STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

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DOCKET NUMBER 1606-N-63-L

RE: APPLICATION OF W & E TRANSPORTATION SERVICE, LLC TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN DANBURY.

FINAL DECISION

OCTOBER 5, 2016

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I. INTRODUCTION

A. General

By application filed on June 2, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, W & E Transportation Service, LLC ("applicant") with a mailing address of 12 Mill Ridge Road, Danbury, Connecticut 06811 seeks authorization to operate one (1) motor vehicle, 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 Danbury.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on October 4, 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

Elsa Rebello and William Martinez Rosario appeared pro se on behalf of the applicant. The applicant's mailing address is 12 Mill Ridge Road, Danbury, Connecticut 06811.

Maria Elizabeth Pires, owner of Beta Global Services, LLC, acted as a translator in the hearing. Ms. Pires is ATA certified in translation from the American Translators Association.

II. FINDING OF FACTS

1. The applicant seeks to operate one (1) motor vehicle in intrastate livery service from a headquarters in Danbury.

2. The two members of the LLC will drive the 2013 Toyota Highlander. Ms. Rebello perform the administrative work in the company. Neither member of the LLC has a public service license.

3. Mr. Martinez Rosario has experience working for his father's taxicab company as a driver and an administrator. Ms. Ebello has been employed in the area of social work.

4. Ms. Rebello speaks English, Portuguese and Spanish.

5. The applicant will seek interstate livery authority at a later date.

6. The applicant plans to do livery trips to the airport and casino among other things.

7. The applicant's first six months of expenses includes: vehicle financing of $3,024, insurance of $3,450, maintenance of $1,000, marketing of $300 and property tax of $280 for total expenses of $8054.

8. The applicant has a cash reserve of $8,776.

9. Sandra Sanchez, Ms. Rebellos's sister, is a Property and Casualty Licensed Agent and co-owner of a garage. She will act as an advisor to the applicant.

10. Diomedes Ovalles is a former client of Ms. Rebello who will use her new transportation service for his family.

11. Maria Elizabeth Pires is the owner of Beta Global Services, LLC which is comprised of translation services and a travel agency. She will refer the applicant to her clients who need transportation.

12. This application was not opposed.

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 and whether the proposed service will improve the existing mode of transportation as defined in Martorelli v. Department of Transportation 316 Conn. 538 (2015).

In support of financial wherewithal the applicant presented evidence the applicant's first six months of expenses includes: vehicle financing of $3,024, insurance of $3,450, maintenance of

$1,000, marketing of $300 and property tax of $280 for total expenses of $8054. The applicant has a cash reserve of $8,776 which will cover those expenses therefore the applicant is financially suitable.

With regard to suitability, the applicant provided the requisite criminal conviction history forms for Elsa Rebello and William Martinez-Rosario which shows no convictions. Mr. Rosario has worked as a taxicab driver and Ms. Rebello has worked in office management and in community outreach. In addition, Ms. Sanchez will act as a mentor to the applicant giving them her business experience. Based on the evidence presented, the applicant has proven the required suitability to be granted a livery permit.

The applicant must also prove public convenience and necessity. In that regard, the applicant presented several witnesses in support of its application. Ms. Pires who owns a travel agency will refer the applicant business. Another witness, Mr. Ovallas will also use the applicant's livery service for his family's needs. It is clear that the public will benefit from their additional livery service in the area.

Based on the evidence presented, the applicant has proven the required elements to be granted a permit.

V. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of W & E Transportation Service, LLC is hereby granted and Livery Permit Number 3556 is issued as follows:

LIVERY PERMIT NO. 3556
FOR THE OPERATION OF LIVERY SERVICE

W & E Transportation Service, LLC is hereby permitted and authorized to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Danbury.

RESTRICTIONS:

The applicant must register the one (1) vehicle granted under this decision within sixty (60) days from the date of this final decision.

Both members of the LLC must secure a public service license before driving the livery vehicle.

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 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 5th day of October 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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