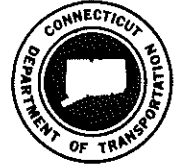


STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

(860) 594-2875

DOCKET NO. 1803-N-31-L

RE: APPLICATION OF BATTAGLIA LIMOUSINE, LLC TO OPERATE TWO (2) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) PASSENGERS, IN GENERAL LIVERY SERVICE FROM A HEADQUARTERS IN DANBURY.

DECISION

APRIL 30, 2018

## I. INTRODUCTION

### A. APPLICATION

By application filed on March 8, 2018, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Battaglia Limousine, LLC (hereinafter "applicant") located at 12 Taagan Point Drive, Danbury, Connecticut 06811 seeks authorization to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Danbury.

### B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on April 26, 2018.

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, 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

Cory Battaglia appeared pro se on behalf of the applicant. The applicant's mailing address is 12 Taagan Point Drive, Danbury, CT 06811.

## II. FINDINGS OF FACT

1. The applicant seeks to operate two (2) livery vehicles from a headquarters in Danbury.
2. The applicant has held interstate authority under Livery Permit Number 3569 since November 2016.
3. The drivers in the business will be Cory Battaglia and Joseph Clark.
4. The applicant has \$9,093 in a Wells Fargo Bank account.
5. The applicant will operate a 2011 Cadillac Escalade and a 2004 Lincoln Town Car. The Cadillac is financed.
6. The applicant's first six month of expenses includes insurance of \$4,782, vehicle

financing of \$2,820, maintenance of \$500 and property tax of \$309.

7. Cory Battaglia works full time as a retail manager for Signet Jewelers for the past twelve years.

8. The applicant is getting requests to go to Bradley International Airport and other locations in Connecticut.

9. Deborah Lensing supports the application. Three members of her family have a need for the applicant's livery service.

10. Rafe Gradia and her friends want to use the applicant's service to go to the airport and the casinos. She is impressed with the level of customer service that the applicant provides.

11. Frank Trombino and his wife want to use the applicant for trips to the Bradley Airport or the casinos. The applicant's service is very safe.

12. This application is not opposed.

### 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 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).

With regard to the need for the livery service, the applicant presented three current customers who want to use the applicant for intrastate trips. The customers find the applicant's livery service to be outstanding. The applicant has been operating in interstate livery service for the past two years and has developed a customer base to draw from. Based on the testimony provided, the applicant has proven need for the proposed service.

The applicant submitted information that the first six months of expenses includes insurance of \$4,782, vehicle maintenance of \$500, vehicle financing of \$2,820 and property tax of \$309 for a total expense of \$8,411. The applicant has \$9,093 in the Wells Fargo Bank which is sufficient to cover those expenses.

Regarding the applicant's suitability, the applicant submitted a criminal record check for Cory Battaglia which showed no convictions. The applicant has been operating in interstate livery service for the past two years without incident. Mr. Battaglia also works as a manager of a jewelry store and has gained business experience through that employment. The applicant is suitable to operate this service.

Based on the evidence presented, the applicant has proven the necessary suitability, financial ability and public need to be granted the two (2) livery permits.

#### IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application is hereby granted and Livery Permit Number 3569 is hereby reissued as follows:

#### **LIVERY PERMIT NUMBER 3569**

Battaglia Limousine, LLC is hereby permitted to operate two (2) motor vehicles, having a seating capacity of less than eleven passengers, in general livery service from a headquarters in Danbury.

Battaglia Limousine, LLC is permitted and authorized to operate motor vehicles as a common carrier of passengers, in charter and special operations, in interstate commerce under such authorizations as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate Number MC-985872-C

#### **RESTRICTIONS:**

**The applicant must register and insure the two (2) motor vehicles granted in this docket within sixty (60) days from the date of this decision. If these vehicles are not registered or insured within the sixty (60) day period, the permit will be revoked automatically.**

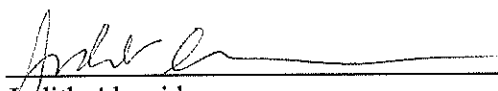
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder for not less than twenty-four (24) months.

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 April 30, 2018.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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