

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NO. 1812-N-147-L

RE: APPLICATION OF CHARLES DAVIS KULANGARA DBA ANTON LIMO TO OPERATE THREE (3) GENERAL LIVERY VEHICLES, WITH A SEATING CAPACITY OF LESS THAN ELEVEN PASSENGERS, FROM A HEADQUARTERS IN EAST HAVEN.

DECISION

JANUARY 25, 2019

I. INTRODUCTION

A. APPLICATION

By application filed on December 11, 2018, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Charles Davis Kulangara dba Anton Limo (hereinafter "applicant") with a mailing address of 227 Russo Drive, East Haven, CT 06513 seeks authorization to operate three (3) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in East Haven.

B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on January 17, 2019.

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

Charles Davis Kulangara appeared pro se on behalf of the applicant. The applicant's address is 227 Russo Drive, East Haven, CT 06513.

D. ZONING ISSUES

Prior to the hearing, the Town of East Haven notified the applicant and the department that the applicant was in violation of its zoning laws if it parked its commercial vehicles at its proposed headquarters located at 227 Russo Drive in East Haven. The applicant subsequently submitted a notarized letter from Raj Patel that stated that the applicant was allowed to park his three (3) vehicles in Mr. Patel's commercial zoned lot in East Haven located at 14 Foxon Boulevard.

II. FINDINGS OF FACT

1. The applicant seeks to operate three (3) motor vehicles in general livery service from a headquarters in East Haven.
2. The applicant already operates one (1) vehicle in interstate livery service under

Livery Permit Number 3635.

3. The applicant has permission to park his three (3) vehicles on a commercial lot in East Haven. The applicant will not be parking his vehicles at his residence at 227 Russo Drive in East Haven.

4. The applicant has \$14,463 in a bank account.

5. The applicant's first six months of operating expenses includes: insurance of \$6,816, maintenance of \$165, property tax of \$318, communication costs of \$600 and vehicle financing costs of \$6,186.

6. The applicant regularly refers his intrastate business to other livery operators.

7. The applicant has a network of livery companies that will refer him intrastate livery trips.

8. Before starting his own livery company, the applicant was a livery driver for two (2) years and managed a gas station for eight (8) years.

9. The applicant has ten (10) to fifteen (15) requests for intrastate livery service each week that he cannot perform.

10. This application is not opposed by any livery 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 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.

Regarding the applicant's suitability, the applicant submitted a criminal record check for Mr. Kulangara, which disclosed no criminal record. The applicant is currently operating a interstate livery service without any problems. The applicant also has several years of experience as

a livery driver and business experience from managing a gas station. Based on the evidence presented, the applicant is suitable to conduct the proposed business.

As far as the applicant's financial ability is concerned the applicant presented evidence that the first six months of expenses includes: insurance of \$6,816, maintenance of \$165, property tax of \$318, communication costs of \$600 and vehicle financing costs of \$6,186 for a total expense of \$14,085. The applicant has \$14,463 in a bank account that will cover these expenses so it is financially suitable.

On the issue of public convenience and necessity the applicant has been operating in interstate livery service for several months. The applicant has a clean record and is ready to expand its interstate livery service into general livery service covering proms, airport transportation and the like. Based on all of the evidence presented, this livery application is hereby granted.

IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application in the name of Charles Davis Kulangara dba Anton Limo is hereby granted and Livery Permit Number 3635 is hereby reissued as follows:

LIVERY PERMIT NUMBER 3635

Charles Davis Kulangara dba Anton Limo is authorized to operate three (3) motor vehicles in general livery service, with a seating capacity of less than eleven passengers, from a headquarters in East Haven.

Charles Davis Kulangara dba Anton Limo is 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 Number MC-063572-C.

RESTRICTIONS:

The applicant must register and insure the three (3) general livery vehicles granted in this decision within ninety (90) days. Failure to do so may result in revocation of this authority.

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.

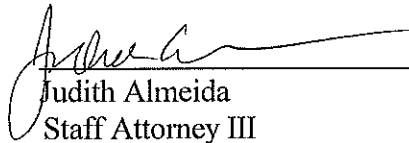
This permit shall remain in effect until it is amended, suspended or revoked by the

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 the 25th day of January 2019.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida
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Administrative Law Unit
Bureau of Finance and Administration