



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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Phone:

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DOCKET NUMBER 1504-N-43-L

RE: APPLICATION OF USKONNI, LLC TO OPERATE FOUR (4) 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 SIMSBURY.

FINAL DECISION

OCTOBER 9, 2015

## I. INTRODUCTION

### A. General

By application filed on April 23, 2015, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Uskonni, LLC ("applicant") with a mailing address of 1375 Hopmeadow Street, Simsbury, Connecticut 06070 seeks authorization to operate four (4) 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 Simsbury.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on October 1, 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

Alfonso Montesinos appeared on behalf of the applicant. The applicant was represented by John Webber, Esq. with a mailing address of 126 Palisado Avenue, Windsor, Connecticut 06095.

### D. Administrative Notice

Administrative notice was taken of fact that there is no livery operator headquartered in Simsbury.

## II. FINDING OF FACTS

1. The applicant seeks to operate four (4) vehicles in intrastate livery service from a headquarters in Simsbury.

2. The applicant currently operates a successful transportation service in Mexico, Galeoexpress, which transports non-perishable consumer products to supermarkets. Mr. Montesinos has also been involved in various jobs over the years providing transportation of people or products.

3. The applicant's seek to utilize three (3) Lincoln sedans and one (1) Chevy Suburban SUV in the livery transportation.

4. The applicant's assets include \$71,414 cash, loans receivable of \$10,000 and office fixed assets of \$4,743. The applicant's assets total \$86,157.

5. The applicant's expenses include an annual insurance premium of \$15,100, repairs of \$4,680, licenses and permits of \$1,200, advertising of \$1,716, miscellaneous and professional services of \$3,500, vehicle lease payments of \$53,500, office supplies of \$600 and office rent of \$3,000.

6. The livery company will be run by Alfonso Montesinos and his wife Diana Cantu out of an office they rent in Simsbury.

7. Svetlana Staroselsky is a self-employed consultant. There is limited taxicab service in Simsbury and she has had difficulty receiving transportation when needed. She also spoke about the inability to get electronic receipts.

8. Jose Noriega, works for ESPN as an announcer. He would like to use the applicant's livery service to go to and from business trips to the airport and the occasional night on the town.

9. Lisa Gray, Executive Director from the Simsbury Chamber of Commerce, sees the need for a Simsbury based livery service. She has received complaints about the lack of transportation services in Simsbury.

10. Yelena Petrenko owns a home health care agency and acts as a part-time skating instructor. She receives many requests from her clients for transportation which she does not offer as part of her services. She would like to recommend the applicant for those trips and also to the parents of her students who have difficulty getting their kids to the skating rink.

11. There is no livery services headquartered in Simsbury at the present time. The nearest taxicab service is located a 30 minute drive away.

12. The applicant has already received calls for livery service.

13. This application was not opposed.

### 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 assets that include \$71,414 in cash, loans receivable of \$10,000 and office fixed assets \$4,743. The applicant's assets total \$86,157. The applicant's expenses include an annual insurance premium of \$15,100, repairs of \$4,680, licenses and permits of \$1,200, advertising of \$1,716, miscellaneous and professional services of \$3,500, vehicle lease payments of \$53,500, office supplies of \$600 and office rent of 3,000. 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 will have a surplus of \$3,657. Based on the evidence presented, 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 both its members, Mr. Montesinos and Mrs. Cantu, which showed no criminal record. Both of the members have been involved with operating a successful transportation service in Mexico and have acquired the business acumen to operate the proposed livery service. The applicant has proven the required suitability to be granted a livery permit.

The applicant must also prove public convenience and necessity. In that regard, the applicant presented several witnesses in support of its application who will utilize the applicant's service to transport their children and families. There is limited taxicab service which is a half hour away and currently there is no Simsbury headquartered livery service. Once people found out the applicants were interested in starting a livery service, they have received calls requesting service. The applicant's livery service will definitely benefit the Simsbury area. The applicant has shown that public convenience and necessity would be improved if it was granted four (4) livery permits.

Based on the evidence presented, the applicant has 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 Uskonni, LLC is hereby granted and Livery Permit Number 3504 is issued as follows:

LIVERY PERMIT NO. 3504  
FOR THE OPERATION OF LIVERY SERVICE

Uskonni, LLC is hereby permitted and authorized to operate four (4) motor vehicles, having a seating capacity of less than eleven (11) adults in general livery service from a headquarters in Simsbury.

**RESTRICTIONS:**

**The applicant must register the four (4) vehicles granted under this decision within sixty (60) days from the date of this final decision.**

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

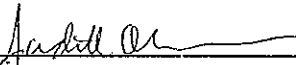
This permit may not be sold or transferred until it has been operation, i.e., a vehicle registered with livery plates thereunder, for not less than twenty-four (24) consecutive months.

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 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 on this 9<sup>th</sup> day of October 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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