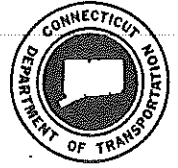


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1703-AV-21-L

RE: APPLICATION OF SKY TRANSPORTATION, LLC TO OPERATE EIGHT (8) 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 NEWINGTON.

DECISION

SEPTEMBER 21, 2017

I. INTRODUCTION

A. APPLICATION

By application filed on March 10, 2017, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Sky Transportation, LLC (hereinafter "applicant") with a mailing address of 705 Mountain Road, E-103, Newington, Connecticut 06111 seeks authorization to operate eight (8) 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.

B. HEARING

Pursuant to Connecticut General Statutes, Section 13b-103, as amended, a public hearing on this application was held on July 26, 2017 and continued on September 12, 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 Connecticut General Statutes Section 13b-103, as amended. 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 645 Farmington Avenue, 3rd Floor, Hartford, Connecticut 06105.

II. FINDINGS OF FACT

1. The applicant seeks to operate eight (8) motor vehicles in livery service from a headquarters in Newington.

2. The applicant is currently operating nine (9) motor vehicles in general livery service and three (3) motor vehicles under contract with Logisticare for a total of twelve (12) vehicles.

3. The applicant had authority for four (4) wheelchair vehicles under contract with Logisticare granted in Docket Number 1402-AV-126-L but has since returned those license plates after Logisticare terminated the contract for those four (4) vehicles.

4. The applicant is not able to perform all of the livery call requests that it receives.

5. The applicant is proposing to operate eight (8) new 2016 Toyota Camry hybrid vehicles.
6. The applicant presented no witness testimony other than that of one of the owners, Roman Genov.
7. The applicant has a cash asset of \$75,838 in the Webster Bank.
8. The applicant's first six months of expenses includes insurance of \$33,040, maintenance of \$1,500, property tax of \$4,318 and motor vehicle payments of \$17,232 for a total expense of \$56,090.
9. The applicant did not provide trip records to show vehicle utilization.
10. The applicant presented evidence that he denied five (5) intrastate livery trips in May and June 2017.
11. This application was not opposed.

III. DISCUSSION

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).

To show financial support, the applicant submitted information that the applicant's first six months of expenses includes insurance of \$33,040, maintenance of \$1,500, property tax of \$4,318 and motor vehicle payments of \$17,232 for a total expense of \$56,090. The applicant has a cash asset of \$75,838 in the bank. Based on the evidence presented, the applicant is able to sufficiently cover its bills for the start-up period.

Regarding the applicant's suitability, a criminal record check was performed for Roman Genov and Grigoriy Genov, both of which show no criminal record. The applicant has been in the livery business for several years without a citation action against it. The applicant has the fitness, willingness and ability to conform to the provisions of the statutes and the requirements and regulations of the department. Based on the evidence presented, the applicant is suitable to operate the proposed additional service.

There are several forms of evidence that can be used to show public convenience and necessity such as independent witness testimony from customers or trip records. To prove public convenience and necessity, Roman Genov testified that he is unable to handle some livery trip requests that his company receives. To that end, he submitted five (5) email trip requests that he was unable to perform in May and June 2017. From the evidence presented, one conclusion to be made is that the applicant only denied five (5) livery requests over a two month period which isn't sufficient to show the need for eight (8) additional vehicles. However, it is unclear exactly how many requests for service are being denied and over that time period.

The applicant also did not present any independent witness testimony to corroborate his request for eight (8) vehicles or present his livery trip records to show vehicle utilization of his existing fleet so it's not really possible to quantify the need for eight (8) additional livery vehicles.

There was also no evidence presented showing that the applicant's proposed service would be more efficient, more economical, more convenient or more satisfactory than the services offered by the existing service providers. The applicant proposes to utilizing hybrid 2016 Toyota Camrys which may be different from the vehicles currently being operated in the service area but there was no evidence submitted showing what types of vehicles are being operated in the service area. There was no evidence presented on 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. There was also no evidence presented on whether the population in the area that the applicant proposes to service is increasing.

There was however, some limited evidence showing that customers have requested the applicant's livery service and been denied service and that the proposed service will to some extent improve the existing mode of transportation. Since it is clear that the applicant has been turning down some general livery calls, the applicant will be awarded authority for four (4) additional

vehicles to handle the requests that he claims that he is denying on a daily basis.

VI. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application is hereby granted. Accordingly, Livery Permit Number 3304, standing in the name of Sky Transportation, LLC is hereby reissued as follows:

LIVERY PERMIT NO. 3304

Sky Transportation, LLC is authorized to operate thirteen (13) motor vehicles, having a seating capacity of less than eleven (11) passengers, in general livery service from a headquarters in Newington.

RESTRICTIONS:

The applicant must register and insure the four (4) additional vehicles granted under this decision within forty-five days from the date of this decision.

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. If at any time during the twenty-four consecutive month period the applicant enters into a contract for the sale of any of the vehicles authorized under livery permit number 3304, the authority granted herein for the four additional vehicles will be revoked.

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.

DURATIONAL LIVERY SERVICE
FOR THE PROVISION OF DURATIONAL TRANSPORTATION OF PASSENGERS FOR
HIRE BY VIRTUE OF A CONTRACT WITH LOGISTICARE SOLUTIONS, LLC
GRANTED IN DOCKET NO. 1307-GOV-303-L ON DECEMBER 16, 2013

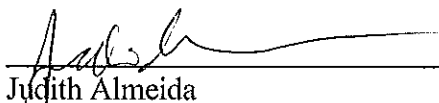
Sky Transportation, LLC dba Sky Car Service is hereby permitted and authorized and authorized to operate three (3) motor vehicles having a seating capacity of less than eleven passengers for the provision of livery service under contract with Logisticare Solutions, LLC from a headquarters in Newington, Connecticut. The authority granted in Docket Number 1703-GOV-303-L shall be durational in nature and shall exist only for the period of time that the permit holder has a

current and continuing contract in effect for the provision of service with Logisticare Solutions, LLC.

The permit holder shall notify the department of any termination of its contract with Logisticare Solutions, LLC or the cessation of the active provision of service thereunder. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicles authorized in this decision, a current, executed contract of said contract. Failure to file an extension of the contract or a new executed contract with Logisticare Solutions, LLC shall void the authority for the vehicles authorized pursuant to that contract.

This permit is nontransferable and shall remain in effect until revoked by the department or until the contract under which this authority is granted has expired. 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.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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