



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NUMBER 1012-N-112-L

RE: APPLICATION OF STATE LIMOUSINE SERVICE, INC. TO OPERATE TWO (2) 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 STAMFORD.

FINAL DECISION

July 12, 2011

I. INTRODUCTION

A. General

By application filed on December 16, 2010 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, State Limousine Service, Inc. (hereinafter "applicant"), with a mailing address of 37 Soundview Drive, Connecticut, seeks authorization to operate two (2) 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 the town of Stamford.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was held on June 23, 2011.

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 the Connecticut General Statutes Section 13b-103. 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

Rashid Maramkhah appeared on behalf of the applicant. Harold Bernstein, Esq. represented the applicant. Mr. Bernstein's mailing address is 123 Prospect Street, Stamford, Connecticut 06901.

Vito Bochicchio petitioned on behalf of Eveready Transportation, Inc. and received intervenor status. Mr. Bochicchio's mailing address is P.O. Box 15, Darien, Connecticut 06820.

Sheldon Lubin, a member of department staff, was present at the hearing.

II. FINDINGS OF FACT

1. The applicant seeks to operate two (2) motor vehicles in livery service from a headquarters in Stamford.

2. The applicant has been operating in interstate livery service since he purchased the company four years ago. Before that, the applicant worked as a driver for the applicant and other transportation companies for approximately twenty years.

3. The applicant drives one of the cars full time and has several part time drivers he calls when needed.

4. The applicant's interstate livery customers have asked him to perform intrastate livery service. At the present time, the applicant refers the intrastate livery service to other companies.

5. The applicant has cash of \$5,029 and accounts receivable of \$12,953. His current revenue is \$12,000 to \$15,000 per month with a net profit of \$7,000 per month.

6. The applicant's annual expenses include fuel of \$12,000, property tax of \$400, repairs of \$1,200 and insurance of \$5,400 for both cars.

7. The applicant currently operates two Lincoln Town cars which he uses in interstate livery service. One of the vehicles is owned outright while the other vehicle has a loan. The fair market value of the two vehicles is \$31,550.

8. The applicant receives one to two requests for intrastate livery service per week.

9. The applicant presented the testimony of two clients who support his request for intrastate livery service. The witnesses think the applicant's ability to speak the languages of Iran and Turkey is needed in the Stamford area.

10. Eveready Transportation operates fourteen (14) motor vehicles in livery service from a headquarters in Stamford.

III. DEPARTMENT ANALYSIS

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.

In support of financial wherewithal, the applicant provided evidence that shows that he has cash of \$5,029 and accounts receivable of \$12,953. His current revenue is \$12,000 to \$15,000 per month with a net profit of \$7,000 per month. The applicant's annual expenses include fuel of \$12,000, property tax of \$400, repairs of \$1,200 and insurance of \$5,400. The applicant currently operates two Lincoln Town cars which he uses in interstate livery service. One of vehicles has a loan, the other is owned outright. The fair market value of the two vehicles is \$31,550. Based on the evidence presented, the applicant is financially suitable to operate the proposed business.

With regard to suitability, the applicant provided the requisite criminal conviction history forms for Rashid Maramkhah which shows no convictions. Mr. Maramkhah has been in the livery business for four years as an owner and over twenty years as a driver for various companies. The applicant has not been the subject of any citation hearings and appears to be knowledgeable about the business. Based on the evidence presented; the applicant has proven its suitability to operate the proposed service.

The applicant also has to prove that public convenience and necessity would be improved by the proposed service. The applicant tried to show that his knowledge of the languages Iran and Turkey would benefit the community. Understanding these languages may be helpful but there was not enough evidence presented to conclude that there is such a need. The applicant also presented two witnesses in support of his application who testified that they would use the applicant's service should he get authorized to perform intrastate work. The applicant also submitted several letters of support which are of limited weight as the authors can't be cross examined.

The applicant has owned the business for the past four years. Not being able to handle his client's intrastate requests and the possibly that emergency travel changes will result in a hardship for those clients, is a real hardship. The applicant's ability to perform intrastate work will improve public convenience and necessity. However, the applicant did not submit sufficient proof that he needs two vehicles to handle the intrastate requests he gets. At the present time the applicant only receives a couple of intrastate requests per week. Therefore, the applicant will be granted one (1) vehicle to begin intrastate service with.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of hereby granted and Livery Permit Number 3255 is granted in part and issued as follows:

LIVERY PERMIT NO. 3255 FOR THE OPERATION OF LIVERY SERVICE

State Limousine Service, Inc. is hereby permitted and authorized to operate one (1) motor vehicle, each having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in Stamford.

State Limousine Service, Inc. is hereby permitted and authorized to operate motor vehicles for the transportation of passengers in special and charter 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-321563.

RESTRICTIONS:

The applicant must register the one vehicle granted under this decision within thirty days from the date of this decision.

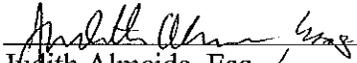
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates there under for not less than twenty-four (24) months.

This permit shall remain in effect until 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 may from time to time prescribe thereunder.

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 on this 12th day of July 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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