



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1505-N-61-L

RE: APPLICATION OF BLACK PEARL CT, LLC TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN FARMINGTON.

FINAL DECISION

August 5, 2015

I. INTRODUCTION

A. General

By application filed on May 20, 2015, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Black Pearl CT, LLC. ("applicant") with a mailing address of 25 Woodland Drive, Avon, Connecticut 06001 seeks authorization to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in general livery service between all points in Connecticut from a headquarters in the town of Farmington.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on July 28, 2015.

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 on the department's website.

A hearing officer designated by the Commissioner, pursuant to Connecticut General Statutes Section 13b-17, conducted the hearing on this matter.

C. Appearances

George Beckerman and William Hardy appeared pro se on behalf of the applicant. The applicant's mailing address is 25 Woodland Drive, Avon, Connecticut 06001.

II. FINDING OF FACTS

1. The applicants seeks to operate one (1) vehicle in intrastate livery service from a headquarters in Farmington.

2. The applicants would like to use a Mercedes Sprinter Van to transport their clients and employees to take them to various functions. When they are not using the van for their business, they would like to use the vehicle for livery service for their customers and business contacts.

3. The applicant has interviewed several people with public service licenses to act as drivers for the company.

4. Diane Beckerman, the wife of George Beckerman, works part time as office manager. In addition to that, she will be handling the office functions for the livery company.

5. George Beckerman is the owner of Shepard Steele Co. and William Hardy is the President of FIP Construction. Both men have extensive business experience.

6. The applicant has received its interstate livery authority on May 15, 2015 which will be registered with the department in this decision.

7. It is difficult to find a vehicle to transport groups of ten passengers.

8. Michael Watts works in insurance. He wants to rent the applicant's vehicle about twenty to thirty times a year to entertain clients. He has had difficulty obtaining a vehicle of the size the applicant is offering.

9. Henry Wrotniak is the president of Sanditz Travel Management. He can easily refer bookings to the applicant for one hundred trips annually. There are not many vehicles of the type and size the applicant is offering. If there were more vehicles of this type, he would be able make even more referrals.

10. The Mercedes Spinter Van has been completely paid for and the applicants have \$10,000 in cash in the bank. The applicants' insurance is paid for through April 2016. The applicants do not need to incur any other expenses in the start-up of the proposed livery service.

11. There was no opposition to this 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.

Some factors to consider in granting a livery permit are whether the service will benefit the relevant class of users, whether the proposed service is more efficient, more economical, more convenient, more satisfactory, or different than the services offered by the existing service providers, whether the new service would create a potentially beneficial effect upon rates and customer service and whether the acquisition of equipment would be more suitable to customer needs, whether the population in the area that the applicant proposes to service is increasing, whether potential customers have requested a service like that suggested by the applicant, whether the proposed service will improve the existing mode of transportation as recently defined in Steve Martorelli v. Department of Transportation (SC19307).

In support of financial wherewithal the applicant presented several pieces of financial evidence that support their position. The Mercedes van has been completely paid for and the applicants have \$10,000 in cash. The applicants' insurance is paid for through April 2016. The applicants will not incur any additional overhead in the start-up of the livery business. Based on the evidence presented, the applicant has proven the financial suitability to operate this livery service.

With regard to suitability, the applicant provided the requisite criminal conviction history for George Beckerman and William Hardy which showed no criminal record. Both partners in the business are running successful ventures and have acquired the business acumen to operate the proposed livery service.

The applicants must also prove public convenience and necessity. In that regard, the applicant has many business contacts who would be interested in using this type of vehicle. A vehicle of this size is not common and in high demand to provide transportation to various events. The applicants presented the testimony of two business contacts that will be using the livery vehicle frequently. One of the business contacts, Mr. Wrotniak operates a large travel company. He can refer many clients to the applicant. Based on the evidence presented, the applicants have shown that public convenience and necessity would be improved if they were granted one (1) livery permit.

The applicants have proved the required elements to be granted a certificate.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Black Pearl CT, LLC is hereby granted and Livery Permit Number 3496 is issued as follows:

LIVERY PERMIT NO. 3496 FOR THE OPERATION OF LIVERY SERVICE

Black Pearl CT, LLC is hereby permitted and authorized to operate one (1) motor vehicle, having a seating capacity of less than eleven (11), in general livery service from a headquarters in Farmington.

Black Pearl CT, LLC is 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 Number MC-911519-C.

RESTRICTIONS:

The applicant must register the one (1) vehicle granted under this decision within sixty (60) days from the date of this final decision.

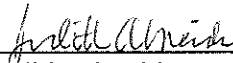
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates there under for not less than twenty-four (24) months.

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 vehicle operated under this permit.

Dated at Newington, Connecticut on this 5th day of August 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration