



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone: 860-594-2875

DOCKET NUMBER 0605-N-10-T

RE: APPLICATION OF MOHAMMED HARUN TO OPERATE TWO (2) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM HAMDEN, NEW HAVEN, EAST HAVEN, AND WEST HAVEN, TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

January 2, 2007

I. INTRODUCTION

A. Applicant's Proposal

By application filed on May 23, 2006 with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, Mohammed Harun (hereinafter "Applicant") of 32 Cooper Hill Ct., Hamden, Connecticut 06514 seeks authorization to operate two (2) motor vehicles in taxicab service within and to and from Hamden, New Haven, East Haven and West Haven.

B. Hearing Held

Pursuant to Section 13b-97(a) of the Connecticut General Statutes, as amended, a public hearing on this application was held at the administrative offices of the Department on November 7, 2006.

Notice of the application and of the hearing to be held thereon was given to the Applicant and to such other parties as required by Section 13b-97(a) of the Connecticut General Statutes, as amended. Legal notice to the public was given by publication in The New Haven Register, a newspaper having a circulation in the area of concern.

The hearing on this matter was conducted by a hearing officer, designated by the Commissioner of Transportation, pursuant to Connecticut General Statutes Section 13b-17.

C. Appearances

Mr. Mohammed Harun appeared on behalf of the Applicant. The Applicant's mailing address is 32 Cooper Hill Ct., Hamden, Connecticut 06514.

Mr. Edward Kullenski appeared on behalf of Easy-One Taxi, LLC, which was granted intervenor status. Mr. Kulenski's mailing address is 880 Sawmill Road, P.O. Box 26867, West Haven, Connecticut 06516.

Mr. William Scalzi appeared on behalf of Transportation General, Inc. d.b.a. Metro Taxi, which was granted intervenor status. Mr. Scalzi's mailing address is P.O. Box 26094, West Haven, Connecticut 06516.

Mr. Sheldon Lubin, Public Utility Examiner, appeared as a member of Department staff.

D. Administrative Notice

Administrative notice was taken of the taxicab Certificate Number 86 of Transportation General, Inc. d.b.a. Metro Taxi. Transportation General Inc., d.b.a. Metro Taxi has authorization to operate 120 vehicles in New Haven, West Haven, and East Haven, 107 of which can be operated in Hamden.

II. FINDINGS OF FACT

1. The Applicant seeks to operate two (2) taxicabs within and to and from New Haven, East Haven, West Haven, and Hamden.
2. Transportation General Inc, d.b.a. Metro Taxi has the authorization to operate 120 vehicles in New Haven, East Haven, and West Haven, 107 of which can be used in Hamden.
3. Easy-One Taxi is authorized to operate 6 vehicles in Hamden and New Haven.
4. The Applicant has experience driving a taxicab for several different taxicab companies.
5. The Applicant was convicted of larceny in 1999. The Applicant would not provide any explanation for this conviction.
6. The Applicant has \$20,000 in cash. The Applicant owns two vehicles worth \$24,300 that it will use in the taxi service.
7. The Applicant will pay \$7,460 to insure each vehicle.
8. The Applicant does not have a driver ready to operate the second vehicle.
9. The Applicant has projected expenses for repairs and maintenance of \$200 per car per month.
10. The Applicant expects to pay gasoline costs of \$385 per week for the two vehicles.
11. The Applicant's six month expenses will be approximately \$29,586 which is more than the Applicant currently has in the bank.
12. William Bowie testified in support of the application. Mr. Bowie has used the Applicant for taxicab services for himself and his mother. He has only used the Applicant's service in the past. If the Applicant is not available, he would call someone else.
13. Harry Brace testified in support of the application. He uses the Applicant for transportation to the train station. Mr. Brace has his own vehicle and only uses taxicab service occasionally.

III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over common carriers, which include each person, association, limited liability company, or corporation owning or operating a taxicab in the State of Connecticut in accordance with Connecticut General Statutes Section 13b-96, as amended. The Department is authorized to prescribe regulations with respect to fares, service, operation, and equipment, as it deems necessary for the convenience, protection, and safety of the passengers and the public.

Pursuant to Section 13b-97(a), as amended, any person who applies for authority to operate a taxicab shall obtain from the Department a certificate of public convenience and necessity certifying that the public's convenience and necessity requires the operation of a taxicab or taxicabs for the transportation of passengers. No certificate shall be issued unless the Department finds that the person is suitable to operate a taxicab service. In so doing, the Department must take into consideration any convictions of the Applicant under federal, state or local laws relative to safety, motor vehicle or criminal violations, the number of taxicabs to be operated under the certificate, the adequacy of the Applicant's financial resources to operate the service, the adequacy of insurance coverage and safety equipment and the availability of qualified operators.

With regard to suitability, the Applicant submitted State Police Bureau of Identification Criminal History Form for Mohammed Harun. The criminal conviction history form shows that Mr. Harun was convicted of larceny in 1999. When asked to explain this occurrence, Mr. Harun declined to make any comment. Without knowing the circumstances of the incident and given the fact that the event occurred within the past ten years, the Applicant is deemed to be unsuitable for operating a taxicab company at this time.

On the issue of financial ability the Applicant presented the following:

1. The Applicant has \$20,000 in cash.
2. The Applicant will have to pay \$7,460 to insure each vehicle.
3. The Applicant has projected expenses for repairs and maintenance of \$200 per car per month.
4. The Applicant expects to pay gasoline costs of \$385 per week for the two vehicles.
5. The Applicant's six month expenses will be approximately \$29,586 which is more than the Applicant currently has in the bank.

Based on the evidence presented, the Applicant has shown the financial ability to operate only one (1) vehicle in taxicab service.

The Applicant also must produce evidence to show that the public convenience and necessity requires a grant of taxicab authority. The Applicant presented two witnesses on its behalf. Both of the witnesses have used the Applicant while he was operating as a driver for other taxicab companies. Neither of the witnesses had a problem getting taxicab service since using Mr. Harun. Considering the witness testimony, there is really no way to know whether there is a need for additional taxicab service since neither witness has any other taxicab experience.

Regarding the Applicant's submittal of a letter of support, this evidence was not given any weight due to the fact that the signatories of the letters were not present to be cross-examined.
Norwalk Yellow Cab V. DOT CV 930704676 July 6, 1994.

Based on the evidence presented, the Applicant has failed to meet its burden of proof with respect to showing that its service is required for public convenience and necessity.

Another criterion that must be considered is the number of taxicabs to be operated. The Applicant seeks to operate two taxicabs, one of which will be placed into immediate service. The other will be placed into service when the Applicant finds another driver. It appears that the Applicant has not planned ahead for additional drivers and has no one available for this position.

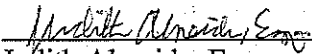
Based on the evidence presented, the Applicant has failed to prove both suitability and public convenience and necessity.

V. CONCLUSION

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Mohammed Harun is hereby denied.

Dated at Newington, Connecticut on this 2nd day of January 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida, Esq.
Adjudicator
Administrative Law Unit
Bureau of Finance and Administration