STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

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DOCKET NO. 1412-AT-208-T

RE: APPLICATION OF CT TAXI, LLC TO COMBINE ITS THREE (3) MOTOR VEHICLES IN TAXICAB SERVICE OPERATING WITHIN AND TO AND FROM MIDDLETOWN WITH THE TERRITORIES OF CROMWELL, DURHAM, EAST HAMPTON, MIDDLEFIELD AND PORTLAND, FOR AUTHORITY TO OPERATE THREE (3) MOTOR VEHICLES, IN TAXICAB SERVICE, WITHIN AND TO AND FROM CROMWELL, DURHAM, EAST HAMPTON, MIDDLEFIELD, MIDDLETOWN, AND PORTLAND TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

November 19, 2015

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I. INTRODUCTION

A. Applicant's Proposal

By application filed on December 31, 2014 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, CT Taxi, LLC (hereinafter "applicant") of 532 Middlefield Street, Middletown, Connecticut and holder of taxicab Certificate No. 1224, seeks authorization to combine its three (3) motor vehicles in taxicab service operating within and to and from Middletown with the territories of Cromwell, Durham, East Hampton, Middlefield and Portland, for authority to operate three (3) motor vehicles, in taxicab service, within and to and from Cromwell, Durham, East Hampton, Middlefield, Middletown, and Portland to all points in Connecticut.

B. Hearing

Pursuant to Section 13b-97(a) of the General Statutes, as amended, a public hearing on this application was held at the administrative offices of the Department in Newington, Connecticut, on September 29, 2015.

Notice of the application and of the hearing to be held thereon was given to the applicant and to such other parties as required by Section 13b-97(a) of the General Statutes, as amended. Notice to the public was given by publication on the department website at www.ct.gov/dot.

A hearing officer was designated by the Commissioner of Transportation to conduct the hearing on this matter, pursuant to General Statutes Section 13b-17.

C. Appearances

CT Taxi, LLC appeared through its owner Krystyna Kecki and was represented by Michael Stone, Esq. Stone's address is 129 Church Street, Suite 806, New Haven, Connecticut 06510. CT Taxi, LLC's mailing address is 532 Middlefield Street, Middletown, Connecticut 06457.

Executive 2000 Transportation, LLC, holder of taxicab Certificate No. 1097, and authorized to operate taxicabs within and to and from the subject territories, filed for, and was granted, intervenor status. Executive 2000 Transportation, LLC appeared through its owner, Sairah Sandhu and was represented by Mary Alice Moore Leonhardt, Esq. with the law firm of Rome McGuigan, PC. Leonhardt's mailing address is One State Street, Hartford, Connecticut 06103. Executive 2000 Transportation, LLC's mailing address is 11 Alcap Ridge, Suite D, Cromwell, Connecticut 06416.

II. FINDINGS OF FACT

1. Krystyn Kecki opened a commercial cleaning service approximately 25 years ago. She cleaned town hall, doctors' and lawyers' offices. Through her contacts made through the cleaning business, she saw that many people needed transportation services. She then began her taxicab business with her husband three years ago.

2. Kecki began her taxicab business with two vehicles and received a third through the expedited process, all three of which operate within and to and from Middletown. Her husband handles maintenance of the vehicles and dispatching, with their son. Kecki is responsible for the paperwork of the business.

3. Hafiz Mahmood is part owner of the applicant company. He dispatches and he receives calls from customers to whom he provides service. He will then receive a call from the same customer who now wants a ride within a town the applicant is not authorized for, or to another town, in which the applicant is not authorized to operate. This happens often and frustrates the clientele.

4. Michael Kecki, Krystyna Kecki's son, is from Middletown and works for the applicant as the director of operations and dispatcher. Kecki had a customer at a Cromwell restaurant who wanted to get to a hotel in Cromwell, but Kecki could not give him the ride. Kecki gave the customer the intervenor's number but the customer said he had already called the intervenor and it was an hour wait.

5. A few days prior to the hearing, Kecki had a customer who needed transportation between Portland to Middletown, Portland to Portland and Portland to East Hampton, but could not be serviced because the applicant is not authorized to operate in towns other than Middletown.

6. The respondent receives approximately seven (7) calls a day from customers who want rides to and from and within some of the contiguous towns to Middletown, which the applicant cannot provide because it does not have authority to operate within the expanded authority.

7. Expanding the applicant's territory would not substantially increase the applicant's costs other than maintenance of the vehicles and gasoline expenses that the drivers pay.

8. The applicant currently uses three vehicles in its existing taxicab service. They will be used in the expanded business; the vehicles are owned outright by the applicant; they are currently insured, in use, and in good working order.

9. The applicant has drivers for all shifts for all of its vehicles.

10. As of June 30, 2015, the applicant's revenue was $131,000; the expenses were $49,000, providing a net income of $82.000.

11. The estimated repairs and maintenance for the three vehicles, for a three month period, is approximately $3,730; the property taxes for the three vehicles, for six months, are approximately $315; the applicant estimates legal fees for the company at approximately $1,500.

12. The applicant has no citations matters pending.

13. The criminal conviction history forms filed for the owners of the applicant company show no record.

14. Andzej Cieslik lives in Cromwell and is a court certified interpreter and translator in Polish and Russian to English and vice versa; 85 per cent of his work deals with medical translation and with the elderly. Cieslik has day to day experience with elderly people who have transportation challenges. He is often asked to provide rides to his clients.

15. Ekim Cecunjanian lives in Rocky Hill and owns an Italian American restaurant in Portland. Cecunjanian is familiar with the owners of the applicant because they own a garage where he takes his vehicles for maintenance. People hold parties at his restaurant and sometimes they ask for rides home to all different surrounding towns. Cecunjananian was asked by the applicant to testify in support of the application.

16. Judy Didato lives in Middlefield. She is familiar with the applicant's business through the applicant's owner's mother. Didato does not drive at night. She has not seen taxicabs in the Middlefield area and has had some trouble getting a taxicab at night within the past year. She is not familiar with the intervenor or its reputation. Didato would use the applicant's taxicab within her towns and to other towns.

17. Slavia Didato lives in Durham. Didato drives but her family has only one car and her husband usually has the car. Occasionally she needs a ride to a medical appointment and shopping within Durham. She would use taxicabs to other locations.

18. Tammy Dorfman lives in Cromwell. Dorfman is friends with Judy Didato. Dorfman has a need for transportation from Cromwell to Middlefield to visit with family and friends. She also needs transportation to medical appointments. She currently gets rides from families and friends, which is sometimes problematic if family and friends are not available. She would use the applicant's taxicabs to other locations.

19. When the applicant's customer is provided a ride to one of the towns of concern from Middletown, the customer is unable to be assisted locally within the towns of Durham, Middlefield, Cromwell, East Hampton, and Portland.

20. Executive 2000 Transportation, LLC d/b/a Executive 2000 Taxi holds the position that it, Executive 2000, has the capability to provide the calls that the applicant says it receives for work in the expanded territory. Executive 2000 also holds the position that there are several other companies that can do the work proposed, including Nisar Ali Sandhu d/b/a Action Taxi, at the same address as the intervenor.

21. No other existing companies authorized in the territory of concern appeared in opposition to the application. Those companies include Nisar Ali Sandhu d/b/a Action Taxi in Cromwell, Avery Cab, LLC in South Windsor, George Samuels d/b/a George Taxi in Windsor, Arrow Cab, Inc. in West Hartford, CT Taxi, LLC in Middletown, Leonid Menshch d/b/a Leo's Taxi Cab Co. in Newington.

22. A driver for the intervenor has been getting fewer calls over the past few months but does not know why.

23. Some witnesses had to wait an hour for a taxicab within the last few months.

III. DISCUSSION

The Department of Transportation has jurisdiction over common carriers, which includes each person, association, limited liability company or corporation owning or operating a taxicab in the State of Connecticut in accordance with Connecticut General Statutes Section 13b-96, as amended. The department is authorized to prescribe regulations with respect to fares, service, operation and equipment, as it deems necessary for the convenience, protection and safety of the passengers and the public.

Pursuant to Section 13b-97(a), as amended, any person who applies for authority to operate a taxicab shall obtain from the department a certificate of public convenience and necessity certifying that the public's convenience and necessity requires the operation of a taxicab or taxicabs for the transportation of passengers. No certificate shall be issued unless the department finds that the person is suitable to operate a taxicab service. In so doing the department must take into consideration any convictions of the applicant under federal, state or local laws relative to safety, motor vehicle or criminal violations, the number of taxicabs to be operated under the certificate, the adequacy of the applicant's financial resources to operate the service, the adequacy of insurance coverage and safety equipment and the availability of qualified operators.

The applicant currently operates three vehicles in taxicab service within and to and from Middletown, Connecticut. The applicant has been in operation for approximately three (3) years. Over the last year or two, the applicant's owners have been receiving calls from customers who are requesting rides from Middletown to other towns, and within other owns, including Portland, Middlefield, Durham, Cromwell, and East Hampton. Several of the witnesses who testified indicated that they used the applicant for service and wished to use the applicant's taxicab service to other towns near Middletown.

Adding the requested territories to the applicant's current town of Middletown is logical in that the additional towns requested are contiguous to Middletown. It is reasonable to conclude that customers in Middletown would have business in contiguous towns, and the testimony shows that some of the customers who utilize the applicant have business within the other contiguous towns.

The intervenor argues that it has the capability to offer Polish speaking dispatchers or drivers. And while the intervenor believes this point to be relevant to show that there are Polish

speaking taxicab drivers and dispatchers working for other cab companies, the decision in this matter does not hinge on whether one company has or does not have such bilingual employees or workers. It is a long-standing precedent in the department that taxicab applications are not approved based on its ability to speak a certain language or cater to a certain population. Connecticut General Statutes Section 13b-96 et seq. delineates the bases on which taxicab authorization is to be granted.

The applicant is currently in business and owns the three vehicles it is authorized to operate in Middletown. The increase in territory would not be financially over burdensome for the applicant. The applicant's vehicles are paid for and are insured, so that the increase in the cost of business would be in the maintenance of the vehicles since they would be driving farther distances. The applicant has the funds to cover increased maintenance. The applicant has the drivers for its vehicles and lastly, the applicant's owners have no criminal convictions and no negative evidence was entered into the record to show otherwise. Moreover, the evidence shows that calls to other taxicab companies have required a wait of an hour.

The intervenor also argues that its call volume has decreased and that the market will not sustain another taxicab company in the area of concern. The intervenor's concern is that the approval of this authority would impact the intervenor's business and diminish its income. The opposition is based on the intervenor's pecuniary interest. Moreover, there was testimony on the record indicating that people had complained to the applicant that the intervenor had been late in picking up customers. There is no evidence on the record proving the diminished capacity, but it is also not out of the realm of possibilities that the intervening company has lost business for other reasons. Be that as it may, competition to other businesses is not a basis on which an application for additional authority may be denied. *United Cable Television Services Corp. v. Department of Public Utility Control*, 235 Conn. 334 (August 1995).

IV. CONCLUSIONS OF LAW

Based on the evidence of record, the CT Taxi, LLC possesses the suitability and financial wherewithal to operate the proposed service, it has drivers for its vehicles, its vehicles are fully insured, operational, and currently in use. The public's convenience and necessity requires the grant of expanded authority, in accordance with Connecticut General Statutes Section 13b-97.

V. ORDER

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of CT Taxi, LLC is hereby approved and Certificate No. 1224 is hereby amended and reissued as follows:

TAXICAB CERTIFICATE NO. 1224
FOR THE OPERATION OF MOTOR VEHICLE IN TAXICAB SERVICE

CT Taxi, LLC of Middletown, Connecticut, is hereby permitted and authorized to operate three (3) motor vehicles in taxicab service within and to and from Cromwell, Durham, East Hampton, Middlefield, Middletown, and Portland to all points in Connecticut.

RESTRICTIONS

This Certificate may not be sold or transferred until it has been operational, i.e., a vehicle registered with a taxi plate thereunder, for not less than twenty-four (24) consecutive months. This Certificate is transferable only with the approval of the Department.

This Certificate shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the Certificate Holder to maintain proper insurance and/or to 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 Certificate.

This Certificate 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.

Dated at Newington, Connecticut, on this 19th day of November 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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