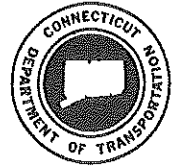


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1606-N-66-L

RE: APPLICATION OF SKY LIMO, LLC TO OPERATE FOUR (4) 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 NEWINGTON.

FINAL DECISION

SEPTEMBER 30, 2016

I. INTRODUCTION

A. General

By application filed on June 7, 2016, 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) adults, 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 September 22, 2016 and September 26, 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 Paulina Shapiro with a mailing address of 650 Farmington Avenue, Hartford, CT 06105.

D. Administrative Notice

Administrative notice was taken of livery permit number 2627 for Simon Transportation, LLC dba Sky Car Service which shows that Simon Transportation operates a total of twenty-three (23) vehicles in livery service of which seven (7) are general livery and sixteen (16) are in governmental livery service from a headquarters in Newington.

Administrative Notice was also taken of livery permit number 3304 for Sky Transportation, LLC dba Sky Car Service which shows that Sky Transportation operates a total of fourteen (14) vehicles in livery service, seven (7) of which are governmental and seven (7) of which are general livery from a headquarters in Newington.

Administrative notice was also taken of the testimony of Roman Genov in Docket Number 1508-N-103 in the application of D & I Car Service granted on February 19, 2016 wherein he opposed the application.

Administrative notice was taken of Docket Number 1507-N-77-L, the prior application of Sky Limo for four additional vehicles which was denied on March 31, 2016.

II. FINDING OF FACTS

1. The applicant seeks to start a new company Sky Limo, LLC (hereinafter "Sky Limo") to operate four (4) motor vehicles in intrastate livery service from a headquarters in Newington.
2. Mr. Genov owns both Simon Transportation LLC (hereinafter "Simon") and Sky Transportation LLC hereinafter ("Sky").
3. Sky was started in 2013 with three (3) vehicles and now operates fourteen (14) vehicles. Simon was acquired by Mr. Genov in 2015 with twenty-three (23) vehicles.
4. Mr. Genov rejects two to three general livery trip requests per day.
5. Each general livery vehicle performs five to seven livery trips per car, per day depending on the distance traveled.
6. Sometimes the applicant receives livery requests to go out of state.
7. The applicant will buy new vehicles and several different types of vehicles to meet the requests that he is getting from customers.
8. The applicant's tariff is the lowest livery tariff allowed by the department's regulations.
9. The applicant has \$50,000 in a Webster bank account.
10. The applicant's six months of expenses includes \$11,000 for insurance, \$19,992 for vehicle payments and \$3,364 for property tax for total expense of \$34,356.
11. The applicant has not been the subject of any citations from DOT.
12. Mr. Genov testified against the applicant in D & I Car Service in February 2016 claiming there was no additional need for more livery service from a headquarters in Newington.
13. Michael Lenkiewicz, CFO for the Ride Share Company. He is also a customer of the applicant. He testified as to the good service he has received from the applicant with safe and courteous drivers.
14. Willie Stanford is a driver with Sky Transportation. Clients ask him occasionally about the company providing limousine service.
15. George Bikaakis is the owner of Yannis pizza restaurant in Newington. Some of his customers have used Sky as a means to get to and from the restaurant. He has also used the livery service and he has been happy with the service.
16. 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 has \$50,000 in a Webster bank account. The applicant's six months of expenses includes \$11,000 for insurance, \$19,992 for vehicle payments and property tax of \$3,364 for total expense of \$34,356. The applicant has proven the financial suitability to operate this proposed livery service because it has sufficient cash reserves to cover its first six months of expenses.

With regard to suitability, the applicant provided the requisite criminal conviction history for both Roman and Grigory Genov which showed no convictions. The applicant has business experience in this industry having operated a livery service for several years with no citations.

The only issue which came forth which reflects negatively on the applicant is Mr. Genov's recent testimony in February 2016 in D & I Car Service in 1508-N-103-L in which he opposed the applicant stating that there was no need for additional livery service in the Newington area. Now some seven months later, Mr. Genov is claiming the exact opposite. He explained his prior testimony in February 2016, by stating that he didn't know all of the facts and since he hadn't advertised as aggressively, he didn't realize the true demand for livery service.

The applicant should be reminded that, while under oath in a hearing, the applicant's prior testimony can be considered in any hearing matters before the department. Since some time has passed since these statements were made and there are no other negative factors against the

applicant's suitability, the applicant's prior testimony will not be held against him.

The applicant must also prove public convenience and necessity. The applicant has put forth evidence which directly relates to the issue of public convenience and necessity. The applicant has submitted a tariff with very competitive rates which are the lowest available. The applicant has also decided to put on new vehicles of several different types to meet the requests from the public. Several witnesses also testified about the good service the applicant has provided them. To that end the applicant has shown that his service is improving public convenience and necessity. Now the question becomes for how many vehicles.

Mr. Genov testified that he gets requests for additional livery service "every here and there" and he quantified these requests as two to three times a day. He also testified that he can do five to seven general livery trips per day, per car, unless they are long trips. Based on this information, the applicant will be granted two (2) additional general livery vehicles to handle the two to three trips he turns down each day. This grant takes into account that one vehicle may be tied up with long distance trips leaving only one vehicle to handle the local service.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of is hereby granted and Livery Permit Number 3555 is issued as follows:

LIVERY PERMIT NO. 3555 FOR THE OPERATION OF LIVERY SERVICE

Sky Limo, LLC 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 Newington.

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 30th day of September 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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