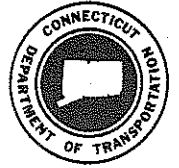




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1103-GOV-25-L

RE: APPLICATION OF CW RESOURCES, INC. TO OPERATE EIGHT (8) MOTOR VEHICLES, HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN THE TRANSPORTATION OF PASSENGERS FOR HIRE BY VIRTUE OF A CONTRACT WITH, OR A LOWER TIER CONTRACT FOR ANY FEDERAL, STATE OR MUNICIPAL AGENCY BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NEW BRITAIN.

FINAL DECISION

February 6, 2012

I. INTRODUCTION

A. APPLICATION

By application filed on March 29, 2011, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, CW Resources, Inc. (hereinafter "applicant") located at 200 Myrtle Street, New Britain, Connecticut seeks authorization to operate eight (8) motor vehicles, each having a seating capacity of ten (10) adults or less, in the transportation of passengers for hire by virtue of a contract with, or a lower tier contract for, any federal, state or municipal agency between all points in Connecticut from a headquarters in New Britain.

B. HEARING

Pursuant to Connecticut General Statutes, Section 13b-103(a)(3), as amended, a public hearing on this application was held on January 26, 2012.

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 Connecticut General Statutes Section 13b-103(a)(1), as amended. Legal notice to the public was given by publication on the department's website.

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

C. APPEARANCES

Garrison Waltman appeared on behalf of CW Resources, Inc. and was represented by Alan Berman, Esq. Mr. Berman's mailing address is 111 Roberts Street, Suite G-1, East Hartford, Connecticut 06108.

Sheldon Lubin, from the Regulatory and Compliance Unit, was present at the hearing.

II. FINDINGS OF FACT

1. The applicant is currently the holder of Livery Permit No. 3242 and is authorized to operate eight (8) vehicles for transportation under contract with Logisticare and four (4) vehicles to transport the elderly and handicapped.

2. The applicant is seeking to add eight (8) additional vehicles to operate under contract with Logisticare from a headquarters in New Britain.

3. Mr. Claude Bisson, Transportation Manager for Logisticare, supports the application because the applicant is providing service to Logisticare's clients which will increase dramatically as Logisticare is now going to be handling additional clients and regions for the State of Connecticut starting April 1, 2012.

4. The ending balance on the applicant's checking account is \$2,080,342 with a projected annual profit of \$65,388.

5. The annual insurance premium for all of the vehicles is \$16,676.

6. Fuel, repairs and maintenance for the vehicles is about \$44,000 while the cost to purchase the vehicles is \$237,880.

7. The applicant presented an executed contract with Logisticare under which it would be using the eight additional cars.

8. This hearing was not opposed by any operator.

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 there under, in accordance with General Statutes Section 13b-103.

To show financial support the applicant submitted the following information which included an ending balance on the applicant's checking account is \$2,080,342 with a projected annual profit of \$65,388. The annual insurance premium for all of the vehicles is \$16,676. Fuel and repairs and maintenance for the vehicles is about \$44,000, while the cost to purchase the vehicles is \$237,880. Based on the evidence of record, the applicant has shown financial suitability to operate the proposed livery vehicles.

In support of suitability to operate the proposed service, the applicant's management provided the requisite criminal conviction history forms for Robert Primmer, Janis Jerman, Robert Laundry, Steve Tillona and Ronald Buccilli which show no convictions. The applicant has been operating livery services for several years without any difficulty. Based on the information of record, the applicant possesses the suitability to operate the proposed service.

Lastly, the applicant must prove that the public's convenience and necessity will be improved by the proposed service. The applicant presented a witness from Logisticare, Mr. Bisson, who testified that his company needs livery additional vehicles and has sufficient work to keep eight (8) more of the applicant's vehicles busy due to the client expansion his company is going to have when it assumes additional responsibilities starting in April. The applicant should note that although it has contract with other entities, these eight vehicles are to be exclusively for Logisticare use although not necessarily only for the elderly and handicapped.

Based on the evidence presented, the applicant has shown that this application should be granted.

VI. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application of CW Resources, Inc. is hereby granted. Accordingly, Livery Permit Number 3242, standing in the name of CW Resources, Inc. is hereby amended and reissued as follows:

LIVERY PERMIT NO. 3242

CW Resources, Inc. is hereby authorized to operate four (4) vehicles, each having a seating capacity of ten (10) adults or less, for the express purpose of providing reasonable livery service to handicapped persons and elderly persons on regular or irregular route, between all points in Connecticut from a headquarters in New Britain.

RESTRICTIONS:

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 or to comply with all motor vehicle laws and other pertinent state statutes and/or the rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke said permit.

The authority granted in this decision may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates there under, for not less than twenty-four (24) consecutive months.

This permit may be transferred 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 there under.

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

**DURATIONAL LIVERY SERVICE
UNDER CONTRACT WITH STATE OF CONNECTICUT DEPARTMENT OF
DEVELOPMENTAL SERVICES
DOCKET NO. 1007-NGOV-62-L-GRANTED ON AUGUST 27, 2010**

CW Resources, Inc. hereby permitted and authorized to operate eight (8) motor vehicles, having a seating capacity of less than ten (10) adults, for the provision of transportation for hire by virtue of a contract with the State of Connecticut Department of Developmental Services from a headquarters in New Britain, Connecticut.

RESTRICTIONS:

The additional authority granted in Docket No. 1007-NGOV-62-L, shall be durational in nature and shall exist only for the period of time that the permit holder has a current and continuing contract in effect for the provision of service with Department Developmental Services.

The permit holder shall notify the department of any termination of its contract or the cessation of the active provision of service there under. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicle authorized in this decision, a current, executed copy of the extension of said contract. Failure to file an extension of the contract, or a new executed contract shall void the authority for the vehicle authorized pursuant to this contract.

This permit is not transferable and shall remain in effect until revoked by the department or until the contract under which this authority is granted has expired. Failure of the permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke said permit.

A memorandum of this permit, bearing the seal of the department, shall be conspicuously posted in each motor vehicle operated under this permit.

**DURATIONAL LIVERY SERVICE
UNDER CONTRACT WITH LOGISTICARE, INC.
DOCKET NO. 1103-GOV-25-L-GRANTED FEBRUARY 3, 2012**

CW Resources, Inc. is hereby permitted and authorized to operate eight (8) motor vehicles, having a seating capacity of less than ten (10) adults, for the provision of transportation for hire by virtue of a contract with Logisticare, Inc. from a headquarters in New Britain, Connecticut.

RESTRICTIONS:

The applicant must register all of the motor vehicles granted in this docket within ninety (90) days.

The additional authority granted in Docket No. 1103-GOV-25-L, shall be durational in nature and shall exist only for the period of time that the permit holder has a current and continuing contract in effect for the provision of service with Logisticare.

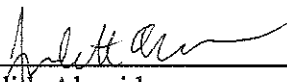
The permit holder shall notify the department of any termination of its contract with Logisticare or the cessation of the active provision of service there under. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicle authorized in this decision, a current, executed copy of the extension of said contract. Failure to file an extension of the contract, or a new executed contract with Logisticare, shall void the authority for the vehicle authorized pursuant to this contract.

This permit is not transferable and shall remain in effect until revoked by the department or until the contract under which this authority is granted has expired. Failure of the permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke said permit.

A memorandum of this permit, bearing the seal of the department, shall be conspicuously posted in each motor vehicle operated under this permit.

Dated at Newington, Connecticut February 6, 2012

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration