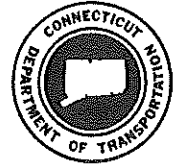




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

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ERRATA-CORRECTED DOCKET NUMBER ON FRONT COVER

DOCKET NUMBER 1611-N-09-L

RE: APPLICATION OF ALL STAR LIMO, 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 BRIDGEPORT.

DECISION

APRIL 6, 2017

I. INTRODUCTION

A. General

By application filed on November 29, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, All Star Limo, LLC ("applicant") with a mailing address of 136 Parkview Avenue, Bridgeport, Connecticut 06606 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 Bridgeport.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on April 4, 2017.

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

Joseph Lalanne appeared pro se on behalf of the applicant. Mr. Lalanne has a mailing address of 136 Parkview Avenue, Bridgeport, Connecticut 06606.

II. FINDING OF FACTS

1. The applicant seeks to operate four (4) motor vehicles in intrastate livery service from a headquarters in Bridgeport.
2. The applicant currently operates three (3) motor vehicles in interstate livery service.
3. The applicant will operate a 2014 Chevy Suburban, 2010 Lincoln Town Car, 2005 Lincoln stretch limo and a 2013 Lincoln MKT in livery service.
4. Mr. Lalanne has two other drivers and his wife and son will handle the dispatch.
5. The applicant currently refers all of his intrastate livery business to Tony's Transportation Service, LLC. The applicant refers at least five intrastate trips a day.
6. The applicant has a good relationship with several of the hotels in the area including the Hyatt Regency who regularly call him for interstate transportation and will refer him intrastate transportation if he gets authority.

7. The applicant's first six months of expenses includes \$500 for maintenance and \$163 for property tax. The applicant does not owe any money for insurance and has no vehicle financing costs.
8. The applicant has \$5,080 in a Citibank account.
9. Mr. Lalanne is also a pastor of the United Methodist Church of the Resurrection. Several church members and other pastors have sought him out for wedding transportation.
10. 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 defined in Martorelli v. Department of Transportation 316 Conn. 538 (2015).

In support of financial wherewithal, the applicant presented evidence showing that the applicant's first six months of expenses includes \$500 for maintenance and \$163 for property tax. The applicant is all paid up for insurance and has no vehicle payments. The applicant has \$5,080 in the bank which is more than enough to handle the \$663 in expenses that he will incur in the first six months of operation.

With regard to suitability, the applicant provided the requisite criminal conviction history form for Mr. Lalanne which showed no criminal convictions. Mr. Lalanne has been in the interstate livery business for several years and has not had any citation actions against his company. The applicant is suitable to operate this service.

The applicant must also prove public convenience and necessity. Mr. Lalanne has been performing interstate livery transportation for several years and has established a clientele base to draw his business from. He has several connections with area hotels and regularly receives calls from them for livery service. In addition, the applicant regularly refers intrastate transportation to Tony's Transportation Service, LLC, which he should be able to do himself.

Based on the evidence presented, the applicant has proven the required elements to be granted livery authorization.

V. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of All Star Limo, LLC is hereby granted and Livery Permit Number 3187 is issued as follows:

LIVERY PERMIT NO. 3187
FOR THE OPERATION OF LIVERY SERVICE

All Star Limo, 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 Bridgeport.

All Star Limo, LLC is also permitted and authorized to operate motor vehicles as a common carrier of passengers, in charter and special operations, in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate No. MC-359835-C.

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 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 1st day of May 2017.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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