



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0811-N-187-T

RE: APPLICATION OF MOHAMMED LIAKOT ALI D.B.A. MAXI TAXI, LLC
TO OPERATE ONE (1) MOTOR VEHICLE, IN TAXICAB SERVICE,
WITHIN AND TO AND FROM HAMDEN, NEW HAVEN AND NORTH
HAVEN TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

February 17, 2010

I. INTRODUCTION

A. Applicant's Proposal

By application filed on November 24, 2008, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Mohammed Liakot Ali d.b.a. Maxi Taxi, LLC (hereinafter "applicant") of 1667 State Street, 3rd Floor, Hamden, Connecticut, seeks authorization to operate one (1) motor vehicle, in taxicab service, within and to and from Hamden, New Haven and North Haven 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 February 2, 2010.

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 on the department website at www.ct.gov/dot.

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

Mohammed Liakot Ali appeared on his own behalf. His mailing address is 1667 State Street, 3rd Floor, Hamden, Connecticut.

Transportation General, Inc. d.b.a. Metro Taxi (hereinafter "Metro Taxi"), holder of taxicab certificate number 86, petitioned for, and was granted intervenor status. Metro Taxi appeared through, and was represented by, Jared Whitcomb, operations manager for the company. Metro Taxi's mailing address is P.O. Box 26094, West Haven, Connecticut.

Sheldon Lubin, utilities examiner, appeared at the hearing.

II. FINDINGS OF FACT

1. The applicant has been driving a taxicab since 2000. He began driving for Transportation General, Inc. d.b.a. Metro Taxi, he then worked with Coastal Transportation, Inc. d.b.a. Milford-New Haven Taxi Company and thereafter he drove for Easy One Taxi.

2. The applicant has another driver who will be the second driver for the vehicle.

3. The applicant does not receive dispatched calls from Easy One Taxi – Easy One Taxi does not have a dispatch system.

4. Easy One Taxi sold some of its cars to other drivers. The record is silent as to whether Easy One Taxi will be operating any taxicabs.

5. The applicant has his own clientele with whom he has established relationships and to whom he has provided taxicab service over his ten-year driving career.

6. The taxicab riding public who comprise the applicant's clientele will suffer if the applicant is not available to provide rides for them.

7. Easy One Taxi wants the applicant to return its plate which the applicant used as an owner-operator.

8. The applicant has no criminal conviction history record.

9. The applicant has a vehicle that he owns outright that he will use in his proposed business.

10. The applicant's insurance is estimated at \$5,102 annually.

11. The applicant's maintenance, repair and expense costs are estimated at less than \$5,000 for a six-month period.

12. The applicant has cash on hand in the amount of \$14,480.

13. The applicant refers calls to other drivers when he cannot provide service for those who request it.

14. The applicant is knowledgeable about the regulations governing taxicab service relative to picking up and discharging passengers and the operation of taxicabs.

15. Mohammed Kamal Mandozai, has been a taxicab driver for a year and a half and has been called by the applicant for assistance in providing service to his clients. Mandozai drives for A Star Taxi (which was purchased from Easy One Taxi). Mandozai also refers calls to the applicant when Mandozai cannot provide the service.

16. Rokeya Begum from New Haven has known the applicant for 8 years and uses the applicant's taxicab five to six times a month. Within the past year, she called Metro Taxi for a ride and they failed to show up.

17. Mohammed Lizem Uddin from Hamden owns Micro Taxi, LLC, which he purchased from Easy One Taxi. He has been in operation for two weeks. Uddin sometimes helps the applicant provide service to the applicant's customers when the applicant is busy. Uddin and Ali work together to cover their overflow of customers, which averages to several calls per day (for each driver.)

18. Md. Omar Faruk lives in Hamden and works for Unilever in Hamden. Faruk often uses the applicant's taxicab service to go to work. Also sometimes the applicant is not available and Faruk will call another driver from Easy One Taxi for a ride.

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, the applicant offered his criminal conviction history which shows no record of any criminal convictions. The applicant also submitted two letters of reference, dated 2004 and 2005. The letters of reference, while several years old, were corroborated by witnesses who are familiar with the applicant's driving and his provision of service to the public. The witnesses testified to the applicant's good character, his positive ability to deal with people and his good driving. They also discussed the applicant's good work ethic and his willingness to help others. The applicant was credible in his knowledge of the business, as he understood the rules and regulations of the industry. Based on the evidence of record, the applicant is suitable to

In support of financial wherewithal, the applicant provided proof of cash in the amount of \$14,480. He owns his vehicle outright with no loans outstanding. The applicant possesses sufficient funds for a start up business.

Lastly, on the issue of public convenience and necessity, two witnesses who operate their own taxicabs testified on behalf of the applicant. They pick up passengers for the applicant when he is busy and he does the same for them. These witnesses also previously worked for Easy One Taxi, which sold them their authority. It is unclear whether Easy One Taxi will transfer the authority under which the applicant drives. Regardless, the evidence shows that the applicant has established his own clientele from working over the years – especially when he was working with Easy One Taxi since Easy One Taxi does not have a dispatching system. The evidence shows that the clients that the applicant currently has, are clients that the applicant himself marketed. Those clients, who have relied on the applicant have apparently done so not through Easy One Taxi, but rather through the applicant's own work. These clients would face hardship after having relied on this applicant for service. Accordingly, the public's convenience and necessity requires the grant of this application.

Metro Taxi appeared as an intervenor in opposition to the application. Jared Whitcomb, the applicant's representative, argued that approving the instant application would result in the shift of customers from currently authorized companies to the applicant – and would cause the loss of work to its drivers. This argument is not persuasive. Loss of calls to other company drivers could be caused by many factors. In addition, Section 13b-97 of the General Statutes does not contemplate the loss of calls to existing companies. Rather, it requires, for the protection of the public, that the public's convenience and necessity be weighed. Accordingly, the facts show that the section of the population currently being serviced by the applicant would suffer not having good service without the applicant's taxicab.

Metro Taxi argued that its drivers would lose business if another company was placed into service in the area of concern. No evidence of this argument was offered, other than the intervenor's position. There are arguably many reasons that people would drop one taxicab service for another, and as stated above, one of those reasons may be quality of service.

The last argument made by the intervenor supporting the denial of the application is that the applicant does not have a written business plan and that adding more companies shuffles the work from one company to another. With regard to a written business plan, Regulations of Connecticut State Agencies Section 13b-96-3(5) requires a plan for implementation of the proposed service, not that a plan be written, although that would be helpful to a business owner. The totality of the applicant's testimony covered the requirements of having a business plan, in that the applicant discussed maintenance, insurance coverage and communication system and has made provisions for such items as required.

IV. CONCLUSIONS OF LAW

Based on the evidence, it is hereby concluded that the applicant possesses the suitability and the financial wherewithal to operate the proposed service and that the public convenience and necessity require the operation of a taxicab for the transportation of passengers in accordance with Connecticut General Statutes Section 13b-97. The evidence supports a grant of authority in New Haven and Hamden. However, no evidence offered by the applicant was corroborated by any independent witnesses for the need of taxicab service in North Haven. Accordingly, the applicant will be granted authority to operate within and to and from New Haven and Hamden.

Should the applicant find that the public convenience and necessity requires additional service in North Haven, he is encouraged to apply for such authority.

V. ORDER

Therefore, pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Mohammed Liakot Ali d.b.a. Maxi Taxi, LLC is approved and taxicab Certificate Number 1216 is hereby issued as follows:

TAXICAB CERTIFICATE NO. 1216 FOR THE OPERATION OF MOTOR VEHICLE IN TAXICAB SERVICE

Mohammed Liakot Ali d.b.a. Maxi Taxi, LLC is hereby permitted and authorized to operate ONE motor vehicle in taxicab service within and to and from Hamden and New Haven to all points in Connecticut.

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 17th day of February 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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