



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0809-N-155-L

RE: APPLICATION OF RIDGEFIELD LIVERY SERVICE, INC. TO OPERATE THREE (3) MOTOR VEHICLES HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN, ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN RIDGEFIELD, CONNECTICUT.

FINAL DECISION

May 15, 2009

I. INTRODUCTION

A. Application

By application filed on September 16, 2008 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Ridgefield Livery Service, Inc. (hereinafter "applicant") located at 659 Danbury Road, Ridgefield, Connecticut, seeks authorization to operate three (3) motor vehicles, having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in Ridgefield, Connecticut.

B. Hearing

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was held on April 29, 2009.

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 General Statutes Section 13b-103(a)(1), as amended. Legal notice to the public was given by publication in the News Times, 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

The applicant appeared through one of its members, Jose Ademir Grecco and was represented by Hillel Goldman, Esq. of Mix & Goldman, LLC, 57 North Street, Suite 214, Danbury, Connecticut. The applicant's mailing address is 659 Danbury Road, Suite 1, Ridgefield, Connecticut.

Sheldon Lubin, utilities examiner with the Regulatory and Compliance Unit of the department appeared at the hearing.

No opposition was presented to the application.

II. FINDINGS OF FACT

1. The applicant is the holder of interstate livery certificate number MC-650198-C, issued by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration and has been so licensed since July 25, 2008.

2. The applicant operates two vehicles with interstate livery "Z" plates and it will convert those to intrastate livery registrations and purchase one more car if the application is approved.

3. The applicant is, and will remain, affiliated with Pamby Motors, the Chrysler

dealership in Ridgefield, Connecticut that has been established in the area for several years.

4. The applicant is currently insured for the interstate business for both vehicles it is operating.

5. Frederick Pambianchi is part owner of Pamby Motors, a family owned business for the past 62 years. John Pambianchi is also part owner of the applicant company. Pamby Motors supply cars to the applicant.

6. There will be no maintenance and repair costs because the vehicles will be maintained as they are currently at Pamby Motors. Pamby Motors intends to continue the maintenance, repair and upkeep of the applicant's vehicles.

7. The applicant's two vehicles used in interstate livery service are both insured at a cost of \$4,632, annually, per vehicle.

8. The applicant expects its gasoline usage for three vehicles at approximately 1120. The livery company currently owns two vehicles it used in interstate livery service, which are financed over four years.

9. The applicant provided proof of cash on hand in the amount of \$1406.

10. The associated owners of the applicant company have cash assets in the amount of \$807,813.

11. Jose Grecco, president of the applicant, has driven for other livery companies for approximately nine and a half years and has been operating Ridgefield Livery Service, Inc. on an interstate basis for the past year.

12. The applicant has been working for MTC, a livery company based in Bedford Hills, New York, that provides interstate jobs to the applicant on an independent contractor basis.

13. While there are several livery companies in Danbury, there is only one other livery company in Ridgefield.

14. The applicant provides livery service for members of General Electric, Mastercard and other large corporations. These corporate executives travel often and would like to travel from Bradley International Airport in Windsor Locks, Connecticut because it is less of a burden than to travel from New York airports.

15. Pamby Motors often receives calls from people wanting to rent cars to get around the area. Pambianchi believes that his association with the applicant will provide a needed local service for the community.

16. While the business will be associated with Pamby Motors, it will remain separate and apart from Pamby Motors.

17. Lisa Scala is associated with the Elms Inn in Ridgefield, which her husband's family has owned for several years. It is a 16-room inn with 4 restaurants where weddings and other functions are held. The Elms Inn guests often request transportation or seek livery service to go to local events, nights on the town, weddings, and other functions. Scala has had difficulty in getting such transportation for the Inn's guests.

18. Nutmeg Livery is the only other livery service provider with a headquarters in Ridgefield.

19. No opposition was presented to this application.

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 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 General Statutes Section 13b-103.

The applicant provided several witnesses who work with the general public and who have been asked on many occasions for either cars to rent or for car services and have not had success in getting such services. There is only one other livery provider in Ridgefield. Another livery service in Ridgefield would provide the community with access to a local provider, thereby making the rates less expensive than hiring an out of town service, since livery costs are charged from and to the headquarters.

The management of the applicant appears suitable to operate the proposed service. Pamby Motors has been in existence for at least 60 years and has a good reputation in the community. They will maintain and service the vehicles. Grecco has several years of driving livery vehicles for other companies and driving for the applicant in interstate livery. No evidence was entered in the record to contradict the applicant's suitability.

The applicant possesses the financial wherewithal to operate the proposed service. The costs will be minimal, since the company is already operating two vehicles in interstate livery service. The applicant intends to purchase the third vehicle and its financial documentation shows that the funds are available to the company for the purchase.

IV. CONCLUSIONS OF LAW

The applicant has provided substantial evidence to show that its is financially viable to operate the proposed service, that the management is suitable to provide the proposed service and that the public convenience and necessity will be improved by a grant of authority, in accordance with Connecticut General Statutes Section 13b-103, *et seq.*

V. ORDER

Based upon the above and pursuant to Section 13b-103(a), as amended, the application of Ridgefield Livery Service, Inc. is hereby approved and the following permit is hereby issued as follows:

**LIVERY PERMIT NO. 3230
FOR THE OPERATION OF LIVERY SERVICE**

Ridgefield Livery Service, Inc. is hereby permitted and authorized to operate three (3) motor vehicles having a seating capacity of less than ten (10) adults, in GENERAL LIVERY SERVICE, between all points in Connecticut from a headquarters in Ridgefield, Connecticut.

This Permit may not be sold or transferred until it has been operational, i.e., all vehicles registered with the livery plates thereunder, for not less than twenty-four (24) consecutive months.

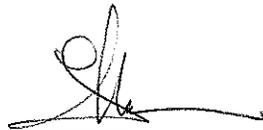
This Permit shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the Permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or the rules, regulations and orders of the Department shall be considered sufficient cause to amend, suspend or revoke this Permit.

This Permit is transferable only with the approval of the Department and is issued subject to compliance by the holder hereof with all motor vehicle laws of the State of Connecticut, and with such rules, regulations and orders as this Department may from time to time prescribe.

A memorandum of this Permit, bearing the seal of the Department, shall be kept conspicuously posted in the motor vehicles operated under this Permit.

Dated at Newington, Connecticut, this 15th day of May 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration