

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 0611-N-114-L

RE: APPLICATION OF ABSOLUTE TRANSPORTATION, LLC 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 RIDGEFIELD.

FINAL DECISION

July 20, 2007

I. INTRODUCTION

A. General

By application filed on November 21, 2006 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Absolute Transportation, LLC (hereinafter "applicant"), with a mailing address of 3 Melon Lane, Ridgefield, Connecticut, Connecticut, 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 Ridgefield.

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, 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 Danbury News Times, 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 pro se through its member Sean Morris. The applicant's mailing address is 3 Melon Lane, Ridgefield, Connecticut 06877.

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

D. Headquarters Address

The applicant will be utilizing the physical headquarters address of 3 Melon Road, Ridgefield, Connecticut. If the applicant seeks to transfer its headquarters to another town, the applicant must file a Transfer of Headquarters application with the Regulatory and Compliance Unit and have it approved by the Department.

II. FINDINGS OF FACT

1. The applicant has held interstate Livery Permit Number 3117 since December 2006.
2. The applicant owns outright two Lincoln Town Cars which are valued at \$27,480 each.
3. The applicant pays an annual cost of \$11,648 to insure its two vehicles.
4. The applicant's May bank statement shows a balance of \$20,375.

5. The applicant has a \$15,000 line of credit with Bank of America.
6. The applicant performs interstate livery trips for Leros Point to Point. Mr. Wyane Couturis from Leros Point to Point testified that his company will refer one to two intrastate trips to the applicant daily if it receives authority. Leros Point to Point cannot handle all of the intrastate livery requests it gets each day.
7. Robert Mecozzi testified in support of the applicant. Mr. Mecozzi would like to use the applicant for transportation to Bradley International Airport two to three times a year instead of going to New York airports.
8. For the first six months of 2007 the applicant had \$59,350 in gross sales.
9. The applicant submitted over 200 email requests for intrastate livery service that it received from a transportation website it advertises on.
10. Christopher Lynch works for United Rental in heating and cooling. As part of his job Mr. Lynch travels frequently. He would prefer going to Bradley International Airport. He has had difficulty traveling to Bradley International Airport in the past. Mr. Lynch would like to use the applicant for three to four airport trips per month and two nights on the town with clients per month. Problems Mr. Lynch has encountered with other livery companies include dirty cars, unreliable drivers and drivers not knowing where to go.
11. Brian Reynolds, from Sonitrol Management Corporation, testified in support of the application. Two to three times a year he must fly out of Bradley International Airport for business and he would like to use the applicant's livery service.
12. Amy Mitchell, operates a charity called Paracare International. Ms. Mitchell would like to utilize the applicant for trips to the airport and to transport clients. She anticipates for to five trips per month. She has used other livery services but they have been further away and she would prefer to utilize a local provider.
13. 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 operates two motor vehicles valued at \$56,000. The applicant pays an annual cost of \$11,648 to insure its vehicles. The applicant's bank statement shows a balance of \$20,375. Therefore, based on the evidence presented, the applicant is financially suitable to operate the proposed business.

With regard to suitability, the applicant provided the requisite criminal conviction history forms for Sean Morris, the only member of the company. The criminal history form shows no criminal convictions. The applicant has been operating in interstate livery since December 2006, without incident. The applicant has a lot of livery experience having worked for several years as a driver for two livery companies. 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 and necessity would be improved by the service. To show the need for the service, the applicant presented four witnesses who each testified in support of the applicant. In addition, the applicant submitted over 200 email trip requests for intrastate transportation that it could not perform. The email evidence cannot be considered of great weight because none of the individuals who emailed the applicant appeared at the hearing. Based on the evidence presented, the applicant will be granted authority to operate two motor vehicles in general livery service.

The applicant mentioned the possibility that it may seek to transfer its headquarters from Ridgefield to Redding. In order to do this, the applicant must file a Transfer of Headquarters application with the department and have it granted before moving its operation.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Absolute Transportation, LLC is hereby granted and Livery Permit Number 3117 is reissued as follows:

LIVERY PERMIT NO. 3117 FOR THE OPERATION OF LIVERY SERVICE

Absolute Transportation, LLC is hereby permitted and authorized to operate two (2) 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 Ridgefield.

Absolute Transportation, LLC 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 Number MC-580841.

The applicant needs to maintain a proper headquarters office in Ridgefield until the applicant files a Transfer of Headquarters application which is approved by the department. The applicant shall notify the Regulatory and Compliance Unit of its Ridgefield headquarters mailing address prior to registering any vehicles under this permit.

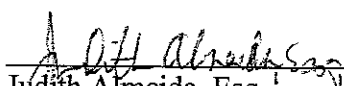
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates there under for not less than twenty-four (24) months.

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 20th day of July 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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