

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0804-N-77-L

RE: APPLICATION OF GREEN LIGHT LIMOUSINE SERVICE, INC. D.B.A. LIMOUSINE SERVICE TO OPERATE NINE (9) MOTOR VEHICLES HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN, ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN DANBURY, CONNECTICUT.

FINAL DECISION

April 6, 2009

I. INTRODUCTION

A. Applicant's Proposal

By application filed on April 17, 2008 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Green Light Limousine, Inc. d.b.a. Limousine Service (hereinafter "applicant") located at 8 Mill Plain Road, Danbury, Connecticut seeks authorization to operate nine (9) motor vehicles having a seating capacity of ten (10) adults or less, in general livery service, between all points in Connecticut from a headquarters in Danbury.

B. Jurisdiction

The Department of Transportation has jurisdiction over each person, association, limited liability company or corporation owning or operating a motor vehicle in livery service, and the department may prescribe adequate service and reasonable rates and charges. 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 in accordance with Connecticut General Statutes Section 13b-102, as amended.

C. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a), as amended, a public hearing on this application was held at the administrative offices of the department in Newington, Connecticut on January 15, 2009. The department received the applicant's late-filed evidence March 17, 2009. The department closed the record on March 20, 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 pursuant to General Statutes Section 13b-103(a)(1), as amended. Legal notice to the public was given by publication in The News Times, a newspaper having a circulation in the area of concern.

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

D. Appearances

Dan Pernas, one of the owners of the applicant company appeared on behalf of the applicant and was represented by Charles S. Harris, Esq, with the law offices of Harris, Harris & Schmid, whose mailing address is 11 Belden Avenue, Second Floor, Norwalk, Connecticut. The applicant's address is 8 Mill Plain Road, Danbury, Connecticut.

No opposition was presented to the application.

II. FINDINGS OF FACT

1. The applicant is holder of Permit Number 2987 and is authorized to operate motor vehicles as a common carrier of passengers, in charter and special operations, in interstate commerce pursuant to authority contained in Certificate No. MC-478414 issued by the Federal Motor Carrier Safety Administration.

2. The applicant operates 15 motor vehicles in interstate livery service.

3. The applicant has been in operation for the past six years, with only one citation for providing intrastate service with an interstate vehicle. The citation matter was resolved by civil penalty.

4. The applicant has received many requests for intrastate livery service from current clients to whom it provides interstate service.

5. The applicant refers calls to other companies or arranges with other companies to meet the demand for intrastate service from its interstate clients.

6. Stacy Ambrose works for Kanthal, a world-wide company. Ambrose arranges transportation for Kanthal's executives. Most of the transportation Ambrose arranges is interstate travel to out of state airports, for which she uses the applicant exclusively.

7. Ambrose has used the services of Concord Limousine, but has experienced delays and Concord Limousine's service that was not on par with the applicant's service.

8. Ambrose wants to use the applicant for intrastate travel for company employees.

9. William Longo, a senior internal adjuster has been employed for 39 years by IBM Corporation. Longo travels two weeks out of each month. He has used the applicant's service 4 to 5 years. He likes the applicant's service and would like to use it for instate trips. He would prefer to travel from Bradley International Airport, but since the applicant does not have intrastate authority, he travels from New York airports. Longo has used other livery services and does not like the quality of those services, which does not compare with the service that the applicant provides.

10. Joe Teplitsky is an IBM Corporation employee and supports the applicant for similar reasons as Longo.

11. Basil Watson works for the applicant as an owner-operator driver. Watson owns the car registered under the applicant's interstate permit. He receives requests for service within Connecticut but declines those calls because the applicant does not have intrastate authority.

12. The applicant has experienced growth in its business in the past year, however, lack of intrastate authority does not allow it to provide full service to its clients.

13. None of the members of the applicant's management have a criminal conviction history.

14. As of January 31, 2009, the applicant's balance sheet showed a cash balance of \$53,392 and total assets of \$138,497.

15. The applicant currently has his vehicles in use and the liability coverage is \$46,963, which averages to \$3,131 per vehicle.

16. Maintenance costs and fuel expenses are estimated at approximately \$235 and \$150 per month, per vehicle, respectively.

17. No opposition was presented to the application.

III. DISCUSSION

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 General Statutes Section 13b-103.

In support of financial wherewithal, the applicant provided proof of cash in the amount of \$53,392 and total assets of \$138,497. The applicant will not realize much of a change in the operation of the company because its intent is to use vehicles from its fleet that are currently in use as interstate vehicles. It has to maintain and repair the 15 vehicles it currently uses. The same vehicles will be used for intrastate service, so the costs that the applicant will realize will be minimal. They will include registrations costs. Insurance is currently maintained on the cars. The applicant has sufficient funds to operate the proposed service.

With regard to suitability and the wherewithal of the applicant to operate the proposed service, the applicant provided the requisite criminal conviction history forms which show no record for any of the owners. Dan Pernas, the applicant's vice president testified that the company had been operating for approximately six years. In those six years, the applicant had one citation matter, which was resolved with a civil penalty. The applicant has not had any other civil penalties. The applicant is therefore suitable to operate the proposed intrastate livery service.

Lastly, in support of public convenience and necessity, the witnesses who testified all indicated that they have used the applicant's out of state service since its inception. They stated that they have used other livery providers and had experienced less than adequate service with dirty cars, no shows and tardiness. All of the witnesses who testified stated that they would rather be able to use the applicant for their instate service. One witness testified that he travels two weeks out of the month and that he would rather use the applicant's service, so much so that he books his flights from New York. Given the opportunity to use this applicant for instate service, the witness testified that he would make as many travel arrangements leaving from Bradley International Airport in Windsor Locks.

The applicant's office manager, Hyra Cohen, along with Pernas, testified that on a daily basis, the office receives on average between three and six calls per day for intrastate livery service. An independent witness stated that when she calls the applicant to make travel arrangements (for corporate/business travel) for her company's employees, she makes arrangements for groups five to ten people at a time, which would likely include the use of two or three cars at a time.

IV. CONCLUSION OF LAW

Based on the totality of the evidence, it is reasonable to conclude that the applicant's proposed service would improve the present or future public convenience and necessity. In addition, the applicant's management possesses the wherewithal to operate the proposed service within the regulations and statutes governing livery service and that financially, the applicant possesses the financial suitability to operate the proposed service in accordance with Connecticut General Statutes Section 13b-103.

V. ORDER

Based upon the above the application of Green Light Limousine Service, Inc. d.b.a. Limousine Company is hereby granted and Permit Number 2987, standing in the name of Green Light Limousine Service, Inc. d.b.a. Limousine Service, is hereby amended and reissued as follows:

LIVERY PERMIT NO. 2987
FOR THE OPERATION OF LIVERY SERVICE

Green Light Limousine Service, Inc. d.b.a. Limousine Company, is hereby permitted and authorized to operate nine (9) motor vehicles having a seating capacity of less than ten (10) adults in GENERAL LIVERY SERVICE between all points in Connecticut from a headquarters in Danbury.

Green Light Limousine Service, Inc. d.b.a. Limousine Company is further permitted and authorized to operate motor vehicles as a common carrier of passengers, in charter and special operations, in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate No. MC-478414.

The intrastate portion of this Permit may not be sold or transferred until it has been operational, i.e., a vehicle registered with the livery plates thereunder, for not less than twenty-four (24) consecutive months.

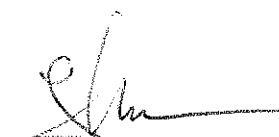
This Permit shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the Permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or the rules, regulations and orders of the Department shall be considered sufficient cause to amend, suspend or revoke this Permit.

This Permit 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.

A memorandum of this Permit, bearing the seal of the Department, shall be kept conspicuously posted in the motor vehicles operated under this Permit.

Dated at Newington, Connecticut, this 6th of April 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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