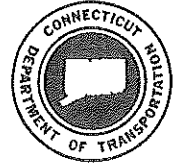




STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1605-N-57-L

RE: APPLICATION OF ETIHAD LIVERY SERVICE, LLC TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN WINDSOR.

DECISION

MARCH 13, 2017

## I. INTRODUCTION

### A. General

By application filed on May 17, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Etihad Livery Service, LLC ("applicant") with a mailing address of 10 Jubrey Drive, Windsor, Connecticut 06095 seeks authorization to operate one (1) motor vehicle, 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 Windsor.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on March 9, 2017.

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

Muhammad Raja appeared on behalf of the applicant. The applicant was represented by Attorney Michael Stone with a mailing address of 129 Church Street, Suite 806, New Haven, Connecticut 06510.

## II. FINDING OF FACTS

1. The applicant seeks to operate one (1) motor vehicle in intrastate livery service from a headquarters in Windsor.
2. Mr. Raja has been a taxicab driver since 1998. He currently works for AAA Taxi. He was also the owner of Eagles Taxi for approximately seven years.
3. Mr. Raja has a lot of private clients who call him directly for taxicab service. These same clients may also use his new livery service.
4. The applicant will operate out of his residence and be the only livery driver. Mr. Raja's wife will be helping him in the business.
5. The applicant will operate a 2014 Toyota Siena van in the livery business.
6. The applicant has a bank balance of \$19,439 in Key Bank.

7. The applicant's start-up expenses include \$3,900 for insurance, repairs of \$900, property tax of \$297, vehicle payment of \$2,922, communication costs of \$1,200 and advertising costs of \$450 for a total expense of \$9,219.

8. Mahmood Ejaz operates Alliance Livery Service and currently refers his livery overflow to the applicant's taxi service four to five times a week. Mr. Ejaz will continue to refer his extra livery business to the applicant if the permit is granted.

9. Michael Kehayias has been a regular customer of the applicant's taxi service for the past three years. In the past he employed livery companies that would show up late or not at all. His will use the applicant two times a year and is willing to pay the higher cost for the livery service. He has also has referred friends to the applicant.

10. Hien Nguyen has been a customer of the applicant for the past two years. He will use the applicant for airport trips approximately four to five times a year. He is willing to pay more to take the applicant's livery service.

11. Kenneth Dimock was referred to the applicant by Mr. Kehayias six months ago. He has used other livery companies in the past and found them to be not as dependable. He needs the applicant's livery service about six times a year.

12. 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 showing that the applicant's first six months of expenses includes insurance of \$3,900, repairs of \$900, property tax of \$297, vehicle payment of \$2,922, communication costs of \$1,200 and advertising costs of \$450 for a total expense of \$9,219. The applicant has a bank balance of \$19,439 in Key Bank which is more than sufficient to cover the start-up costs.

With regard to suitability, the applicant provided the requisite criminal conviction history form for Mr. Raja which failed to disclose any prior criminal history. Mr. Raja has been working for many years in the taxi business and knows the rules and regulations for operating a transportation service. He has also owned a taxi service in the past so he is familiar with how to operate a business and is suitable to operate this proposed livery service

The applicant must also prove public convenience and necessity. The applicant presented three of his current taxicab customers who will use his new livery service. The applicant's customers don't mind paying a higher price for his livery service and had glowing evaluations of him as a person and the service that he provides. All of his customers spoke about the good customer service he provides to them and how his services are very efficient and satisfactory.

Based on the evidence presented, the applicant has proven the required elements to be granted livery authorization.

V. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Etihad Livery Service, LLLC is hereby granted and Livery Permit Number 3583 is issued as follows:

**LIVERY PERMIT NO. 3583  
FOR THE OPERATION OF LIVERY SERVICE**

Etihad Livery Service, LLC is hereby permitted and authorized to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Windsor.

**RESTRICTIONS:**

**The applicant must register the one (1) vehicle 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.

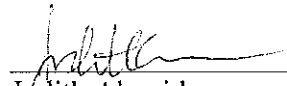
This permit shall remain in effect until it is amended, suspended or revoked by the

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 13th day of March 2017.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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