to go to Bradley Airport and casinos in Connecticut.
 10. Sayed Naqvi is a customer of the applicant who wishes to use the applicant for intrastate livery service to go to Bradley Airport and New Haven. He is extremely satisfied with the applicant's livery service.
 11. Usman Uddin and his family will use the applicant exclusively for intrastate livery transportation. He will use the applicant for over ten intrastate trips per month.
 12. Mustafa Raza will use the applicant's intrastate livery service three to four times per month. He is very satisfied with the applicant's interstate livery service.
 13. Shakil Ahmad is a current customer of the applicant who will use the applicant three times a month for intrastate livery service.
 14. This application was not opposed.

III. DEPARTMENT ANALYSIS

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.

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 defined in Martorelli v. Department of Transportation 316 Conn. 538 (2015).

In support of financial wherewithal the applicant presented evidence that the applicant's first six months of expenses includes insurance costs of \$3,000, maintenance of \$1,800, property tax of \$1,100, legal expenses of \$1000, vehicle payments of \$5,322 and communications costs of \$1,764 for a total expense of \$13,986. The applicant has \$59,086 in a Peoples Bank account which is more than sufficient to pay the first six months of expenses.

With regard to suitability, the applicant provided the requisite criminal conviction history for Syed Shamsi which showed no convictions. The applicant has business experience in this industry having operated an interstate livery service for over two years with no citations. The applicant is clearly suitable to perform the proposed operation.

The applicant must also prove public convenience and necessity. To that end the applicant put on numerous witnesses who currently use his interstate livery service but want to use him for intrastate service as well. They also testified as to good customer service the applicant provides them.

Based on the evidence presented, the applicant has proven the elements to be granted an intrastate livery permit.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of FZR, LLC dba CT Rising Star Limo is hereby granted and Livery Permit Number 3369 is issued as follows:

LIVERY PERMIT NO. 3369
FOR THE OPERATION OF LIVERY SERVICE

FZR, LLC dba CT Rising Star Limo is hereby permitted and authorized to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) adults in general livery service from a headquarters in Wallingford.

RESTRICTIONS:

The applicant must register the two (2) vehicles granted under this decision within sixty (60) days from the date of this final decision.

The authority granted under 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) months.

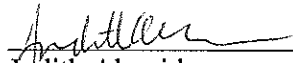
This permit may not be sold or transferred until it has been operation, i.e., a vehicle registered with livery plates thereunder, for not less than twenty-four (24) consecutive months.

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 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 on this 2nd day of November 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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