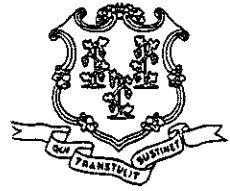


File

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 0710-N-155-L

RE: APPLICATION OF A-1 LIMOUSINE SERVICE, INC. TO OPERATE ONE (1) MOTOR VEHICLE HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE, BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NEW BRITAIN.

FINAL DECISION

May 1, 2008

I. INTRODUCTION

A. Application

By application filed on October 10, 2007 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, A-1 Limousine Service, LLC (hereinafter "applicant") located at 194 Overlook Avenue, New Britain, Connecticut, seeks authorization to operate one (1) motor vehicle, having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in New Britain.

B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a), as amended, a public hearing on this application was held on March 25, 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 New Britain Herald, 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

Giuliano DiPietro, owner of the applicant company appeared on its behalf without counsel. The applicant's mailing address is 194 Overlook Avenue, New Britain, Connecticut.

Sheldon Lubin, Utilities Examiner for the Regulatory and Compliance Unit of the department was present at the hearing.

No opposition was presented to the application.

D. Official Notice

Pursuant to the applicant's request, official notice was taken of the final decision rendered on September 12, 2006 specifically with regard to the suitability and financial wherewithal. Application of A-1 Limousine, LLC to Operate One (1) Motor Vehicle, Having a Seating Capacity of Ten (10) Adults or Less, In General Livery Service Between All Points in Connecticut From a Headquarters in New Britain, Department of Transportation Final Decision (September 12, 2006). Although the findings and

conclusions indicate that the applicant met its burden on financial wherewithal and suitability, the applicant must show that there has been no substantial change since September 2006.

II. FINDINGS OF FACT

1. The applicant is authorized to operate motor vehicles in interstate livery transportation by virtue of authority issued in MC-520896-C by the Federal Motor Carrier Safety Administration. This authority is registered with the State of Connecticut pursuant to livery permit number 3041, issued in July 2005.

2. The applicant currently owns, outright, a Lincoln Town Car that he operates in interstate livery service. The vehicle is valued at \$9,850.

3. The vehicle that the applicant is presently using has liability insurance in the amount of \$1,500,000 and has an annual premium of \$4,505.

4. The applicant provided proof of cash on hand in the amount of \$5,000.

5. The estimated expenses for the proposed service include \$2,500 for fuel, \$1,000 for repairs and maintenance and \$313 for property taxes.

6. The applicant's member/manager, Giuliano DiPietro, has another business from which he receives an income and which income he will use if required for the livery business.

7. The applicant's criminal conviction history shows a minor violation in 2000 and no other criminal activities since.

8. The applicant was cited on November 6, 2007 for failing to maintain insurance; however, the applicant had ceased operation and returned its marker plates while awaiting the hearing process for its intrastate application. The matter was resolved by a civil penalty.

9. Marcin Nanowski, a resident of New Britain, has known the DiPietro for approximately 25 years. He would use the applicant's livery service for trips to New Haven.

10. James Gmeindl, a resident of New Britain, is familiar with DiPietro and considers him reliable. He would also use the applicant for livery service. Gmeindl has relatives who he gives rides to who would use the livery service if granted intrastate authority.

11. No opposition was presented to the 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.

In support of financial wherewithal, the applicant submitted a balance sheet dated November 6, 2007 showing a cash balance of \$5,003. Proof of these funds was submitted in the form of a bank statement dated February 29, 2008. The applicant owns a motor vehicle valued at \$9,850 with no loan. The applicant's estimated insurance liability coverage is \$1,500,000 with an annual premium of \$4,505. The applicant's estimated annual vehicle expenses are \$2,500 for fuel, \$1,000 for repairs and maintenance and \$313 for property taxes. The applicant possesses the financial wherewithal to operate the proposed intrastate service.

In support of suitability, the applicant submitted a criminal conviction history which shows a minor violation which occurred almost ten years past. The Giuliano DiPietro, the applicant's member/manager, testified that the company had been cited for failing to have insurance. DiPietro testified that he had appeared at the citation hearing and testified that he had ceased operation and suspended the insurance and registration of the vehicle pending the outcome of this application. DiPietro's demeanor and testimony was sincere and he indicated that he simply wanted to wait for the intrastate application to resume operation because the expenses were too high for just interstate livery service. The matter was resolved by civil penalty. It appears that DiPietro understands that he cannot stop providing livery service without approval from the department. These two incidents will not bar the grant of authority for intrastate service, since the infraction is minor in nature and since the applicant did not operate after it suspended its registration and stopped the insurance.

Lastly, the applicant must prove that the proposed service will improve the public's convenience and necessity. The applicant has authority to operate in interstate service. Based on this fact, the public convenience and necessity would necessarily be improved if the applicant's interstate clients also required intrastate service.

Two witnesses testified that they would use the applicant's service, one for himself and the other for members of his family, who do not drive. The evidence supports a grant of this application.

IV. CONCLUSIONS OF LAW

The applicant possesses the financial wherewithal and the suitability to operate the proposed intrastate service and the public's convenience and necessity will be improved by such a grant, in accordance with Connecticut General Statutes Section 13b-103.

V. ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-102 and 13b-103 et seq., as amended, the application of A-1 Limousine Service, LLC is hereby granted and Permit Number 3041, standing in the name of A-1 Limousine Service, LLC is hereby amended and reissued as follows:

LIVERY PERMIT NO. 3041 FOR THE OPERATION OF LIVERY SERVICE

A-1 Limousine Service, LLC is hereby permitted and authorized to operate ONE (1) motor vehicle, having a seating capacity of less than ten (10) adults, in GENERAL LIVERY SERVICE between all points in Connecticut from a headquarters in New Britain, Connecticut.

A-1 Limousine Service, LLC 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- MC-520896-C.

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.

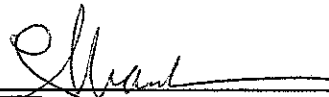
This Permit shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the Permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or the rules, regulations and orders of the Department shall be considered 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 1st day of May 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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