

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 1504-N-39-L

RE: APPLICATION OF ON POINT LIMOUSINE, LLC TO OPERATE TWO (2) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN STAMFORD.

FINAL DECISION

NOVEMBER 19, 2015

## I. INTRODUCTION

### A. General

By application filed on April 14, 2015, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, on Point Limousine, LLC ("applicant") with a mailing address of 78 Highland Road, Stamford Connecticut 06902 seeks authorization to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service between all points in Connecticut from a headquarters in the town of Stamford.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on October 29, 2015.

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 the Connecticut General Statutes Section 13b-103. 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

Alejandro Rendon appeared pro se on behalf of the applicant. The applicant's address is 78 Highland Road, Stamford, Connecticut 06902.

## II. FINDING OF FACTS

1. The applicant seeks to operate two (2) vehicles in intrastate livery service from a headquarters in Stamford.
2. The applicant has been operating one (1) vehicle in interstate livery service for a few months.
3. The applicant seeks to operate a 2008 Cadillac DTS with a market value of \$4,476 and a 2010 Lincoln Town Car with a market value of \$7,239. Both vehicles have no loans on them.
4. The applicant's assets include a cash balance of \$28,729.
5. The applicant's expenses include an annual insurance premium of \$8,400, repairs of \$4,200, communication of \$375, property tax of \$628 and advertising of \$350.
6. The only witness presented by the applicant was Francisco Rendon, the applicant's father. Francisco Rendon owns another livery company in Stamford.

7. The applicant, Alejandro Rendon is the only driver.

### III. DEPARTMENT ANALYSIS

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

Some factors to consider in granting a livery permit are whether the service will benefit the relevant class of users, whether the proposed service is more efficient, more economical, more convenient, more satisfactory, or different than the services offered by the existing service providers, whether the new service would create a potentially beneficial effect upon rates and customer service and whether the acquisition of equipment would be more suitable to customer needs, whether the population in the area that the applicant proposes to service is increasing, whether potential customers have requested a service like that suggested by the applicant and whether the proposed service will improve the existing mode of transportation as recently defined in Steve Martorelli v. Department of Transportation (SC19307).

In support of financial wherewithal the applicant presented evidence that it has cash assets of \$28,729. The applicant's expenses include an annual insurance premium of \$8,400, vehicular repairs of \$4,200, communication of \$375, property tax of \$628 and advertising of \$350. Taking into consideration all of the applicant's expenses during the first six month start up period of the business and the assets available, the applicant has proven the financial suitability to operate this proposed livery service.

With regard to suitability, the applicant provided the requisite criminal conviction history for its member, Alejandro Rendon, which showed no criminal record. The applicant has only been in interstate livery business for a couple of months with Alejandro being its only driver. The applicant's experience operating his own livery business is limited to date but he is not unsuitable.

The applicant must also prove public convenience and necessity. In that regard, the applicant presented only one witness, his father Francisco Rendon, who operates his own intrastate livery company in Stamford. While Mr. Rendon testified that his company will farm excess intrastate livery work to the applicant, there was no proof offered to substantiate that claim. Unfortunately, no trip sheets were presented showing that he could not handle the livery work that he receives. The only testimony offered that touched on need for this service was the testimony of Francisco Rendon on how the Jerry Springer show had requested twenty-five livery vehicles which

Francisco could not accommodate causing him to lose the transportation contract with the television show. His son having livery authority for two (2) additional livery vehicles would likely not have changed this result. If Francisco Redon has so much excess livery work, he should apply for the additional livery plates.

None of the factors outlined in the recent State Supreme Court case were addressed by the applicant. It is not clear whether there would be a benefit to the relevant class of users, whether the proposed service is any more efficient, economical, convenient, satisfactory, or different than the services offered by the existing service providers. There was no discussion on whether the new service would create a potentially beneficial effect upon rates and customer service and whether the acquisition of equipment would be more suitable to customer needs or whether the population in the area that the applicant proposes to service is increasing.


While Mr. Rendon claimed his son wanted to be independent, he essentially took over the hearing acting like the applicant rather than a witness while his son said very little. The applicant also produced no impartial public witnesses to support the application that there was a need for additional livery service in Stamford. Based on the evidence presented, the applicant has not proven the required elements to be granted a livery permit.

#### IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of On Point Limousine, LLC is hereby denied.

Dated at Newington, Connecticut on this 19<sup>th</sup> day of November 2015.

#### CONNECTICUT DEPARTMENT OF TRANSPORTATION

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