



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



OFFICE OF RESEARCH AND MATERIALS

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DOCKET NUMBER 0605-N-23-L

RE: APPLICATION OF MILLENNIUM LIMOUSINE SERVICE, LLC D.B.A. MILLENNIUM LIMOUSINE SERVICE TO OPERATE ELEVEN (11) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS AND ONE VEHICLE OF NOT LESS THAN ELEVEN (11) OR MORE THAN FOURTEEN (14) PASSENGERS IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NEW CANAAN

FINAL DECISION

March 29, 2007

I. INTRODUCTION

A. General

By application filed on June 7, 2005 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Millennium Limousine Service, LLC d.b.a. Millennium Limousine Service (hereinafter "applicant"), with a mailing address of P.O. Box 191, New Canaan, Connecticut, seeks authorization to operate eleven (11) motor vehicles, having a seating capacity of ten (10) adults or less, and one (1) motor vehicle with a seating capacity of not less than eleven (11) or more than fourteen (14) passengers in general livery service between all points in Connecticut from a headquarters in the town of New Canaan.

B. Hearing Held

Pursuant to Connecticut General Statutes, Section 13b-103(a), as amended, a public hearing on this application was held on March 6, 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 the Connecticut General Statutes Section 13b-103. Legal notice to the public was given by publication in the Advocate, 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 its member, Anyely Forero and her husband who manages the company, Edelson Forero. The applicant's mailing address is P.O. Box 191, New Canaan, Connecticut 06840.

Sheldon Lubin, a member of department staff, was present at the hearing.

II. FINDINGS OF FACT

1. The applicant has held interstate Livery Permit Number 2827 since October 2000.
2. The applicant owns twenty-seven vehicles with varying levels of financing.
3. The applicant pays an annual cost of \$ 3,578 to insure each of its vehicles.
4. The applicant's February bank statement shows balances from \$2,329 to \$78,432.
5. The applicant presented a partial sample of trip referral sheets showing thirty-eight trips that it referred to three other livery providers.

6. Margret Anderson is an event planner for Legg Mason. She is responsible for event management and livery transportation for the executives and clients. Each year there are forty to fifty events held by the company with hundreds of clients attending. The executives have chosen Millennium Limousine Service for their sole transportation provider based on quality service. She has been dissatisfied with other livery services they used in the past and wants to use the applicant for intrastate livery trips.

7. The applicant seeks to service its own clients with intrastate livery service instead of referring the trips to other less desirable providers who have either picked up their clients late, not picked up their clients at all, drivers that were not dressed properly or acting unprofessional or used old vehicles.

8. The applicant has had difficulty getting other livery companies to provide quality intrastate livery service for its customers.

9. The applicant seeks to operate a van which seats not less than eleven or more than fourteen passengers for its corporate clients. The applicant testified that there is a lack of vans of this size that he seeks to put into livery service.

10. The applicant receives five to seven requests daily for intrastate livery service.

11. There was no opposition to the application.

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 provided financial information that shows that the applicant has a fluctuating bank balance from \$ 2,329 to \$78,432. The applicant owns twenty-seven vehicles which have various levels of financing. The applicant pays an annual cost of \$3,578 to insure each vehicle. Based on the evidence presented, the applicant has the financial wherewithal to provide the proposed service for the start up period of six months.

With regard to suitability, the applicant provided the requisite criminal conviction history forms for Anyely Forero and Diego Jimenez, the only members of the company. The criminal

history forms show no criminal convictions. The applicant has been operating in interstate livery since 2000 without incident. Based on the evidence presented, the applicant has proven the requisite suitability to operate the proposed service.

As part of the requirements that must be met for a livery permit to be granted, the applicant must show that public convenience would be improved by the service. To show the need for the service, the applicant presented one witness. Margret Anderson, an event planner for Legg Mason, was presented as a witness in support of the application. She testified that her company wants to utilize the applicant exclusively for intrastate livery service and that the other livery providers they have used have not been responsive enough to the needs of her company.

The applicant has a lot of corporate accounts which it seeks to provide intrastate livery service. The applicant has currently been referring this business to other livery providers and is not happy with the result. The applicant presented a partial log of calls which shows that it is steadily farming out work. Mr. Forero testified that his company receives five to seven requests daily for intrastate service. Based on the information presented, the applicant has shown that it can perform the work it receives with five livery vehicles. The applicant will also be granted its request to operate the eleven to fourteen passenger van which is not common in the area.

Therefore, based on the witnesses presented, the applicant will be granted the authorization to operate six vehicles in total in intrastate livery service. Should the applicant be able to prove that it requires additional vehicles to service its clients, it may re-apply at a later date or seek to have its application expedited for two additional vehicles without hearing after one year in business.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Millennium Limousine Service, LLC d.b.a. Millenium Limousine Service, is hereby granted in part and is reissued as follows:

LIVERY PERMIT NO. 2827 FOR THE OPERATION OF LIVERY SERVICE

Millennium Limousine Service, LLC. d.b.a. Millennium Limousine Service is hereby permitted and authorized to operate five (5) motor vehicles, each having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in New Canaan.

Millennium Limousine Service, LLC. d.b.a. Millennium Limousine Service is hereby permitted and authorized to operate one (1) motor vehicle, having a seating capacity of not less than eleven (11) passengers and not more than fourteen (14) passengers, in general livery service between all points in Connecticut from a headquarters in New Canaan.

Millennium Limousine Service, LLC d.b.a. Millennium Limousine Service is hereby permitted and authorized to operate motor vehicles for the transportation of passengers in special and charter operations in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate No. MC-380701.


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 there under for not less than twenty-four (24) months.

This permit shall remain in effect until 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 the rules, regulations and orders of the department may from time to time prescribe thereunder.

A memorandum of this permit, bearing the seal of the department, shall be kept conspicuously posted in the motor vehicles operated under this permit.

Dated at Newington, Connecticut on this 29th day of March 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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Administrative Law Unit
Bureau of Finance and Administration