

(860) 594-2875

DOCKET NO. 1309-N-323-T

RE: APPLICATION OF UNITY CAB COMPANY, LLC TO OPERATE THIRTEEN (13) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN, AND TO AND FROM, THE TOWNS OF ASHFORD, AVON, BLOOMFIELD, CANTON, EAST HARTFORD, EAST GRANBY, EAST WINDSOR, EASTFORD, ENFIELD, ELLINGTON, FARMINGTON, GRANBY, HARTFORD, KILLINGLY, MANCHESTER, NEWINGTON, POMFRET, PUTNAM, ROCKY HILL, SIMSBURY, SOUTH WINDSOR, THOMPSON, TOLLAND, VERNON, WEST HARTFORD, WETHERSFIELD, AND WINDSOR.

REVISED FINAL DECISION

January 14, 2015

I. INTRODUCTION

A. Applicant's Proposal

By application filed on September 3, 2013, with the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes §13b-97, as amended, Unity Cab Company, LLC (hereinafter "applicant") whose mailing address is 359 Franklin Avenue, Hartford, Connecticut, seeks authorization to operate thirteen (13) motor vehicles in taxicab service within, and to and from, Ashford, Avon, Bloomfield, Canton, East Hartford, East Granby, East Windsor, Eastford, Enfield, Ellington, Farmington, Granby, Hartford, Killingly, Manchester, Newington, Pomfret, Putnam, Rocky Hill, Simsbury, South Windsor, Thompson, Tolland, Vernon, West Hartford, Wethersfield, and Windsor.

B. Amendment of the Application

By letter dated September 18, 2014, and at the hearing on the record, Unity Cab Company, LLC amended its application to reflect the following:

- Change in the number of members from the initial thirteen (13) members of the company to four (4) members, to wit: Fitzroy Carr, Said Mandour, Tariq Shabbir, and Hamied Shawahna;

- Change in request for authority from Ashford, Avon, Bloomfield, Canton, East Hartford, East Granby, East Windsor, Eastford, Enfield, Ellington, Farmington, Granby, Hartford, Killingly, Manchester, Newington, Pomfret, Putnam, Rocky Hill, Simsbury, South Windsor, Thompson, Tolland, Vernon, West Hartford, Wethersfield, and Windsor to seven (7) of those towns, to wit: Bloomfield, East Hartford, Hartford, Newington, West Hartford, Wethersfield, and Windsor;

- Change in the number of taxicabs from the original request of thirteen (13) motor vehicles to four (4) motor vehicles in taxicab service.

C. Hearing

Pursuant to Connecticut General Statutes §13b-97(a) a public hearing on this application was held on November 6, 2014 at the administrative offices of the department in Newington, Connecticut.

Notice of the application and of the hearing to be held thereon was given to the applicant and to such other parties as required by General Statutes §13b-97(a). Notice to the public was given by publication on the department website at www.ct.gov/dot.

Pursuant to General Statutes §13b-17, the Commissioner of Transportation designated a hearing officer to conduct the hearing on this matter.

D. Appearances

The Unity Cab Company, LLC appeared through its members Fitzroy Carr, Said Mandour, Tariq Shabbir, and Hamied Shawahna. Unity Cab Company, LLC was represented by Michael Stone, Esq., whose mailing address is 129 Church Street, Suite 806, Post Office Box 1112, New Haven, Connecticut 06505.

The Yellow Cab Company d/b/a Yellow Cab (hereinafter "Yellow Cab") is the holder of taxicab Certificate No. 1 and is authorized to operate taxicabs within, and to and from, Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield, Windsor, Windsor Locks, Berlin, and New Britain. Yellow Cab petitioned for party status and was denied. Yellow Cab was afforded intervenor status in Bloomfield, East Hartford, Hartford, Newington, West Hartford, Wethersfield, and Windsor, the towns for which the applicant seeks authority. Yellow Cab appeared without counsel through its president, Marco Henry. Yellow Cab's mailing address is 86 Granby Street, Bloomfield, Connecticut 06002.

Ace Taxi Service, Inc. d/b/a Ace Taxi (hereinafter "Ace Taxi") is the holder of taxicab Certificate No. 1066 and is authorized to operate taxicabs within, and to and from, Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield, Windsor, Ellington, Stafford, Tolland, Somers, Suffield, Windsor Locks, Willington, Andover, Columbia, Coventry, Mansfield, and Windham. Ace Taxi petitioned for party status and was denied. Ace Taxi was afforded intervenor status in Bloomfield, East Hartford, Hartford, Newington, West Hartford, Wethersfield, and Windsor, the towns for which the applicant seeks authority. Ace Taxi appeared through its president, Michael Olschafski, and was represented by Mary Alice Moore Leonhardt, Esq. of the law firm of Rome McGuigan, P.C., whose mailing address is One State Street, Hartford, Connecticut 06103.

East Hartford Cab Company, d/b/a Ace Taxi (hereinafter "East Hartford Cab") is the holder of taxicab Certificate No. 1145 and is authorized to operate taxicabs within, and to and from, Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield, Windsor, Windsor Locks, Bolton, Coventry, and Glastonbury. East Hartford Cab petitioned for party status and was denied. East Hartford Cab was afforded intervenor status in Bloomfield, East Hartford, Hartford, Newington, West Hartford, Wethersfield, and Windsor, the towns for which the applicant seeks authority. East Hartford Cab appeared through its president, Michael Olschafski, and was represented by Mary Alice Moore Leonhardt, Esq. of the law firm of Rome McGuigan, P.C., whose mailing address is One State Street, Hartford, Connecticut 06103.

E. Opening of Record

The Final Decision dated December 16, 2014 was issued with a condition precedent which required the submission of the criminal conviction history forms for Tariq Shabbir and Hamied Shawahna. Those criminal history forms were filed with the department and both showed once incident each, occurring in 1995 and 1992 respectively. The record in this matter was opened at the request of the undersigned hearing officer to take evidence on the limited issue of clarification of the conviction histories.

Notice was issued to the applicant and intervenors and a hearing was held on January 14, 2015 at the Newington office of the department on the narrow issue of the criminal convictions.

Intervenors Ace Taxi, Inc. and East Hartford Cab Company, Inc. appeared, along with the applicant's members. The Yellow Cab Company advised the department that it could not appear at the hearing.

Evidence was introduced into the recording showing that in 1995, Tariq Shabir, at the time a citizen of Pakistan, was traveling in Canada and the United States and his visa expired. The matter was subsequently resolved without incident. As for Hamied Shawahna, in 1992, he was driving a taxicab in Chicago and he was stopped for failing to have insurance. This charged was subsequently dismissed without incident as the taxicab was insured. The condition precedent to registering vehicles included in the prior Final Decision is removed as it has been satisfied

Accordingly, the Certificate issued herein stands and no timelines are changed as a result of the opening of the record.

II. FINDINGS OF FACT

1. The members of the applicant drove taxicabs for Edward McGhie d/b/a United Cab Company, who was the holder of Certificate Number 1078, and authorized to operate thirteen (13) taxicabs within, and to and from, several of the towns in the territory previously known as the Greater Hartford Transit District, to wit: Bloomfield, East Hartford, Hartford, Newington, West Hartford, Wethersfield, and Windsor.

2. Edward McGhie died on August 9, 2014.

3. At the time of McGhie's death, the vehicles authorized under Certificate No. 1078 were registered and in use.

4. Within 30 days of his death, two of McGhie's drivers went to the Department of Transportation to find out what they had to do in response to McGhie's death relative to the operation of the taxicab company. While the two drivers were at the Department

of Transportation making the inquiry, the manager of the Regulatory and Compliance Unit confiscated, or directed the confiscation, of the marker plates that were on United's taxicabs that were driven to the department. The cars were towed away.

5. The remaining marker plates authorized under Certificate No. 1078 were sought out and confiscated.

6. Other than one sentence on the carrier report stating "THIS COMPANY HAS BEEN REVOKED DUE TO THE DEATH OF THE OWNER-EFFECTIVE 8-9-13." the permanent certificate file for Certificate No. 1078 does not contain any notification of revocation, or any indication from the certificate holder's estate that the business was closed.

7. No hearing or revocation proceeding was held for the revocation of Certificate No. 1078 and the permanent records of the department show no final decision indicating revocation.

8. Hamied Shawahna lives in Enfield and has driven taxicabs for several years. He worked for Action Cab, Executive 2000 and he worked with United Cab Company from 2012 until McGhie died and the United Cab Company marker plates were confiscated. Over the years, Shawahna built a client base that he had been serving. Shawahna still has clients that call for his service, but he cannot provide it.

9. Said Mandour has worked in the taxicab business for United Cab Company for approximately five years. He was working for United Cab Company when McGhie died and the United Cab Company marker plates were confiscated. He has a client base that he established during his tenure with United Cab Company. He drove people to and from the Islamic community in Windsor. Although he does not drive a taxicab now because the lease fees are prohibitive, he helps people who need transportation and he does not charge them for the rides.

10. Tariq Shabbir lives in Hartford and had worked as a taxicab driver for United Cab Company for approximately 8 years. He built a client base over the years. He was working for United Cab Company when McGhie died and the United Cab Company marker plates were confiscated. He then began to work with Yellow Cab, for whom he pays a high lease fee.

11. Fitzroy Carr has been working in the taxicab business, on and off, since 2005. He was ultimately working for United Cab Company after having worked for Enfield Taxi and for Ace Taxi for a while. Carr built a customer base when he was driving a taxicab. He was working for United Cab Company when McGhie died and the United Cab Company marker plates were confiscated. Carr believed that United Cab Company would continue to operate and all of the drivers would remain with the company but Carr was advised that the authority was revoked.

12. The applicant's members continue to receive calls for taxicab service from their respective clientele.

13. Some of the applicant's members give rides to their former clients at no charge.

14. The applicant has cash on hand in the amount of \$17,000. Its expenses include insurance which will be financed and would cost \$12,849 for six months. The applicant's total assets total \$35,593, with no liabilities. The applicant's other start-up costs include registration of vehicles at approximately \$960, legal fees of \$750 and property taxes of \$945. The applicant will have an approximately \$1,800 surplus, without taking into consideration any income.

15. The applicant's members all own their own vehicle, which they each will use in taxicab service if the application is approved.

16. The applicant will begin with a cell phone dispatch system. At some time in the future, the members of the applicant may hire a dispatcher.

17. The members of the applicant, who will manage the company, have no criminal convictions. They are familiar with the statutes, regulations and rules governing taxicab service from their prior years of working in the taxicab business.

18. Bachir Halbs worked for the parking lot in downtown Hartford. He has often called taxicabs for bar patrons who lost their keys or drank too much and who needed taxicabs to get home.

19. Sometimes it takes a long time for taxicabs to respond to the calls that Halbs and other parking lot attendants make for patrons of the lot.

20. Dennis Burns knows Said Mandour to be honest, personable, professional, and trustworthy.

21. Samar Kotb is a member of a Mosque in Windsor. Sometimes she needs a ride to the Mosque or to and from the airport in New York. Kotb trusts Mandour and wishes to have him provide taxicab transportation for her mother. She believes him to be a trustworthy and punctual driver. People from the Islamic community used Mandour's services when he drove for United Cab Company. Kotb had problems on a couple occasions when she took taxicabs of companies other than United Cab Company and she did not like their services.

22. Joseph Fernando lives in Hartford and supports the applicant. He knows all of the members of the company. He is particularly familiar with Fitzroy Carr, who occasionally gives him rides. Carr is on time. Fernando has experience with other taxicabs and they have been late or had no cars on the road. Fernando had a negative experience

with Yellow Cab.

23. Brian Kerr lives in West Hartford; he is sports director for ESPN and he travels extensively. He used Fitzroy Carr, exclusively as a taxicab driver and knows Carr to be reliable, timely, and dependable. Kerr wants to keep using his services. Kerr has called two other taxicab companies for rides on two different occasions and they were both late.

24. The applicant's members believed, and intended, that they would continue working for the United Cab Company even after Edward McGhie died.

25. Ace Taxi and East Hartford Cab operate twenty-three (23) and twenty-nine (29) taxicabs, respectively, within and to and from several towns, including Bloomfield, East Hartford, Hartford, Newington, West Hartford, Wethersfield, and Windsor, the area of concern.

26. Six to eight taxicab drivers who were left without the ability to continue driving a taxicab for United Cab Company became owner operators with East Hartford Taxi and Ace Taxi.

27. Yellow Cab operates sixty-four (64) taxicabs within and to and from several towns including Bloomfield, East Hartford, Hartford, Newington, West Hartford, Wethersfield, and Windsor, the area of concern.

28. Yellow Cab has a pending application for additional taxicabs in several towns, including Bloomfield, East Hartford, Hartford, Newington, West Hartford, Wethersfield, and Windsor, the area of concern.

29. To be in compliance with the Regulations of State Agencies, the applicant intends to replace one of its proposed vehicles that is almost 10 years old with a vehicle that is less than 10 years old.

III. DISCUSSION

The Department of Transportation has jurisdiction over common carriers, which includes each person, association, limited liability company or corporation owning or operating a taxicab in the State of Connecticut in accordance with Connecticut General Statutes §13b-96, as amended. The department is authorized to prescribe regulations with respect to fares, service, operation and equipment, as it deems necessary for the convenience, protection and safety of the passengers and the public.

Pursuant to §13b-97(a), as amended, any person who applies for authority to operate a taxicab shall obtain from the department a certificate of public convenience and necessity certifying that the public's convenience and necessity requires the operation of a taxicab or taxicabs for the transportation of passengers. No certificate shall be issued unless the department finds that the person is suitable to operate a taxicab service. In so

doing the department must take into consideration any convictions of the applicant under federal, state or local laws relative to safety, motor vehicle or criminal violations, the number of taxicabs to be operated under the certificate, the adequacy of the applicant's financial resources to operate the service, the adequacy of insurance coverage and safety equipment and the availability of qualified operators.

The applicant is a limited liability company that has four members. These four members drove taxicabs for United Cab Company for several years. Edward McGhie owned United Cab Company which he established in 1987. He began his taxicab business by purchasing taxicabs from other companies, for which public convenience and necessity were already established. Edward McGhie died on August 9, 2013. Very shortly after McGhie's death, the marker plates issued under United Cab Company's taxicab certificate were confiscated by the Department of Motor Vehicles.

The permanent authority file for United Cab Company/Certificate 1078 reflects a notation on the carrier report that "THIS COMPANY HAS BEEN REVOKED DUE TO THE DEATH OF THE OWNER-EFFECTIVE 8-9-13." However, the permanent authority file was retrieved by Regulatory and Compliance personnel from the Unit's active files and includes no indication that the department took any affirmative steps to revoke United Cab Company's certificate. Accordingly, the certificate is deemed to be active. The matter will be referred to the management of the Regulatory and Compliance Unit for proper disposition.

The intervenor Yellow Cab's president testified that there was a need for additional service, but not additional cars. Yellow Cab has a pending application for additional taxicabs in the area of concern, and other towns. The intervenors testified that their taxicabs had more capacity and could do more trips so that public convenience and necessity did not require more taxicabs because of other companies taking their calls, but no independent evidence was presented to support this position. Two witnesses testified that they have used other services and were displeased and that they want, and would use, the applicant's service if its application is approved.

Notwithstanding the above, United Cab Company had been in operation with its vehicles registered and in use at the time of death of the owner. United Cab Company had thirteen vehicles on the road; the public convenience and necessity already existed for the vehicles that United Cab Company was operating. It was detrimental to the public to have taken these vehicles out of service. The testimony of the applicant's members and other witness testimony support the conclusion that there are people who were United Cab Company customers who are still in need of taxicab service from their regular taxicab providers – these witnesses have had negative experiences with other companies and are seeking continued service from the applicant.

In support of suitability, the members of the applicant provided their criminal conviction history records, which show no criminal conviction history. The applicant's management members appear willing and able to operate within the requirements of

the statutes and regulations and orders of the department.

In support of financial wherewithal, the applicant provided information showing that it maintains a bank account with cash in the amount of approximately \$17,000. The applicant's total assets equal \$35,000 with no liabilities. The drivers have their own vehicles that have been used in taxicab service before. The expenses that the applicant will have include the insurance and registration and property taxes, which, for a six-month start-up period equal to approximately \$15,000. Moreover, the applicant's members discussed and are planning to purchase a vehicle to replace a vehicle that is close to the ten-year limit for operation.

A conclusion can be made by this hearing officer on the totality of the record that public convenience and necessity requires these vehicles to be placed back into service since they were part of a fleet that was previously in existence. There was no evidence entered into the record to show that the public convenience and necessity for those United Cab Company cars ceased to exist. Since there is an application for only four vehicles, those four being requested in this application will be granted to meet at least part of that need that existed when these vehicles were removed from service. The members of the applicant have no criminal conviction history, and the applicant has sufficient funds for a six-month start-up period.

IV. CONCLUSIONS OF LAW

Based on the evidence of record, I conclude as a matter of law that the applicant's management is suitable to operate the proposed service and possesses the willingness and ability to operate within the statutes and regulations, that the applicant possesses the financial wherewithal to operate the proposed service and that the public convenience and necessity requires the operation of taxicabs for the transportation of passengers in Bloomfield, East Hartford, Hartford, Newington, West Hartford, Wethersfield, and Windsor, in accordance with Section 13b-97 of the Connecticut General Statutes.

V. ORDER

The application of Unity Cab Company, LLC is approved pursuant to Connecticut General Statutes §13b-97, and its taxicab certificate is issued as follows:

TAXICAB CERTIFICATE NO.1231 FOR THE OPERATION OF MOTOR VEHICLE IN TAXICAB SERVICE

Unity Cab Company, LLC is hereby permitted and authorized to operate four (4) motor vehicles in taxicab service within and to and from Bloomfield, East Hartford, Hartford, Newington, West Hartford, Wethersfield, and Windsor to all points in Connecticut.

RESTRICTIONS

The applicant must register the vehicles granted in this certificate within 45 days of the date of this Final Decision.

This Certificate may not be sold or transferred until it has been operational, i.e., its vehicles registered with a taxi plate thereunder, for not less than twenty-four (24) consecutive months. This Certificate is transferable only with the approval of the Department.

This Certificate shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the Certificate Holder to maintain proper insurance and/or to 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 Certificate.

This Certificate 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.

Dated at Newington, Connecticut, on this 14th day of January 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

Laila A. Mandour
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