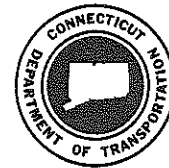


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1003-N-17-L

RE: APPLICATION OF ROTAS, LLC D/B/A CT ELITE LIMO TO OPERATE THREE (3) MOTOR VEHICLES HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN, ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN TORRINGTON, CONNECTICUT.

FINAL DECISION

July 8, 2010

I. INTRODUCTION

A. Application

By application filed on March 17, 2010 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Rotas, LLC d/b/a CT Elite Limo (hereinafter "applicant") located at 14 Albany Avenue, Torrington, Connecticut, seeks authorization to operate three (3) 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 Torrington, Connecticut.

B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a), as amended, a public hearing on this application was held on May 13, 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 pursuant to General Statutes Section 13b-103(a)(1), as amended. Notice to the public was given by publication on the department website at www.ct.gov/dot.

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

C. Appearances

The applicant appeared through Muhammed Tarar and Arshad Tarar, members of the limited liability company. The applicant was not represented by counsel. The applicant's mailing address is 14 Albany Avenue, Torrington, Connecticut.

Alexander Lerz, owner of Top Hat Limousine Service, Inc. located at 38 Pratt Street, Winsted (which is a part of Winchester), Connecticut, failed to file a petition for status and was denied intervenor status.

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

D. Administrative Notice

Torrington, Connecticut has a population of 35,451. State Register and Manual 2009, Secretary of the State.

There are two holders of livery permits with a headquarters in Torrington, Connecticut.

The records of the department show that Top Hat Limousine, Inc. holds Livery Permit Number 2723 and is authorized to operate two motor vehicles in livery service, restricted to white stretch limousines, from a headquarters in Winchester.

II. FINDINGS OF FACT

1. The applicant seeks to begin a limousine service that targets the corporate and business sector of Connecticut with a target market of Litchfield County and surrounding areas, including tourist travel needs within Connecticut.

2. The applicant has a demand receivable in the amount of \$20,000, which they can receive with a three month notice.

3. The applicant developed a detailed business plan for the operation of the company, which includes marketing, plans for business growth, pricing policies, business risks among other items.

4. The applicant's other assets listed on its financial balance sheet are valued at \$34,300.

6. The applicant will acquire a Lincoln town car, valued at \$13,590 that it intends to finance by a line of credit.

7. The applicant's sum of credit available is \$43,800.

8. As of April 28, 2010, the applicant's cash balance was \$504.

9. The applicant's auto insurance premium is \$5,000 per vehicle.

10. The applicant's vehicle expense estimates are \$30 per day per vehicle for fuel; \$100 per month per vehicle for maintenance; and the vehicle personal property is estimated at approximately \$336 per year.

11. The applicant's residence is appraised at \$265,000 and they have an outstanding mortgage balance of \$194,611, leaving equity in the amount of \$70,389.

12. The applicant's representatives maintain the following: total assets of \$346,675, liabilities of \$205,596 and total equity in the amount of \$141,079.

13. One of the applicant's representatives has no criminal conviction history. Arshad Tarar did not submit his criminal conviction history.

14. Top Hat Limousine Service, Inc. is restricted to operating white stretch limousines.

15. The companies holding livery permits with headquarters in Torrington are Champion Ambulance – Permit No. 2304 and Nason Partners, Kelley Transit – Permit No. 125.

16. No witnesses appeared at the hearing.

III. DISCUSSION

The department has jurisdiction over each person, association, limited liability company or corporation owning or operating a motor vehicle in livery service, pursuant to 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.

With regard to financial wherewithal, the applicant submitted evidence showing that the applicant's representatives maintain total assets of \$346,675, liabilities of \$205,596 and total equity in the amount of \$141,079. While the applicant's representatives have little cash, they have several assets, some of which are liquid. However, based on the significant liabilities, the applicant possesses the financial suitability to operate only one vehicle in livery service.

On the issue of suitability to operate the proposed business, the applicant's representatives provided a business plan showing its intent for the business and how the business will be carried out. The requisite criminal conviction histories were submitted for one member of the company but not the managing member. Although the applicant's representative was going to submit said report as a late filed document, it is not required for the determination of this instant application. As for Muhammad Tarar, his report shows that he has no record and his testimony was that he had not been involved in any criminal activities since the date of the conviction history form. Both members appeared to be cognizant of the regulatory requirements to operate the business and no evidence to the contrary was introduced into the record. Should the applicant seek to re-apply, Arshad Tarar will be required to submit a criminal conviction history.

The last issue to consider is that of whether the proposed service will improve the public's convenience and necessity. The only evidence introduced into the record, besides the testimony of the representatives of the company, is a letter from Sunny's Limousine Service, Inc. (hereinafter "Sunny's"), a New York limousine company that purports to provide livery service within the State of Connecticut. The letter authored by Ray Chaudry indicates that Sunny's provides livery service within Connecticut and is looking for an affiliate to whom Sunny's could give overflow work.

The letter is almost unintelligible and poses several questions. It is unclear as to how this Long Island City, New York company provides instate Connecticut livery service. The author of the letter did not appear to testify and be cross-examined. The letter, in and of itself, is not reliable or probative evidence of public convenience and necessity. See Norwalk Yellow Cab v. Department of Transportation, Memorandum of Decision CV93 0704676, Judicial District of Hartford/New Britain (1994). Accordingly, the letter is given no weight in the public convenience

and necessity determination.

As no independent and substantial evidence of public convenience and necessity was introduced into the record, the application must fail.

IV. CONCLUSIONS OF LAW

The applicant's possesses the financial wherewithal to operate one vehicle in livery service. The applicant's management member Muhammad Tarar is suitable to operate the proposed service, however no determination is made as to Arshad Tarar, the managing member because no criminal conviction history was submitted (and although one was going to be filed as a late submission, its receipt does not have a bearing on the determination of this matter, as the application fails on the basis of public convenience and necessity. The applicant failed to provide substantial evidence of public convenience and necessity.

V. ORDER

For the foregoing reasons the application of Rotas, LLC d/b/a CT Elite Limo is hereby denied.

Dated at Newington, Connecticut, this 8th day of July 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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