

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1004-N-26-T

RE: APPLICATION OF ST TAXI SERVICE, LLC TO OPERATE ONE (1)
MOTOR VEHICLE IN TAXICAB SERVICE WITHIN AND TO AND
FROM BETHEL, NEW FAIRFIELD, NEW MILFORD AND
RIDGEFIELD TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

September 27, 2010

I. INTRODUCTION

A. Background

By application filed on April 13, 2010 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, ST Taxi Service, LLC (hereinafter "applicant") of 168 South Street, Danbury, Connecticut, seeks authorization to operate one (1) motor vehicle in taxicab service within and to and from Bethel, New Fairfield, New Milford and Ridgefield 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 September 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. Notice to the public was given by publication on the department's website at www.ct.gov.

Laila A. Mandour, Esq. was designated by the Commissioner of Transportation to conduct the public hearing on this matter, pursuant to General Statutes Section 13b-17.

C. Appearances

The applicant appeared through its owner, Segundo Tacuri. The applicant's address is 168 South Street, Danbury, Connecticut.

Manuel A. Bataguas appeared to serve as translator for the applicant.

A Cab Company, Inc., holder of certificate number 1135, petitioned for, and was granted, intervenor status in Danbury. A Cab Company operates five taxicabs within and to and from Danbury. A Cab Company appeared through William D. Morris, its president. A Cab Company, Inc.'s address is 36 Tamarack Avenue, PMB #211, Danbury, Connecticut 06811.

Maffei's Taxi Service, holder of certificate number 1115, petitioned for, and was granted, intervenor status in Bethel, Danbury, and Ridgefield. Maffei's Taxi Service operates seven taxicabs within and to and from Bethel, Danbury and Ridgefield. Maffei's Taxi Service appeared through Paulo S. Miranda, its manager. Maffei's Taxi Service's address is 36 Tamarack Avenue, Unit 282, Danbury, Connecticut 06811.

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

II. FINDINGS OF FACT

1. ST Taxi Service, Inc. seeks authority to operate one vehicle in taxicab service within and to and from Bethel, Danbury, New Fairfield, New Milford and Ridgefield.
2. The applicant's owner, Segundo Tacuri, has some experience with driving taxicabs from being employed by a taxicab company in Brewster, New York.
3. The applicant refers calls for taxicab service to the Segundo's Taxi & Car Service in Brewster, New York, where the applicant's son works. Segundo's Taxi & Car Service provided a local ride in Danbury.
4. The applicant has cash on hand of approximately \$38,000.
5. The insurance premium for the taxicab is estimated at \$5,909, annually.
6. The applicant has another driver to drive the taxicab so that it is in operation 24 hours a day.

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.

On the issue of financial wherewithal, the applicant provided a balance sheet that reflects assets cash on hand in the amount of \$38,000. The insurance required for the proposed taxicab is \$5,909, annually and the premium is financed for nine months. The applicant's annual fuel costs are estimated at \$9,500 and repairs and maintenance are estimated to be approximately \$2,400. The applicant will rent a parking space at \$100 per month. The applicant possesses the financial wherewithal to operate the proposed service.

On the issue of suitability, the applicant provided the requisite criminal conviction history form showing no criminal history. There were no specific instances brought to light that would reflect negatively on the applicant's suitability as a taxicab operator. The evidence showed that the applicant referred a request for local taxicab service a Brewster, New York taxicab company, which takes the local work out of the State of Connecticut. New York taxicabs are not licensed to provide taxicab service within and to and from destinations in Connecticut. While it may be understandable that the applicant would do such a thing because his son works at the Brewster, New York company, the applicant is requested not to refer local calls for taxicab service to out of state taxicab companies.

Lastly, on the issue of public convenience and necessity, the record is silent. There were no witnesses presented in support of the application. The applicant presented two letters of reference from Brewster, New York taxicab companies regarding Segundo Tacuri's prior employment, confirming that the applicant worked for those companies, which are not supportive of public convenience and necessity, nor do they hold any weight as evidence because their signatories were not present to testify and be cross examined.

Tacuri testified that he wanted to start a taxicab company because there is necessity for it. While it is commendable that the applicant would like to serve the public, evidence that the public convenience and necessity requires a taxicab be placed in service must be proven, according to Connecticut General Statutes Section 13b-97.

IV. CONCLUSIONS OF LAW

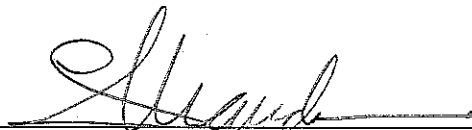
The evidence supports the financial wherewithal of the applicant and the suitability of the applicant to operate the proposed service, however, the evidence does not prove that the public convenience and necessity requires a grant of the application, as required by Connecticut General Statutes Section 13b-97. Accordingly, the application must be denied.

V. ORDER

Based upon the foregoing, pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Segundo Tacuri d/b/a ST Taxi Service, LLC is hereby denied.

Dated at Newington, Connecticut, on this the 27th day of September 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration