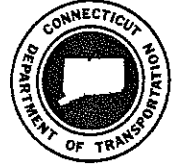




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**STATE OF CONNECTICUT**  
DEPARTMENT OF TRANSPORTATION



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Phone:

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DOCKET NO. 0706-N-92-L

RE: APPLICATION OF JON A. PULVERENTI ENTERPRISES, LLC DBA NORTHSTAR EXECUTIVE CAR SERVICE TO OPERATE THREE (3) MOTOR VEHICLES, HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN BRIDGEPORT.

FINAL DECISION

February 21, 2008

## I. INTRODUCTION

### A. Application

June 28, 2007 →

By application filed on (with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Jon A. Pulverenti Enterprises, LLC dba Northstar Executive Car Service (hereinafter "applicant") located at 2028 East Main Street, Bridgeport, Connecticut seeks authorization to operate three (3) 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 Bridgeport.

### B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a), as amended, a public hearing on this application was held on January 29, 2008.

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 Connecticut Post, 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

Jon A. Pulverenti Enterprises, LLC dba Northstar Executive Car Service appeared, without counsel, through its owner, Jon A. Pulverenti. The applicant's mailing address is P.O. Box 55309, Bridgeport, Connecticut.

Sheldon Lubin, utilities examiner with the Regulatory and Compliance Unit of the department was in attendance.

No opposition was presented to the application.

## II. FINDINGS OF FACT

1. The applicant is an interstate livery provider and holds permit number 2945 for the registration of its Federal Motor Carrier Safety Administration authority as issued in Certificate No. MC462929.

2. The applicant received its interstate authority in July 2003 and currently operates a fleet of four vehicles.

3. The applicant has not had any citation matters filed against it for any violations since its establishment and the manager of the applicant company has had no criminal conviction history since 1989.

4. The applicant's cost for insurance on his vehicles is \$16,960 for \$1,500,000 liability coverage.

5. In December 2007, the applicant's cash, maintained in its regular checking account ranged from \$1,949 to \$20,963. The applicant's payroll account ranged from \$30 to \$3,331.

6. The applicant estimated its annual gasoline usage for its four vehicles at approximately \$35,000 and repairs and maintenance at approximately \$15,000.

7. The applicant's total assets equal \$109,990, a cash balance of \$8,250 and equity in the amount of \$50,468.

8. The applicant will not incur additional expenses in beginning the intrastate aspect of the business because its vehicles are currently in use.

9. The applicant consistently receives calls for intrastate service from its clients and members of the general public. The applicant refers these calls to two other livery companies with intrastate authority.

10. One of the livery companies that the applicant uses for intrastate trips for his clients is O'Donnell Limousine, Inc., to which the applicant referred approximately 22 intrastate calls in 2007.

11. Several of the applicant's clients would like to use the applicant for intrastate trips and would change their flights, where possible, to leave from Bradley International Airport in Windsor Locks, Connecticut to be able to do so.

12. No opposition was presented to the application.

### III. DISCUSSION AND CONCLUSIONS OF LAW

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 support of public convenience and necessity, Marc Maxi, a resident of Trumbull, Connecticut, testified in support of the proposed service. Maxi travels overseas often and flies out of the New York airports. He has been a customer of the applicant for the past two years. Maxi travels approximately four times per month out of the country. If Maxi had to fly out of Bradley International Airport, he would like to use the applicant. Maxi had an emergency and needed the applicant to provide instate travel for his children, but the applicant could not do so because it did not have the authority.

Vincent Cingari uses and supports the applicant's intrastate application, as does another witness, Chris Scheibel. Scheibel works with a company that consists of 150 employees. Approximately 30 per cent of the employees travel once or twice a month. Scheibel and other employees usually fly out of Bradley and would rather use the applicant's service.

Jeffrey Goldwasser is self-employed and recruits executives and does acquisitions and mergers of post secondary schools. Goldwasser travels extensively for business and for pleasure. Since Goldwasser discovered the applicant and has uses the exclusively for interstate travel. Goldwasser would rather travel from Bradley airport, than from New York. Goldwasser also has need for the applicant to provide local service because he has an elderly friend that he would like to have transported to and from Goldwasser's home. Moreover, Goldwasser's New York flight was cancelled on one particular trip and the only way Goldwasser could come home was to fly into Bradley. Although he wanted to use the applicant's service, he could not because the applicant had no authority for intrastate service.

The applicant refers requests for intrastate travel to other local limousine companies. The applicant uses O'Donnell Limousine service for referrals. From January 1, 2007 to January 2008 the applicant referred 22 intrastate calls to O'Donnell's Limousine Service that the applicant would have provided if it held intrastate authority.

Based on the above, the public's convenience and necessity would be improved by a grant of authority in accordance with Connecticut General Statutes Section 13b-103, et seq.

In support of suitability, the applicant filed with its application a criminal conviction history form for its member, Jon Pulverenti, which reflects two convictions from 1978 and 1986. The offenses are remote in time and Pulverenti has had no further incidents since 1986. Accordingly, the criminal convictions will not be held against the applicant's management. Pulverenti appears to have the willingness to operate with in

the confines of the statutes and the regulations governing livery service in Connecticut, as is evidenced by his testimony and the witnesses' testimony that the applicant turns down requests for intrastate service and refers business to other companies because he has no authority to do so; nor does the applicant have any past or pending citation matters.

Based on the above, the applicant possesses the suitability to operate the proposed service, in accordance with Connecticut General Statutes Section 13b-103, et seq.

Lastly, in support of financial wherewithal, the applicant provided the requisite balance sheet and supporting documentation. The applicant's evidence shows that the applicant possesses funds to operate the proposed service. The applicant is currently providing interstate service, and the business has been successfully growing. The registration of vehicles is the only additional expense that the applicant will be realizing if the application is approved.

Based on the above, the applicant possesses the financial wherewithal to operate the proposed service, in accordance with Connecticut General Statutes Section 13b-103 et seq.

#### IV. ORDER

The application of Jon A. Pulverenti Enterprises, LLC dba Northstar Executive Car Service is hereby granted and Permit Number 2945, standing in the name of Jon A. Pulverenti Enterprises, LLC dba Northstar Executive Car Service, is hereby amended and reissued as follows:

#### LIVERY PERMIT NO. 2945 FOR THE OPERATION OF LIVERY SERVICE

Jon A. Pulverenti Enterprises, LLC dba Northstar Executive Car Service, is hereby permitted and authorized to operate three (3) motor vehicles, having a seating capacity of less than ten (10) adults, in GENERAL LIVERY SERVICE between all points in Connecticut from a headquarters in Bridgeport, Connecticut.

Jon A. Pulverenti Enterprises, LLC dba Northstar Executive Car Service is further permitted and authorized to operate motor vehicles as a common carrier of passengers, in charter and special 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-462929.

This Permit may not be sold or transferred until it has been operational, i.e., a vehicle registered with the livery plates thereunder, for not less than twenty-four (24) consecutive months.


This Permit shall remain in effect until it is amended, suspended or 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 shall be considered sufficient cause to amend, suspend or revoke this Permit.

This Permit is transferable only with the approval of the Department and is issued subject to compliance by the holder hereof with all motor vehicle laws of the State of Connecticut, and with such rules, regulations and orders as this Department may from time to time prescribe.

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, this 21<sup>st</sup> day of February 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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