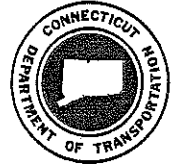




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STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NO. 0709-N-149-L

RE: APPLICATION OF WALTER E. ROSICLAIR DBA ALLSTATE LIMOUSINE SERVICE TO OPERATE TWO (2) MOTOR VEHICLES HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE, BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NORWALK, CONNECTICUT.

FINAL DECISION

September 9, 2008

I. INTRODUCTION

A. Application

By application filed on September 19, 2007 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103(a) of the Connecticut General Statutes, as amended, Walter E. Rosicclair d.b.a. Allstate Limousine Service (hereinafter "applicant") located at 12 Van Ness Street, Norwalk, 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 city of Norwalk.

B. Hearing

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was held on August 21, 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 Norwalk Hour, 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

Walter E. Rosicclair appeared on his behalf, unrepresented by counsel. The applicant's mailing address is 12, Van Ness Street, Norwalk, Connecticut.

Sheldon Lubin, utilities examiner for the Regulatory and Compliance Unit appeared on the Unit's behalf.

No opposition was presented to the application.

II. FINDINGS OF FACT

1. The applicant was a driver for Stamford Taxi.
2. The applicant is holder of interstate livery permit number 3159, which was issued on July 10, 2007 and currently has three vehicles registered under the permit for interstate livery service.
3. The applicant owns one of the vehicles and the other two vehicles are owned and operated by others.
4. The applicant's insurance is under the applicant's name.

5. The insurance premium for the vehicles currently registered in interstate livery is \$15,597, which is financed. The down payment is \$3119, with monthly installments of approximately \$1450.

6. As of July 31, 2008, the applicant's cash on hand totaled approximately \$12,144.

7. The applicant refers his intrastate calls to other companies who provide intrastate service.

8. The applicant's interstate customers would like to use the applicant's livery service intrastate.

9. The applicant has no criminal conviction history.

10. No opposition was presented to this application.

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.

The applicant currently operates in interstate livery service. He has built a client base in the interstate business. He would like to have the ability to provide intrastate service for his clients from the interstate livery side. Some of the applicant's clients have attempted to get the applicant to provide local service, which Rosclair cannot provide. When he declines service from point to point within the state, he fears that his clients will go to another livery provider and he will lose the business permanently. More importantly, Rosclair seeks to improve the present and future public convenience and necessity by having the ability to provide the intrastate service to his established clients so that they do not have to use several different providers.

The applicant provided billing sheets showing referrals of intrastate business to other livery companies. They show that the applicant referred several intrastate jobs to other local livery businesses so that the calls can be accommodated. It is not unreasonable to conclude that the public convenience and necessity will be improved by a grant of intrastate livery authority.

Customers or potential customers will likely, if given the opportunity, utilize the same livery provider for instate or out of state jobs. Two vehicles should improve the public convenience and necessity, especially for the current clientele.

With regard to suitability, the applicant, Walter Rosclair, provided a criminal conviction history as of September 17, 2007. Rosclair has no criminal history, nor has he been involved in any criminal wrongdoing since the date of the history form. No evidence was presented on the record to negate the conclusion that Rosclair possesses the suitability to operate the proposed intrastate livery service.

Lastly, in support of financial wherewithal to operate the proposed service, the applicant offered his bank statement which, as of July 31, 2008, which reflected a balance in the amount of approximately \$2,034. Rosclair also provided evidence of a money market account containing approximately \$10,109, totaling cash on hand of approximately \$12,640. The applicant is currently paying insurance on all three vehicles that are working in interstate service. The applicant owes money on his vehicle in excess of what it is worth. Although he is making monthly payments, it is of concern that with these required payments of insurance and car payment, the applicant may not be able to meet all of his personal and business operations.

The record is silent on the applicant's personal financial obligations. And since the applicant has operated this interstate business for at least a year, then presumably the applicant is able to sustain its business and intrastate livery service will provide additional income to allow the applicant to maintain the business for six months to a year, while he becomes established.

Based on the totality of the evidence, the applicant will be approved for intrastate livery service.

IV. CONCLUSIONS OF LAW

Based on the totality of the record, I conclude, as a matter of law, that the applicant has the suitability and the financial wherewithal to operate two vehicles and that that public's convenience and necessity would be improved by a grant of authority for two vehicles in intrastate service, in accordance with Connecticut General Statutes Section 13b-103.

V. ORDER

The application of Walter E. Rosclair dba Allstate Limousine Service, is hereby granted, in accordance with Connecticut General Statutes Section 13b-103, as amended, and Permit Number 3159, standing in the name of Walter E. Rosclair dba Allstate Limousine Service, is hereby amended and reissued as follows:

LIVERY PERMIT NO. 3159 FOR THE OPERATION OF LIVERY SERVICE

Walter E. Rosclair dba Allstate Limousine Service is hereby permitted and authorized to operate two (2) 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

Norwalk, Connecticut.

Walter E. Rosclair dba Allstate Limousine 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-602389-P.

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.

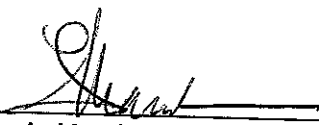
This Permit shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the Permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or the rules, regulations and orders of the Department shall be considered 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 9th day of September 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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