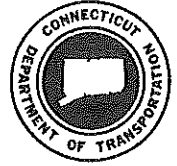




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1701-N-09-L

RE: APPLICATION OF CHARLIE'S AIRPORT TRANSPORT, 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 MANCHESTER.

DECISION

MARCH 23, 2017

I. INTRODUCTION

A. General

By application filed on January 26, 2017, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Charlie's Airport Transport, LLC ("applicant") with a mailing address of 13 Wadell Road, Manchester, Connecticut 06040 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 Manchester.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on March 21, 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

Charles Catania, Jr. 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 Manchester.
2. Mr. Catania is currently driving in livery service for Royal Palm. He has been both a taxicab and livery driver for many years. Before that he was a realtor for twenty-five years.
3. Dennis Serra uses the applicant's livery service for two to three intrastate trips per year to the train station or airport. He has been using the applicant's service for the past ten years and has found the applicant to provide good customer service.
4. Anjan Roy, a consultant with Deloitte, has been using the applicant as a driver for fourteen years. He often goes to Bradley International Airport or the New Haven Train Station. He needs livery service two to three times a week. If the applicant can't provide the transportation, the applicant finds another person to cover the job.
5. Humberto Romero works as a set up operator for Spartan Aerospace. He has been using the

applicant for the past eight years. He finds the applicant to be polite, professional and on time. Mr. Romero needs intrastate livery transportation about six times a year.

6. Nasimul Karim is a taxicab driver for Airport Express. Mr. Karim handles the applicant's current overflow work by providing taxi service to Mr. Catania's livery customers.

7. The applicant will use a 2006 Lincoln Town Car in the proposed service which is owned outright.

8. The applicant does not receive trip referrals from Royal Palm.

9. Mr. Catania has a very large customer base at the Travelers Insurance and at Care Centrix. The applicant performs eight to ten intrastate trips a day for his clients.

10. The applicant has \$14,294 in an American Eagle bank account.

11. The applicant's first six months of expenses includes insurance of \$3,200, \$900 for repairs, \$180 for property tax, \$1,200 for cell phone use and \$150 for business cards.

12. The applicant will use his residence in Manchester as his headquarters location.

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 \$3,200, \$900 for repairs, \$180 for property tax, \$1,200 for cell phone and \$150 for business cards for a total expense of \$5,630. The applicant has \$14,294 in a bank account to cover these initial expenses.

With regard to suitability, the applicant provided the requisite criminal conviction history form for Mr. Catania which showed no convictions. The applicant has been driving professionally for the past fifteen years and has the experience needed to conduct this proposed livery operation.

The applicant must also prove public convenience and necessity. On that issue, the applicant presented three clients who use his livery service now and will continue to use his service if the application is granted. Mr. Catania has a large customer base and relies completely on his own customers and receives no dispatch calls from Royal Palm. He has several large corporate accounts and performs eight to ten intrastate livery trips a day. He also has so much work he is forced to refer calls each week.

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 Charlie's Airport Service, LLC is hereby granted and Livery Permit Number 3584 is issued as follows:

LIVERY PERMIT NO. 3584 **FOR THE OPERATION OF LIVERY SERVICE**

Charlie's Airport Transport, 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 Manchester.

RESTRICTIONS:

The applicant must register the one (1) vehicle granted under this decision within sixty (60) days from the date of this final decision.

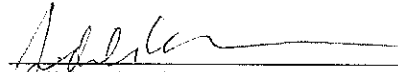
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder for not less than twenty-four (24) months.

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 23rd day of March 2017.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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