

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 0802-AV-31-T

RE: APPLICATION OF EAST HARTFORD CAB COMPANY, INC. D.B.A.
ACE TAXI TO OPERATE SIX (6) MOTOR VEHICLES IN TAXICAB
SERVICE WITHIN AND TO AND FROM BOLTON, COVENTRY AND
GLASTONBURY TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

May 8, 2009

I. INTRODUCTION

A. Application

By application filed with the Department of Transportation (hereinafter "department") on January 28, 2008 and last amended on December 18, 2008, pursuant to Section 13b-97 of the Connecticut General Statutes as amended, East Hartford Cab Company, Inc. d.b.a. Ace Taxi (hereinafter "applicant" or "Ace Taxi") of 134 East Center Street, Manchester, Connecticut, seeks authorization to operate six (6) motor vehicles in taxicab service within and to and from Bolton, Coventry, and Glastonbury 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 March 26, 2009.

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 Journal Inquirer, a newspaper having circulation in the area of concern.

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

C. Appearances

The applicant appeared through its owner, Michael Olschafskie and was represented by Mary Alice Moore Leonhardt, Esq. whose mailing address is 67 Russ Street, Hartford, Connecticut. The applicant's mailing address is P.O. Box 411 Vernon, Connecticut.

Sheldon Lubin, utilities examiner with the Regulatory and Compliance Unit of the department appeared for the hearing.

No opposition was presented to this application.

D. Taxicab Certificate No. 1145 Procedural History and Corrections

Based on a request noted in the East Hartford Cab Company, Inc. d.b.a. Ace Taxi hearing file, by the Regulatory and Compliance staff, the following Final Decisions of the applicant's sales and transfers were reviewed for errors in the issuance of Certificate 1145.

Joint Application for the Partial Sale and Transfer of Taxicab Certificate No. 1 Held in the Name of the Yellow Cab Company to East Hartford Cab Company, Inc. d.b.a. Manchester Taxi, Docket No. 9809-PS-24-T, Department of Transportation, Newington, Connecticut AND Sale and Transfer of Taxicab Certificate No. 462, Held in the Name of Airport Taxi Company d.b.a. Yellow Cab to The Yellow Cab Company d.b.a. Yellow Cab Holder of Taxicab Certificate No. 1, Docket No. 9812-S-29-T, Department of Transportation, Newington, Connecticut (Decision, March 10, 1999).

Joint Application for the Sale and Transfer of Taxicab Certificate No. 1114 Held in the Name of Greater Transportation, Inc. d.b.a. Call-A-Cab to East Hartford Cab Company, Inc. d.b.a. Manchester Taxi Holder of Taxicab Certificate No. 1145, Docket No. 9910-S-40-T, Department of Transportation, Newington, Connecticut (Decision, November 12, 1999).

East Hartford Cab Company, Inc. d.b.a. Manchester Taxi, Adoption of New Trade Name to Diamond Cab, Department of Transportation, Newington, Connecticut (March 15, 2000).

Joint Application for the Partial Sale and Transfer of Taxicab Certificate No. 1145 Held in the Name of East Hartford Cab Company, Inc. d.b.a. Diamond Cab to Ace Taxi Service, Inc. d.b.a. Vernon Taxi Holder of Taxicab Certificate No. 1066 and Adoption of a New Trade Name Ace Taxi Service, Inc d.b.a. Vernon Taxi to d.b.a. Ace Taxi and Combining of Taxicab Certificate No. 1070 into Taxicab Certificate No. 1066, Docket No. 0180-PS-29-T, Department of Transportation, Newington, Connecticut, (Decision, August 15, 2001).

Joint Applications for the Partial Sale and Transfer of Taxicab Certificate No. 1 Held in the Name of The Yellow Cab Company d.b.a. Yellow Cab to Ace Taxi Service Holder of Taxicab Certificate No. 1066 and East Hartford Cab Company d.b.a. Diamond Cab Holder of Taxicab Certificate No. 1145. Docket Nos. 0207-PS-22-T and 0207-PS-23-T, Department of Transportation, Newington, Connecticut, (Decision, September 5, 2002).

Joint Applications for the Partial Sale and Transfer of Taxicab Certificate No. 1066 Held in the Name of Ace Taxi Service, Inc. d.b.a. Ace Taxi and East Hartford Cab Company, Inc. d.b.a. Diamond Cab Holder of Taxicab Certificate No. 1145 to The Yellow Cab Company d.b.a. Yellow Cab Holder of Taxicab Certificate No. 1, Docket Nos. 0207-PS-24-T and 0207-PS-25-T, Department of Transportation, Newington, Connecticut (Decision, September 5, 2002).

Adoption of New Trade Name – East Hartford Cab Company, Inc. d.b.a. Diamond Cab, Department of Transportation, Newington, Connecticut (November 13, 2002).

Joint Application for the Sale of Part of Taxi Certificate No. 1145 Held in the Name of East Hartford Cab Company, Inc. d.b.a. Ace Taxi to Aqdas Mahmood d.b.a. A Checker Cab Company, Docket No. 0505-PS-09-T, Department of Transportation, Newington, Connecticut (Decision, May 17, 2006).

Joint Application for the Sale of Part of Taxi Certificate No. 1145 Held in the Name of East Hartford Cab Company, Inc. d.b.a. Ace Taxi to Shafqat A. Khan d.b.a. Prime Cab, LLC, Docket No. 0506-PS-07-T, Department of Transportation, Newington, Connecticut (Decision, June 6, 2006).

Joint Application for the Sale of Part of Taxi Certificate Number 1145 Held In the Name of East Hartford Cab Company, Inc. d.b.a. Ace Taxi to Aqdas Mahmood d.b.a. A Checker Cab Company, Docket No. 0506-PS-09-T, Department of Transportation, Newington, Connecticut (Decision, June 9, 2006).

E. Official Notice

Official notice was taken of the following:

Number of taxicabs authorized to provide service within and to and from Bolton, Coventry, and Glastonbury. The records of the department reflect that the taxicab services authorized for the territories of concern are as follow:

- Manchester Cab, LLC is authorized to operate **one (1)** taxicab within and to and from **BOLTON & COVENTRY**.
- Suburban Transportation, Inc. d.b.a. Valley Cab is authorized to operate **one (1)** taxicab within and to and from **BOLTON, COVENTRY** and Andover.
- Leonid Menshch d.b.a. Leo's Taxi Cab Company is authorized to operate **one (1)** taxicab within and to and from **GLASTONBURY**, Cromwell, Middletown and Portland.
- Arrow Cab, Inc. is authorized to operate **one (1)** taxicab within and to and from **GLASTONBURY**, Cromwell, Middletown and Portland.
- George Samuels d.b.a. George Taxi is authorized to operate **one (1)** taxicab within and to and from **GLASTONBURY**, Cromwell, Middletown and Portland.

II. FINDINGS OF FACT

1. Michael Olschafskie is the owner of the applicant company, which is authorized to operate taxicabs within and to and from Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield and Windsor and three (3) taxicabs in Windsor Locks under Taxicab Certificate No. 1145. Olschafskie has been working in the taxicab business since 1983.

2. The applicant has total assets of \$319,812 with stockholders equity of \$337,904. As of March 24, 2009, the applicant had a cash balance of \$44,094. As of March 26, 2009, the applicant held a commercial line of credit which it has not utilized.

3. The applicant's insurance premium is \$4,100 per vehicle, per year.

4. The applicant estimates its costs for maintenance and repairs at \$120 per vehicle, per week.

5. The applicant has drivers ready to begin driving for the company if authority is granted.

6. The applicant's owner and day to day manager, Olschafskie's criminal conviction history shows convictions, however, they are older than ten years. Olschafskie is not currently involved in any criminal matters.

7. David Ruth is an attorney whose office is in Bolton. A substantial number of Ruth's clients are mentally challenged. Many of his clients are in Bolton, Coventry and Glastonbury and they require transportation to either his office or medical appointments or state offices. Ruth cannot provide transportation to all of his clients.

8. Ruth has called five to ten taxicab companies surrounding Bolton, Coventry and Glastonbury to find transportation for his clients. It is an issue he deals with several times a week, sometimes several times a day, and as recently as the day before the instant hearing.

9. Some taxicab companies that Ruth contacted could only provide transportation out of town, not within Bolton, Coventry and Glastonbury.

10. Pam Hall is from Bolton and is employed as a licensed alcohol and drug counselor. Hall's office recently relocated to Bolton and she also works in East Hartford and Rockville. Hall works with people arrested for driving under the influence of drugs and alcohol, who are mandated by the courts to attend her rehabilitation programs. Hall is responsible for putting together plans for her clients so that they are not in the position to drink and drive, however, with the lack of taxicabs, her clients are unable to get to their programs.

11. Hall's programs focus on getting her clients involved with local services so they are more likely to follow through with their plans. Without taxicab transportation in the territories of concern, her clients cannot make their required meetings or meet their plan requirements.

12. Hall's current caseload includes 60 people in Bolton, 182 in Coventry and 266 in Glastonbury, who cannot drive and many of whom cannot get rides to their destination.

13. Brian Callahan from Glastonbury tries to get a taxicab one or two times each week and has a difficult time doing so. He missed a wake/funeral because he couldn't get a taxicab to take him. He called four companies, including Harry's Taxi, George's Taxi, Curtin Motor Livery and Yellow Cab. Harry's Taxi said they would provide the ride, but never showed up. He has been unable to get a taxicab to go to the grocery store, so he has to make several walking trips to be able to carry all of the groceries he needs. Callahan lives one and a half miles from the grocery store.

14. Callahan has night blindness and does not drive. He would like to go out in the evening but cannot get taxicab transportation.

15. Guy Lathrop lives in Coventry. He had to arrange with family to pick him up from the hospital after waiting an hour and a half for a taxicab from Norwich, which never showed up. Lathrop is unable to get around within Coventry because there is no available or responsive taxicab service in the area.

16. Bolton and Coventry are served by two taxicabs, one of which serves both towns and the other serves both towns in addition to Andover.

17. Glastonbury is served by three taxicabs, all of which serve three other towns in addition to Glastonbury.

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, at minimum, 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.

Regulations of Connecticut State Agencies Section 13b-96-10 provides that in the suitability determination, the department may look at the business acumen and business plan of the applicant's management, including marketing. In addition, the department may look at the applicant's willingness and ability to conform to the requirements of the statutes and regulations that govern taxicab operation within the State of Connecticut.

In support of financial wherewithal, the applicant, through Olschafskie, provided evidence supporting its contention that it possesses the finances to operate the proposed service. Olschafskie testified that the applicant had two or three cars in storage that it intends to use in the proposed service. The applicant intends to purchase Chevrolet Impalas at auction, which can be purchased at a cost of approximately \$4,000 to \$6,000. The applicant collects a commission from the drivers, which results in income to the company. Further, the applicant has funds in its name and since the applicant has other taxicabs in other territories, it is familiar with maintenance and upkeep for the vehicles and the costs and requirements of registration and safety equipment. Any vehicles put into taxicab service must pass inspection prior to being placed into service and finally, the applicant has contacted potential drivers for the proposed taxicabs.

In support of suitability to operate within the requirements of the statutes and regulations, it is evident from the witness testimony that the applicant has been called upon many times to provide service in Bolton, Coventry and Glastonbury and has declined to do so because the applicant did not have authorization to do so. The applicant has referred calls to other companies; however, witnesses testified that they have had many problems in getting taxicabs for themselves or those with whom they work. Although the applicant's criminal conviction history shows a prior history of some criminal activity, this history is well older than 10 years and therefore is given no weight against suitability.

Lastly, on the issue of suitability, although it will not be held against the applicant in this matter, this hearing officer is aware, from a prior case, that Ace Taxi opposed the application of another company into its territory, while Ace Taxi had an application pending in the same territory. In bringing this matter to the attention of Ace Taxi and its attorney, their representation was that there was an error in the completion of the application. Nonetheless, such action gives the appearance of a lack of veracity on the applicant's part and should be paid attention to in future dealings with the department.

Lastly, in support of public convenience and necessity, several witnesses testified to the need of taxicab service in the subject territories. David Ruth, an attorney in Bolton, testified that many of his clients are from Bolton, Coventry and Glastonbury and that many of his clients require transportation frequently and they are unable to get transportation consistently. There are no buses in Bolton and Coventry. Ruth calls for taxicabs for his clients and most of the time, he cannot get a company to pick people up from his office because either the services that are available are busy or no one will show up when called. Ruth's last such experience was the day before the hearing.

Pam Hall, an alcohol and drug counselor works with people who have lost their driving privileges due to suspension or revocation. These clients often need taxicabs because they don't have other means of transportation to get to their programs or to services which are required by their "plans" to live alcohol and drug free. Two other witnesses testified that they do not drive and have had to forgo social functions or grocery shopping for lack of transportation. The witnesses' who testified that they do not drive also testified that they have called numerous taxicab companies to find rides, with no positive results.

The territories of concern are all serviced by at least one taxicab company, however, those companies, with the exception of one, have at least one to three other territories that they cover. This spreads the existing services very thinly, since Bolton, Coventry and Glastonbury have rural areas; and are spread out and therefore, not easily accessible. The evidence supports the requirement of public convenience and necessity.

As for the number of vehicles requested, Olschafskie testified that he would dedicate one vehicle to Bolton, two vehicles to Coventry and three vehicles to Glastonbury, based on the sizes in square mileage of the towns. Although there are three other taxicabs authorized in Glastonbury, it is clear from the evidence that none of the currently authorized taxicab in Glastonbury were able to provide service to some of the witnesses. Accordingly, the application will be granted as submitted. The taxicabs that the applicant places into service will, hopefully, take care of the town transportation needs rather than waiting at the train stations for fares or going to the airport to wait for fares. The applicant's articulated plan will cover the needed transportation in all of the towns concerned.

IV. CONCLUSIONS OF LAW

Based on entire record and the totality of the evidence, the applicant has met the burden of proving that it possesses financial suitability to operate the proposed service, the suitability to operate the proposed service within the regulatory scheme and that the public convenience and necessity in Bolton, Coventry and Glastonbury require the addition of taxicabs, in accordance with Connecticut General Statutes Section 13b-97(a), *et seq.*

V. ORDER

Pursuant to pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of East Hartford Cab Company, LLC d.b.a. Ace Taxi hereby approved and Certificate No. 1145 is hereby amended and re-issued as follows:

TAXICAB CERTIFICATE NO.1145 FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE

East Hartford Cab Company, Inc. d.b.a. Ace Taxi of Manchester, Connecticut, is hereby permitted and authorized to operate the following:

1. Twenty (20) motor vehicles in taxicab service within and to and from Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield and Windsor to all points in Connecticut; and
2. Three (3) motor vehicles in taxicab service within and to and from Windsor Locks to all points in Connecticut; and

3. Six (6) motor vehicles in taxicab service within and to and from Bolton, Coventry and Glastonbury to all points in Connecticut.

RESTRICTIONS

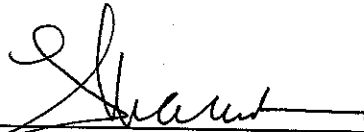
The authority granted on May 8, 2009 may not be or transferred until it has been operational, *i.e.* all vehicles registered with a taxi plate thereunder, for not less than twenty-four (24) consecutive months. This Certificate is transferable only with the approval of the Department.

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 8th day of May 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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