



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

DOCKET NUMBER 1510-N-128-L

RE: APPLICATION OF CT EXCLUSIVE LIMO AND SHUTTLE, LLC TO OPERATE THREE (3) MOTOR VEHICLES, EACH HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN BRIDGEPORT.

FINAL DECISION

JUNE 7, 2016

I. INTRODUCTION

A. General

By application filed on October 1, 2015, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, CT Exclusive Limo and Shuttle, LLC ("applicant") with a mailing address of 752 Beechwood Avenue, Bridgeport, Connecticut 06605 seeks authorization to operate three (3) 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 Bridgeport.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on June 2, 2016.

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

Anwar Chowdhury appeared on behalf of the applicant. The applicant's mailing address is 752 Beechwood Avenue, Bridgeport, Connecticut 06605. The applicant was represented by Benjamin Trachten, Esq. with a mailing address of 679 State Street, New Haven, Connecticut 06511.

II. FINDINGS OF FACT

1. The applicant is currently operating four (4) vehicles in interstate livery service under Livery Permit Number 3354 which was registered with the department in November 2013.

2. The applicant is seeking to operate three (3) motor vehicles in intrastate livery service from a headquarters in Bridgeport.

3. The applicant presented the testimony of two drivers whose customers have requested intrastate livery service. In total, the applicant has six drivers.

4. Ghulam Musthafa is store manager with Shop Rite. He currently is an interstate customer of the applicant who transports him to out of state airports and meetings and now wants to use the applicant's service for intrastate business meetings. He estimates his intrastate livery needs at once or twice a month.

5. Mamum Chowdhry works as a Senior Customer Service Representative for TD Bank. He quantifies his need for intrastate livery service at once or twice every three months to go to meetings. He is pleased with the applicants' service.

6. Sayeed Chowdhry works as a Lead Data Architect for GE Capital. He would use the applicant once a month to go to meetings.
7. The applicant receives five to ten calls a day for interstate livery service.
8. The applicant's hourly pricing is very competitive.
9. The applicant is using a 2010 Lincoln MKS, a 2015 Chevy Suburban and two Toyota highlanders.
10. The applicant has no previous department citations.
11. The applicant will have the availability to do online bookings.
12. The applicant's brother and sister will help with the business.
13. The applicant has increased his cash balance from \$53,773 to \$56,563. The applicant's other assets include a net income of \$22,858, resulting in a surplus of \$35,940 after expenses.
14. The applicant six months of expenses include \$16,083 for insurance, car loans of \$6004, computer services of \$5,200 and communication services of \$1,974.
15. This application was not opposed.

III. DEPARTMENT ANALYSIS

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 than 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 and 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 the applicant's six

month startup costs include a net income of \$22,858, resulting in a surplus of \$35,940 after expenses. The applicant's current cash balance of \$56,563 is higher than when he originally submitted the application. The applicant six months of expenses include \$16,083 for insurance, car loans of \$6004, computer services of \$5,200 and communication services of \$1,974. The applicant is financially viable to operate the proposed service.

The applicant presented two drivers who testified in support of the application. These drivers are receiving requests for intra state livery service on a regular basis. Mr. Chowdhry testified that he receives 5-10 requests per day for intrastate livery service. Finally, he presented the testimony of three customers who want to use his instate livery service having had some difficulty with other services in the past. The applicant will be providing a reasonable rate for the livery service and making it accessible online. He has been in the livery business for the past three years and providing intrastate livery service it is a natural extension of that business. Based on the evidence presented, the applicant has proven public convenience and necessity.

With regard to suitability, the applicant provided the requisite criminal conviction history for Anwar Chowdhry which shows no criminal convictions. The applicant has operated in interstate livery service since 2013 with no citations. The applicant's customers have nothing but glowing reviews to make about the applicant's livery service. The applicant has proven suitability.

Based on the evidence presented, 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 Exclusive Limo and Shuttle, LLC is hereby granted and Livery Permit Number 3354 is reissued as follows:

LIVERY PERMIT NO. 3354
FOR THE OPERATION OF LIVERY SERVICE

CT Exclusive Limo and Shuttle, LLC is hereby permitted and authorized to operate three (3) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Bridgeport.

CT Exclusive Limo and Shuttle, LLC is permitted and authorized to operate motor vehicles as a common carrier of passengers, in charter and special operations, in interstate commerce under such authorizations as issued or amended by the Federal Motor Safety Administration in the issuance of certificate number MC-739894-C.

RESTRICTIONS:

The applicant must register the three (3) vehicles granted under this decision within thirty (30) 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.

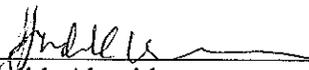
This permit may not be sold or transferred until it has been operation, i.e., a vehicle registered with livery plates thereunder, for not less than twenty-four (24) consecutive months.

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.

Dated at Newington, Connecticut on this 7th day of June 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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