

File



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 0707-NGOV-95-L

RE: APPLICATION OF MED-X TRANSPORTATION, LLC. TO OPERATE EIGHT (8) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS, IN THE TRANSPORTATION OF PASSENGERS FOR HIRE BY VIRTUE OF A CONTRACT WITH, OR A LOWER TIER CONTRACT FOR, ANY FEDERAL, STATE OR MUNICIPAL AGENCY BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN BROOKLYN.

FINAL DECISION

March 27, 2008

I. INTRODUCTION

A. Application

By application filed on July 3, 2007 with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Med-X Transportation, LLC (hereinafter "applicant") located at 8 Pondview Drive, Prospect, Connecticut seeks authorization to operate eight (8) motor vehicles, having a seating capacity of ten (10) adults or less, in the transportation of passengers for hire by virtue of a contract with, or a lower tier contract for, any federal, state or municipal agency between all points in Connecticut from a headquarters in the town of Brooklyn.

B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a)(3), as amended, a public hearing on this application was held on February 26, 2008.

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(a)(1), as amended. Legal notice to the public was given by publication in the Willimantic Chronicle, a newspaper having a circulation in the area of concern.

A hearing officer designated by the Commissioner, pursuant to Connecticut General Statutes Section 13b-17 conducted the hearing on this matter.

C. Appearances

Ralph Manzelli appeared on behalf of Med-X Transportation, LLC. The applicant was represented by Raymond Bershtein, Esq. with a mailing address of 105 Court Street, 3rd Floor, New Haven, Connecticut 06511.

Jason Lawrence of Crossroads Transportation was granted intervenor status in this matter. His mailing address is 24 Sanfords Bridge, East Haddam, Connecticut 06423.

Sheldon Lubin, from the Regulatory and Compliance Unit, was present at the hearing.

D. Application Amendment

On February 14, 2008, the applicant withdrew its request to operate two (2) motor vehicles from a headquarters in Brooklyn.

II. FINDINGS OF FACT

1. The applicant seeks authorization to operate six (6) vehicles to transport passengers under contract with Logisticare and two (2) vehicles to transport passengers under contract with Coordinated Transportation Solutions.
2. Rick Guliuzza of Coordinated Transportation Solutions supports the application because the applicant is needed to transport clients in Windham and New London County.
3. James McMellon from Logisticare testified that the applicant is needed to provide transportation to Logisticare's clients in New Haven and Fairfield County.
4. The applicant owns three vehicles at this time which can be used in the livery business.
5. The applicant has two lines of credit totaling \$30,000.
6. The applicant estimates monthly expenses to be \$6,330.
7. The applicant's automobile insurance is \$2,774 per vehicle.
8. The applicant has \$45,000 in the bank.
9. The applicant submitted executed contracts with Logisticare and Coordinated Transportation Solutions.

III. CONCLUSION

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 there under, in accordance with Connecticut General Statutes Section 13b-103.

To show financial support the applicant submitted a bank statement reflecting \$45,000. The applicant also has two lines of credit totaling \$30,000. The applicant's auto insurance is \$2,774 per vehicle, per year and annual expenses are expected to be \$6,330. The applicant currently owns three vehicles which can be placed into livery service. Based on the evidence presented, the applicant has the financial suitability to operate the proposed service.

In support of suitability to operate the proposed service, the applicant's management provided the requisite criminal conviction history form for Mr. Manzelli, which shows no record. Mr. Manzelli has extensive business experience in working in the past for Logisticare. Based on the information presented, the applicant possesses the suitability necessary to operate the proposed service.

Lastly, the applicant must prove that the public's convenience and necessity will be improved by the proposed service. James McMellon, from Logisticare, testified that his company needs transportation providers in most of the State and will be able to use six of the applicant's vehicles on a daily basis.

Richard Guliuzza from Coordinated Transportation Solutions testified that his company needs transportation services with two vehicles in New London and Windham County. Mr. Guliuzza testified that Coordinated Transportation Solutions has only a couple of service providers covering this area now.

IV. ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Med-X Transportation, LLC is hereby granted and issued as follows:

LIVERY PERMIT NO. 3206

DURATIONAL LIVERY SERVICE UNDER CONTRACT WITH LOGISTICARE, INC. DOCKET NO. 0707-NGOV-95-L- Granted March 25, 2008

Med-X Transportation, LLC is hereby permitted and authorized to operate six (6) motor vehicles, having a seating capacity of less than ten (10) adults, for the provision of transportation for hire by virtue of a contract with Logisticare, Inc. from a headquarters in Brooklyn, Connecticut.

The authority granted in Docket No. 0707-NGOV-95-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.

The permit holder shall notify the Department of any termination of its contract with Logisticare or the cessation of the active provision of service there under. The permit holder shall file with the Department on an annual basis, upon registration or re-registration of the motor vehicle 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 with Logisticare, shall void the authority for the vehicle 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.

**DURATIONAL LIVERY SERVICE
UNDER CONTRACT WITH COORDINATED TRANSPORTATION SOLUTIONS
DOCKET NO. 0707-NGOV-95-L- Granted March 25, 2008**

Med-X Transportation, LLC is hereby permitted and authorized to operate two (2) motor vehicles, having a seating capacity of less than ten (10) adults, for the provision of transportation for hire by virtue of a contract with Coordinated Transportation Solutions from a headquarters in Brooklyn, Connecticut.

The authority granted in Docket No. 0707-NGOV-95-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 Coordinated Transportation Solutions.

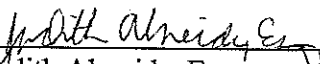
The permit holder shall notify the Department of any termination of its contract with Coordinated Transportation Solutions or the cessation of the active provision of service there under. The permit holder shall file with the Department on an annual basis, upon registration or re-registration of the motor vehicle 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 with Coordinated Transportation Solutions, shall void the authority for the vehicle 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, this 27th day of March 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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