STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

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DOCKET NUMBER 1501-N-1-L

RE: APPLICATION OF CT LIVERY, LLC TO OPERATE TWO (2) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN MIDDLETOWN.

FINAL DECISION

September 17, 2015

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I. INTRODUCTION

A. General

By application filed on January 6, 2015, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, CT Livery, LLC ("applicant") with a mailing address of 532 Middlefield Street, Middletown, Connecticut 06457 seeks authorization to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service between all points in Connecticut from a headquarters in the town of Middletown.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on August 27, 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 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

Krystyna Kecki appeared on behalf of the applicant. The applicant was represented by Michael Stone, Esq. with a mailing address of 129 Church Street, Suite 806, New Haven, Connecticut 06510.

II. FINDING OF FACTS

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

2. The applicant currently operates livery service under contract with Logisticare. Krystinya Kecki, the applicant member, also operates a taxicab company with three (3) vehicles.

3. The applicant's assets include $15,000 cash, accounts receivable of $39,615 and motor vehicles valued at $48,000. The applicant's assets total $102,615.

4. The applicant's liabilities total $19,800. The applicant's annual expenses include insurance premium of $5,188, repairs of $1,700, advertising of $800, professional services of $1,500, property tax of $4300 and miscellaneous expenses of $1,300.

5. The livery company will be run by the three family members. The Director of Operations will be Michael Kecki the son of the member, Kyrstyna Kecki. He will be responsible for dispatching, handling drivers, and scheduling.

6. Mrs. Kecki, the member of the applicant, will handle the books and paperwork associated with the business.

7. Mr. Mahmood, the husband of Mrs. Kecki, will be a back-up driver and troubleshooter for the company. As part of his responsibilities he manages a garage, CT Auto Service, which the family owns and at which they plan to repair their vehicles.

8. The applicant receives two (2) requests for general livery service per day from its current customers for weddings, proms, parties, graduations and the like.

9. The applicant will operate two (2) Lincoln Town Cars in this livery operation.

10. The applicant presented several witnesses in support of its application. These witnesses included an employee from the local inn, a vehicle fleet manager for Wesleyan University and a media specialist who substantiated that there is a need for additional livery services in the Middletown area.

11. The applicant company is multilingual with English and Polish being spoken.

12. The applicant has drivers available for the two (2) vehicles it is seeking.

13. There was no opposition to this application.

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.

Some factors to consider in granting a livery permit are whether the service will benefit the relevant class of users, whether the proposed service is more efficient, more economical, more convenient, more satisfactory, or different that the services offered by the existing service providers, whether the new service would create a potentially beneficial effect upon rates and customer service and whether the acquisition of equipment would be more suitable to customer needs, whether the population in the area that the applicant proposes to service is increasing, whether potential customers have requested a service like that suggested by the applicant, whether the proposed

service will improve the existing mode of transportation as recently defined in Steve Martorelli v. Department of Transportation (SC19307).

In support of financial wherewithal the applicant presented evidence that it has $15,000 in cash, accounts receivable of $39,615 and motor vehicles valued at $48,000 for total assets of $102,615. The applicant's liabilities total $19,800. The applicant's annual insurance premium is $5,188, repairs of $1,700, advertising of $800, professional services of $1,500, property tax of $4300 and miscellaneous expenses of $1,300. Based on the evidence presented, the applicant has proven the financial suitability to operate this livery service.

With regard to suitability, the applicant provided the requisite criminal conviction history for the member, Krystyna Kecki which showed no criminal record. Mrs. Kecki is currently operating both a successful livery and taxi company and has acquired the business acumen to operate the proposed livery service. The applicant has the required suitability to be granted a permit.

The applicant must also prove public convenience and necessity. In that regard, the applicant has many customers who would be interested in using this livery service. The applicant presented the testimony of various business contacts whom will be using the livery service or referring the business to the applicant including a local hotel and a university. Another witness spoke about the advantage of having a Polish speaking livery service in the area the applicant wants to operate. The applicant's service will definitely be beneficial to the public. Based on the evidence presented, the applicant has shown that public convenience and necessity would be improved if it were granted two (2) livery permits.

The applicant has proven the required elements to be granted a livery permit.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of CT Livery, LLC is hereby granted and Livery Permit Number 3275 is reissued as follows:

LIVERY PERMIT NO. 3275
FOR THE OPERATION OF LIVERY SERVICE

CT Livery, LLC is hereby permitted and authorized to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) adults in general livery service from a headquarters in Middletown.

RESTRICTIONS:

The applicant must register the two (2) vehicles granted under this decision within sixty (60) days from the date of this final 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 thereunder for not less than twenty-four (24) months.

This permit may not be sold or transferred until it has been operation, i.e., a vehicle registered with 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 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 LOGISTICARE, INC
DOCKET NUMBER 1207-GOV-103-L-GRANTED ON AUGUST 31, 2015

CT Livery, LLC is authorized to operate seven (7) motor vehicles, having a seating capacity of less than eleven (11) adults, for the provision of transportation for hire by virtue of a contract with Logisticare, Inc, from a headquarters in Middletown, Connecticut.

The authority granted in Docket Number 1207-GOV-103-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 thereunder. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicles authorized in this decision, a current, executed copy of the extension of said contract with Logisticare. 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 transferrable 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 the 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 kept conspicuously posted in the motor vehicle operated under this permit.

Dated at Newington, Connecticut on this 17th day of September 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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