



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 1104-N-30-L

RE: APPLICATION OF STEVE MARTORELLI TO OPERATE TWO (2)
MOTOR VEHICLES, HAVING A SEATING CAPACITY OF TEN (10)
ADULTS OR LESS IN GENERAL LIVERY SERVICE BETWEEN ALL
POINTS IN CONNECTICUT FROM A HEADQUARTERS IN
MERIDEN.

FINAL DECISION

August 30, 2012

I. INTRODUCTION

A. General

By application filed on April 5, 2011, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Steve Martorelli (hereinafter "applicant") with a mailing address of 816 Broad Street, #10, Meriden, Connecticut 06451, seeks authorization to operate two (2) motor vehicles, having a seating capacity of ten (10) adults or less in general livery service between all points in Connecticut from a headquarters in the town of Meriden.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was held on June 28, 2012.

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

Steve Martorelli, Esq. appeared on behalf of the applicant. Mr. Martorelli's mailing address is 816 Broad Street, #10, Meriden, Connecticut 06451.

Brian Mund, Senior Operations Manager appeared on behalf of A Premier Limousine, which received intervenor status in this matter. A premier was represented by Attorney Nathan Mayhew from the law office of Rome, Clifford, Katz & Koerner which has a mailing address of 214 Main Street, Hartford, Connecticut 06106.

D. Administrative Notice

Administrative notice was taken of the permit and tariff for A Premier and the tariff of the applicant.

II. FINDINGS OF FACT

1. The applicant seeks to operate two (2) motor vehicles in livery service from a headquarters in Meriden. One vehicle, a Lincoln Town Car, will be a purchased and one vehicle will be a van. The van may be a 1999 Dodge Caravan currently owned by the applicant or a newer van to be purchased.

2. The applicant has no experience in the livery industry and has not received his public service license.

3. The applicant has been operating a company since 2009, Turnkey Processing, LLC, which handles credit card processing. Mr. Martorelli has flexibility in that he can operate a livery service and still work at Turnkey. He also works occasionally as a disc jockey.

4. The applicant's expenses include insurance of \$8,200 per year for the two vehicles, gas of \$140 a month and property tax of \$34 a month. He may purchase a minivan for about \$4,000 to \$7,000. The limousine may cost \$9,000 to \$20,000. He will operate a livery office from the space that he has now, so he will not incur any additional rent. The monthly fixed operating costs are around \$800. The applicant has cash in the bank of \$23,978. The applicant plans to reinvest the first five years of profits back into the company.

5. Antonio Garofolo, owner of a formal ware store in Rocky Hill, testified in support of the application. Mr. Garofolo testified that he has not referred livery services to his clients for eight years because he has not found a livery service that he wants to refer business to. Mr. Garofolo also testified that during the busy prom season it is difficult to retain a livery vehicle.

6. The applicant will be employing John Grant as a driver. Mr. Grant used to work for A Premier Limousine for a time and testified they are always looking for drivers.

7. Daniel Reardon is one of the owners at Auto World in Meriden. He would like to use the applicant to provide transportation to and from his business for prospective clients that are seeking to purchase automobiles. Mr. Reardon wants to keep overhead down in his business and does not want to have his employees transport customers.

8. Jason Caligiore works with the applicant at Turnkey Processing, LLC. He testified that they would like to use the applicant's livery service to provide a perk to their clients and for employees but current livery services are too expensive.

9. Antonio Cappaso operates a construction company. Mr. Cappaso thinks that the applicant can provide van shuttle service for his employees to and from their work site. Parking at some of the sites is nonexistent or too expensive. Mr. Cappaso has not looked into other livery companies or taxicab service to provide the transportation for his employees.

10. Genaro Martorelli, the applicant's father also testified as a witness. Mr. Martorelli testified as to his business experience and the fact that he would help his son if needed. Mr. Martorelli also testified that he may have use for his son's livery business in transporting his employees to Manhattan job sites.

11. A Premier Limousine operates twenty-three vehicles in general livery service from a headquarters in Berlin.

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.

In support of financial wherewithal the applicant has presented evidence that the applicant's expenses include insurance of \$8,200 per year, gas of \$140 a month and property tax of \$34 a month. The applicant plans to purchase a limousine that costs between \$9,000 to \$20,000 and a van that costs between \$4,000 to \$7,000, for a total payment of \$3,042 for a six month period.

He will operate an office from the space he has now so he will not incur any additional rent. The monthly fixed operating costs are around \$800. The applicant has cash in the bank of \$23,978. The applicant plans to reinvest the first five years of profits. Based on the evidence presented, the applicant has sufficient assets to cover the first six months of start-up costs.

With regard to suitability the applicant submitted a clean criminal record check for Mr. Martorelli. Mr. Martorelli has business experience operating a credit card processing company called Turnkey Processing, LLC. so he has business experience but not in livery service. While not required, it is surprising that the applicant did not get a public service license or interstate livery authority before coming to the department to obtain an intrastate livery permit. Given the applicant's other business experience, the applicant has proven suitability.

The applicant also has to prove that public convenience and necessity would be improved by the proposed service. The applicant spent a good deal of time attempting to prove the public need for his livery service by pointing out problems he found with A Premier. While these issues should be referred to Regulatory & Compliance for investigation, they are minor in nature and do nothing to prove a need for the applicant's service.

The applicant did present the testimony of several witnesses. Many of the applicant's witnesses are clients of his other business or friends. While it is certainly clear that the applicant is well liked, the testimony of these witnesses falls short on proving need and necessity. Few of the witnesses had any real need for a livery service; in fact, taxicab service could have taken care of most of their needs and been far less expensive. Most of these individuals had not called other livery services and had little experience with getting livery service in the Meriden area and therefore their lack of experience shed little light onto the livery situation.

The one witness, who is a client of the applicant's credit card processing business, used an out of state livery service for a trip to New York. The trip itself had several problems but it was provided by a company from New York and was interstate in nature. Due to the nature of the interstate livery service, it is irrelevant to a determination as to whether there is a need for the applicant's intrastate livery service.

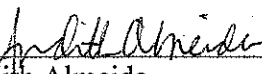
Taking all of the factors into consideration, the applicant has not proven that public convenience and necessity would be improved by its service.

IV. CONCLUSION AND ORDER

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

Dated at Newington, Connecticut on this 30th day of August 2012.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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