

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0603-N-24-L

RE: APPLICATION OF MEDICAL TRANSPORTATION, LLC TO OPERATE FOUR MOTOR VEHICLES, EACH HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, FOR THE EXPRESS PURPOSE OF PROVIDING REASONABLE LIVERY SERVICE TO HANDICAPPED PERSONS AND ELDERLY PERSONS, BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN ENFIELD.

FINAL DECISION

February 26, 2007

I. INTRODUCTION

A. Application

By application filed on March 28, 2006 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-105 of the Connecticut General Statutes, as amended, Medical Transportation, LLC (hereinafter "applicant") located at 36 Laurel Park, Enfield, Connecticut, seeks authorization to operate four (4) motor vehicles, each having a seating capacity of ten (10) adults or less, for the express purpose of providing reasonable livery service to handicapped persons and elderly persons, to all points in Connecticut from a headquarters in the town of Enfield, Connecticut.

B. Hearing

Pursuant to Connecticut General Statutes Section 13b-105, as amended, a public hearing on this application was held on January 11, 2007.

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 General Statutes Section 13b-103(a)(1), as amended. Legal notice to the public was given by publication in the Hartford Courant, a newspaper having a circulation in the area of concern.

A hearing officer designated by the Commissioner, pursuant to Connecticut General Statutes Section 13b-17 conducted the hearing on this matter.

C. Appearances

The applicant appeared through Abdelaziz Youssef and was represented by Charles M. Parakilas, Esquire whose law firm is has a mailing address of 341 Hazard Avenue, Enfield, Connecticut. The applicant's address is 36 Laurel Park, Enfield, Connecticut.

Ace Taxi Service, Inc. dba Ace Transportation, holder of livery Permit Number 2699, appeared through James Lilley, its general manager and vice-president. Ace Taxi Service, Inc. was represented by Mary Alice Moore Leonhardt, Esquire, whose the law firm of Moore Leonhardt & Associates LLC, has a mailing address of 67 Russ Street, Hartford, Connecticut. Ace Taxi Service, Inc. dba Ace Transportation's headquarters is in Vernon, Connecticut, a town not contiguous to the applicant's proposed headquarters town. Ace Taxi Service, Inc. dba Ace Transportation was denied intervenor status.

Staff member Sheldon Lubin was present at the hearing.

II. FINDINGS OF FACT

1. Abdelaziz A. Youssef is a member/manager of the applicant company Medical Transportation, LLC.
2. Youssef owns and operates the following companies as a sole proprietor: Enfield Taxi, holder of taxicab certificate number 1098 authorized to operate two (2) vehicles in taxicab service; Windsor Taxi, holder of taxicab certificate number 1165 is authorized to operate one (1) vehicle in taxicab service; and Leila Limousine, holder of livery permit number 3043 is authorized two (2) vehicles in livery service.
3. As of December 2006, the Medical Transportation, LLC maintained an average cash balance in the approximate amount of \$22,403.
4. Medical Transportation, LLC's insurance quote for liability coverage is in the amount of \$2800 per vehicle.
5. Medical Transportation, LLC estimates its property taxes at about \$230 annually per vehicle and repairs and maintenance are estimated at a cost of approximately \$35 per vehicle, per week.
6. The applicant currently owns one of the vehicles that would be placed into service and estimates the cost of three similar vehicles at \$5000 each.
7. Youssef has no criminal record.
8. Youssef renegotiated transportation contracts to include the applicant as a party in the place of his other companies, who were previously parties.
9. Medical Transportation, LLC is party to a contract with Medical Services Company, ZoneCare USA, First Transit Olesen Logistical Management Group, Inc., Coordinated Transportation Solutions, Inc. (hereinafter "Olesen"), Latino Community Services and currently provides transportation to clients of Medical Services Company.
10. Medical Transportation, LLC does not hold authority to operate in livery service.
11. Medical Transportation, LLC provides rides with vehicles belonging to Enfield Taxi, Windsor Taxi and Leila Limousine.

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 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 General Statutes Section 13b-103.

In addition, Connecticut General Statutes Section 13b-105 provides the department to issue authority to applicants for the express purpose of providing reasonable livery service to handicapped persons and elderly persons on regular or irregular routes where the department finds that no existing service or that the existing service is not adequate to properly serve the special needs of the elderly persons and handicapped persons. Moreover, in determining the special needs of the handicapped and elderly the department may take into consideration the convenience and the physical and mental frailties of elderly and handicapped persons.

In support of financial wherewithal to operate the proposed service, Abdelaziz Youssef, member and manager of Medical Transportation Services, LLC, testified that he owns three other transportation companies. Youssef owns the sole proprietorships of Enfield Taxi, Windsor Taxi and Leila Limousine. Youssef testified that monies generated from his other companies would be available to assist the applicant should that be required.

The applicant also provided three bank statements, in its name, showing that the applicant has an average cash balance in the amount of \$22,819. The applicant intends to purchase three 2000 Mercury Grand Marquis LS sedans, which will cost approximately \$5,000 each and the property taxes on each will be approximately \$115. The cost to insure the four vehicles is estimated at approximately \$2,800 per vehicle. Looking at the applicant's average cash on hand, along with the costs that the applicant will have to pay to acquire vehicles, the following schedule for operations for a six month period shows the estimated costs to put one, two, three and four vehicles in operation:

No. of Vehicles	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Cost of Vehicles	\$ -0-	\$5,000	\$10,000	\$ 15,000
Property Taxes	115	230	345	460
Maintenance & Repairs	910	1,820	2,730	3,640
Insurance	\$1,400	\$2,800	\$4,200	\$5,600
Totals	\$ 2,425	\$ 9,850	\$ 17,275	\$24,700

In light of the estimated costs of service for the first six months of business, the applicant possesses the financial wherewithal to operate three vehicles in the proposed livery service.

On the issue of public convenience and necessity and the more specific issue of providing service for elderly and handicapped persons, the applicant fails to meet its burden. The record is silent on the issue of the special needs of elderly and handicapped persons. The applicant provided evidence that it is a party to contracts with several companies; however, the applicant does not hold authority. The applicant, by the owner's admission, is providing contract work with vehicles belonging to other companies. More disturbingly, the applicant's manager, Abdelaziz Youssef, exchanged all of the contracts by and between his other taxicab and livery companies and transportation brokers/medical service providers to include the applicant, when the applicant has no authority to provide said service.

No evidence was presented by the applicant, and the record is silent, regarding services for elderly and handicapped persons. No evidence was presented on any issue relative to the convenience and the physical and mental frailties of and the care, safety and protection necessary for the best interest of, the handicapped and elderly and the general public in the area of concern. The burden rests on the applicant to show that there is a need for the service because the service does not exist in the area of concern or that the existing service is not adequate to properly service the special needs of elderly and handicapped persons.

Lastly, with regard to suitability, the applicant provided the requisite criminal conviction history form which shows no criminal record on file with the Connecticut State Police Bureau of Identification. However, this is not the only basis on which suitability is determined. In this case, although there are no citations filed or pending against the applicant or its management, nor have there been for the past two years, there were two witnesses who testified that they called for a taxicab from Enfield Taxi; one was picked up in a livery vehicle and one in a van, not identified as a taxicab. Both witnesses received receipts from the drivers, which were entered into evidence.

While these incidents will not be held against the applicant on suitability since they have not been adjudicated, they will be forwarded to the department's

Regulatory and Compliance Unit for attention.

The instant application fails on the issue of public convenience and necessity.

IV. CONCLUSIONS OF LAW

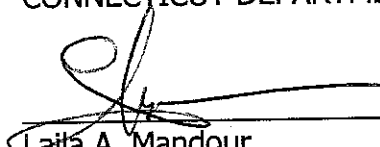
Based on the foregoing Findings of Fact and Discussion, I conclude, as a matter of law, that Medical Transportation, LLC did not meet its burden in accordance Connecticut General Statutes Section 13b-105 in that it failed to prove that there is no existing service or that the existing service is not adequate to properly serve the special needs of elderly persons and handicapped persons in the area of concern.

V. ORDER

1. The application of Medical Transportation, LLC is hereby denied.
2. Medical Transportation, LLC is hereby ordered to CEASE and DESIST providing livery services without the proper authority.

Dated at Newington, Connecticut, this 26th day of February 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration