

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NO. 1811-N-127-L

RE: APPLICATION OF KAYBELLA TRANSPORTATION, LLC TO OPERATE ONE (1) GENERAL LIVERY VEHICLE, WITH A SEATING CAPACITY OF LESS THAN ELEVEN PASSENGERS, FROM A HEADQUARTERS IN GUILFORD.

DECISION

JANUARY 18, 2019

I. INTRODUCTION

A. APPLICATION

By application filed on November 8, 2018, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Kaybella Transportation, LLC (hereinafter "applicant") with a mailing address of 2351 Boston Post Road, Guilford, CT 06437 seeks authorization to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Guilford.

B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on January 15, 2019.

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

Richard Ficorilli appeared pro se on behalf of the applicant. The applicant's address is 2351 Boston Post Road, Guilford, CT 06437.

II. FINDINGS OF FACT

1. The applicant seeks to operate one (1) motor vehicle in general livery service from a headquarters in Guilford. In addition to doing general livery work, the vehicle will also be used to provide governmental trips when needed.

2. The applicant already operates two (2) motor vehicles in governmental livery service and two (2) elderly and handicapped vehicles under Livery Permit Number 3105.

3. The member of the applicant, Richard Ficorilli, also operates a four (4) car taxi service in Guilford, Madison and Clinton.

4. The applicant has \$38,460 in the bank.

5. The applicant's first six months of expenses includes: insurance of \$3,367,

maintenance of \$600, property tax of \$142, communication costs of \$500 and vehicle purchase costs of \$13,000.

6. The applicant also performs school transportation.
7. There are not many other livery operators in the Guilford area.
8. This application is 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.

Regarding the applicant's suitability, the applicant submitted a criminal record check for Mr. Ficorilli, the applicant's only member, which disclosed no criminal record. Mr. Ficorilli operates a variety of livery and taxi services and has done so successfully for many years. Based on the evidence presented, the applicant is suitable to conduct this proposed business.

As far as the applicant's financial ability is concerned the applicant presented evidence that the first six months of expenses includes: insurance of \$3,367, maintenance of \$600, property tax of \$142, communication costs of \$500 and vehicle purchase costs of \$13,000 for a total of \$17,609. The applicant has \$38,460 in the bank, which is sufficient to cover these costs.

On the issue of public convenience and necessity the applicant has been in the transportation business for many years operating both in livery and taxi. The applicant has a clean record and is ready to expand its livery service into covering proms, airport transportation and the like. Based on all of the evidence presented, this livery application will be granted.

IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application is hereby granted and Livery Permit Number 3506 is hereby issued as

follows:

LIVERY PERMIT NUMBER 3506

Kaybella Transportation, LLC is authorized to operate one (1) motor vehicle in general livery service with a seating capacity of less than eleven passengers from a headquarters in Guilford.

Kaybella Transportation, LLC is authorized to operate two (2) motor vehicles having a seating capacity of less than eleven (11) passengers in elderly and handicapped livery service between all points in Connecticut from a headquarters in Branford.

RESTRICTIONS:

The applicant must register and insure the one (1) general livery vehicle granted in this decision within ninety (90) days. Failure to do so may result in revocation of the authority.

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.

**DURATIONAL LIVERY SERVICE
UNDER CONTRACT WITH VEYO
DOCKET NO. 1507-NGOV-88-L-GRANTED ON OCTOBER 23, 2015**

Kaybella Transportation, LLC is authorized to operate two (2) motor vehicles, each having a seating capacity of less than eleven (11) passengers, for the provision of transportation for hire by virtue of a contract with Veyo from a headquarters in Guilford.

RESTRICTIONS:

The authority for the two (2) motor vehicles granted in Docket No. 1507-NGOV-88-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 Veyo.


The permit holder shall notify the department of any termination of its contract with Veyo 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 copy of the extension of said contract. Failure to file an extension of the contract, or a new executed contract shall void the authority for the vehicles authorized pursuant to this contract.

This permit is not transferable 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.

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 the 18th day of January 2019.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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