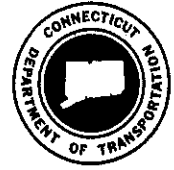




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 2211-N-121-L

RE: APPLICATION OF NELSON FAMILY LIMOUSINE, LLC TO
OPERATE TWO (2) GENERAL LIVERY VEHICLES, WITH A
SEATING CAPACITY OF LESS THAN ELEVEN PASSENGERS,
FROM A HEADQUARTERS IN BERLIN

DECISION

JUNE 20, 2023

I. INTRODUCTION

A. APPLICATION

By application filed on November 29, 2022, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Nelson Family Limousine, LLC (hereinafter "applicant") with a mailing address of 68 Brandegee Lane, Berlin, Connecticut 06037 seeks authorization to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) passengers, in general livery service from a headquarters in Berlin.

B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing by telephone was held on this application on June 13, 2023.

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

Brian Nelson appeared pro se on behalf of the applicant. The applicant's mailing address is 68 Brandegee Lane, Berlin, Connecticut 06037.

II. FINDINGS OF FACT

1. The applicant seeks to operate two (2) motor vehicle in general livery service from a headquarters in Berlin.
2. The applicant will operate a Cadillac Escalade and a Cadillac XTS sedan. The Escalade is financed while the sedan is paid for.
3. The applicant has been operating in interstate livery service since 2013.
4. The first six months of expenses includes a vehicle loan of \$5,156, property tax of \$582, maintenance costs of \$1800, advertising costs of \$600 and communication costs of \$300.

5. The applicant has \$23,178 in a business bank account in the name of the company.
6. The applicant regularly refers between eight (8) to sixteen (16) intrastate trips a month to other livery operators.
7. The applicant along with a couple of other drivers will drive the two livery vehicles.
8. Mr. Nelson has a clean criminal history.
9. 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.

Regarding the applicant's suitability, the applicant submitted a criminal record check for Brian Nelson which disclosed no criminal record. Mr. Nelson has been in the interstate livery business for the past ten years. Based on the evidence presented, the applicant is suitable to conduct the additional proposed intrastate livery business.

As far as the applicant's financial ability is concerned, the first six months of expenses includes a vehicle loan of \$5,156, property tax of \$582, maintenance costs of \$1800, advertising costs of \$600 and communication costs of \$300 for a total expense of \$8,438. The applicant has \$23,178 in a business bank account to cover these startup expenses and is therefore financially suitable.

On the issue of public convenience and necessity, the applicant has been in the livery business for over ten years. He has developed a client base and will now be able to perform his own intrastate trips instead of referring them out. Based on the evidence presented, the applicant will receive authorization for two (2) general livery vehicles.

IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application in the name of Nelson Family Limousine, LLC is hereby granted, and Livery Permit Number 3274 is hereby reissued as follows:

LIVERY PERMIT NUMBER 3274

Nelson Family Limousine, LLC is authorized to operate two (2) motor vehicles in general livery service, with a seating capacity of less than eleven passengers, from a headquarters in Berlin.

Nelson Family Limousine, LLC is permitted and authorized to operate motor vehicles as a common carrier of passengers, in charter and special operations, in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate Number MC-811106-C.

RESTRICTIONS:

The applicant must register and insure the two (2) motor vehicles granted in this decision within ninety (90) days. Failure to do so may result in revocation of the general livery 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.

Dated at Newington, Connecticut on the 20th day of June 2023.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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