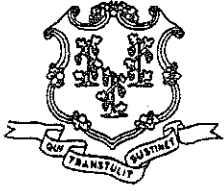


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STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

(860) 594-2875

DOCKET NO. 0611-AS-110-T

RE: APPLICATION OF KEVIN B. SACCO DBA GUILFORD CAB TO OPERATE TWO (2) ADDITIONAL MOTOR VEHICLES IN TAXICAB SERVICE, WITHIN AND TO AND FROM ITS CURRENT TERRITORY OF THE TOWN OF GUILFORD TO ALL POINTS IN CONNECTICUT, AND FOR AUTHORIZATION TO EXPAND ITS CURRENT TERRITORY TO INCLUDE THE TOWNS OF CLINTON AND MADISON, FOR A TOTAL OF THREE (3) MOTOR VEHICLES IN TAXICAB SERVICE, WITHIN AND TO AND FROM CLINTON, GUILFORD AND MADISON TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

January 2, 2008

I. INTRODUCTION

A. Applicant's Proposal

By application filed on November 14, 2006, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Kevin B. Sacco dba Guilford Cab (hereinafter "applicant") of 1028 Moose Hill Road, Guilford, Connecticut, seeks authorization to operate two(2) additional motor vehicles in taxicab service, within and to and from its current territory of the town of Guilford to all points in Connecticut, and for authorization to expand its current territory to include the towns of Clinton and Madison, for a total of three (3) motor vehicles in taxicab service, within and to and from Clinton, Guilford and Madison 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 November 15, 2007.

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. Legal notice to the public was given by publication in the New Haven Register, a newspaper having circulation in the area of concern.

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

C. Appearances

Kevin B. Sacco appeared on his own behalf without counsel. The applicant's mailing address is 1028 Moose Hill Road, Guilford, Connecticut.

Sheldon Lubin, utilities examiner for the Regulatory and Compliance Unit, was present at the hearing.

No opposition was presented to the application.

II. FINDINGS OF FACT

1. The applicant currently operates one motor vehicle within and to and from Guilford to all points in Connecticut under taxicab certificate number 1184.
2. The applicant receives telephone calls from the neighboring town of Madison, which is contiguous to Guilford and from Clinton, which is contiguous to Madison.
3. The applicant will purchase a Saturn hybrid, which he will finance.
4. The applicant has two people who will become drivers for the business.
5. The applicant has a balance of \$20,000 in its bank account.
6. The applicant has one vehicle loan outstanding which has a balance of \$10,048 for which Sacco makes a monthly payment of \$378.27 and which will be paid off by July 2009.

7. The applicant's annual insurance premium is \$6,303. The property tax was \$320. Fuel costs are estimated at \$480 per month and repairs and maintenance are estimated at \$200 per month.

8. Frank D'Andrea is a resident of Clinton and owns multiple Dunkin Donuts in Clinton. His employees are spread out and they often try to get rides by taxicab, but they have had to wait half an hour to forty-five minutes for a ride.

9. Sometimes, D'Andrea's employees are stood up by their transportation and D'Andrea has given these people a ride as a result.

10. D'Andrea has never seen a taxicab, other than Metro Taxi on minimal occasions, in Clinton or Madison.

11. Matthew Newton lives in Madison and is a youth counselor for special needs children at a therapeutic boarding school in Madison. Newton supports the applicant because of the kind of service that the applicant provides with regard to professionalism, cleanliness, discretion and attention to detail.

12. Newton is aware that there is another taxicab company in town. He has seen Essex Taxi pick up or drop off at the school, but does not use that company because he observed Essex Taxi pick up a student at the school when the taxicab driver had another passenger in the car. He supports the applicant because of the company's discretion.

13. The applicant's trip sheets show that the applicant provides approximately 2-3 trips per day.

14. The applicant receives approximately 3 calls from Clinton and 3 calls from Madison per day that the applicant refers or turns down for lack of authority to work in those two towns.

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.

In support of suitability, Kevin Sacco dba Guilford Cab provided the requisite criminal conviction history form which reflects no record for Sacco. Sacco has had no incidents of citations against the business. Sacco appears willing and able to conform to the requirements of the statutes and regulations and orders of the department. The applicant has two people ready and willing to drive additional vehicles, should they be granted. Sacco would like to put into service new hybrid vehicles, which would be inspected to ensure compliance with safety equipment requirements. Additionally, the applicant currently has insurance

for his vehicle and would insure the new vehicles as well.

In support of financial wherewithal, the applicant provided information showing sufficiency of financial resources to maintain an expanded company with one additional vehicle. With the current costs and estimated costs, the applicant will have sufficient funds to maintain the company with an additional vehicle. When the company becomes stable and the volume of calls increase, the applicant may then apply for additional vehicles through hearing or through the expedited application process as enumerated in Regulations of Connecticut State Agencies Section 13b-96-8.

Lastly, in support of public convenience and necessity, the applicant provided evidence, in the form of testimony of witnesses who are residents of Clinton and Madison. The witnesses testified that the applicant currently provides excellent service currently, however, additional vehicles are needed to enable the applicant to provide services within and to and from Clinton and Madison, as well as his current territory of Guilford. One witnesses testified that his employees, who are spread out around Madison, require reliable service and often, they have to wait for rides. The witness has given his employees rides due to failure of other transportation to show up on time. While it appears that the public convenience and necessity of Madison and Guilford requires a grant of authority of a taxi or taxicabs, the department must indicate the number of vehicles that would accommodate the need.

In this case, the calls that the applicant provides are minimal. Although Sacco works full time at the taxicab job, the records in evidence show that the average number of trips that Sacco provides, on a given day, is three. Further, while Madison and Clinton have need for a taxicab, they do not have the need for three; nor does Guilford have the need for three.

Therefore, based on the evidence, it is reasonable to conclude that one (1) additional vehicle, for a total of two (2), would amply cover the public convenience and necessity in an expanded territory consisting of three towns.

IV. CONCLUSIONS OF LAW

Based on the above, I conclude as a matter of law, that the public convenience and necessity of Clinton and Madison requires the grant of two (2) vehicles in the expanded territory of Guilford, Clinton and Madison. Due to the three town area, two vehicles would be required to provide service to both ends of the territory at one time, should that need arise. The applicant has met the burden of public convenience and necessity, financial wherewithal and suitability as required by Connecticut General Statutes Section 13b-97.

V. CHANGE OF NAME

The applicant made an oral motion during the hearing to have his name changed from "Kevin B. Sacco dba Guilford Cab" to "Kevin B. Sacco dba Shoreline Taxi". The motion for a change of name is granted; however, prior to registering vehicles the applicant will be required to provide a certified copy of the Adoption of Trade Name Certificate in the new name for the towns in its new territory. Further, the applicant will be required to change its bank accounts to reflect the proper name, as listed in the new trade name certificate.

VI. ORDER

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Kevin B. Sacco dba Shoreline Taxi is hereby approved in part, and certificate number 1184 is hereby amended and reissued as follows:

TAXICAB CERTIFICATE NO.1184
FOR THE OPERATION OF MOTOR VEHICLE IN TAXICAB SERVICE

Kevin B. Sacco dba Shoreline Taxi of Guilford, Connecticut, is hereby permitted and authorized to operate TWO (2) motor vehicles, in taxicab service, within and to and from Guilford, Madison and Clinton to all points in Connecticut.

PRE-REGISTRATION REQUIREMENTS:

1. Prior to registration, the applicant must file with the Regulatory and Compliance Unit of the department, a certified copy of the Adoption of Trade Name Certificate for "Kevin B. Sacco dba Shoreline Taxi for each town in his territory".
2. Furthermore, prior to registration, the applicant must provide proof its bank account, changed to "Kevin B. Sacco dba Shoreline Taxi".
3. The applicant must register its additional vehicle within thirty (30) days from the date of this Final Decision.

RESTRICTIONS

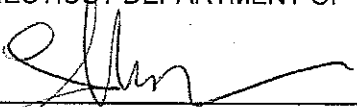
This Certificate may not be sold or transferred until it has been operational, i.e., a vehicle registered with a taxi plate thereunder, for not less than twenty-four (24) consecutive months. This Certificate is transferable only with the approval of the Department.

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 2nd day of January 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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