



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

DOCKET NUMBER 1604-N-51-L

RE: APPLICATION OF HARMONY TRANSPORTATION SERVICES, 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 MANCHESTER.

FINAL DECISION

AUGUST 5, 2016

I. INTRODUCTION

A. General

By application filed on April 26, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Harmony Transportation Services, LLC ("applicant") with a mailing address of 243 Main Street, Unit 1, Manchester, Connecticut 06042 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 Manchester.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on August 2, 2016.

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

Jane Asumadu appeared on behalf of the applicant. The applicant was represented by attorney Catherine Chevalier with a mailing address of 243 Main Street, Suite 2, Manchester, Connecticut 06042.

II. FINDINGS OF FACT

1. Jane Asumadu is the sole member of the applicant company. She is also the sole member of another company she operates called 24/7 Harmony Home Care (hereinafter "24/7") in which she provides caregivers to the elderly.

2. Ms. Asumadu receives ten to fifteen transportation requests from her clients on a weekly basis. The requests are for trips to doctors' offices, the mall, to visit friends, grocery shopping and hair salons among other destinations.

3. Ms. Asumadu has had difficulty booking transportation for her clients because of the lack of availability.

4. The applicant's office staff will be shared with the office staff of 24/7. The same office will be used for both companies.

5. The applicant will operate a Ford E350 wheelchair accessible van which has a monthly payment of \$723.90 or \$4,343 for the first six months. The applicant's other expenses for the first six months includes: \$1,432 for insurance, \$600 for rent, payroll expenses of \$10,860, phone of

\$452, loan payments of \$1,350, property tax of \$240, repairs of \$250 and maintenance of \$300 for a total expense of \$19,807.

6. The applicant has \$30,285 cash in the Citizens Bank.

7. Ms. Asumadu and her husband both have a public service license. She also has two other individuals, one of whom testified at the hearing, who can drive the livery vehicle. One of the drivers has training experience and will train all of the drivers.

8. Lizzette Candelaro is a Personal Care Attendant with 24/7. Four out of her five clients have requested transportation which her company is unable to perform.

9. Cheryl Ann Paquette works for 24/7 matching clients with care givers. She receives fifteen to twenty requests for transportation each week from clients. Many of these clients are unhappy with Logisticare medical transportation and will be willing to pay for their own livery trips.

10. Kwame Appiagyei is willing to be a driver for the applicant. He has experience driving the public.

11. This application has received no opposition.

III. DEPARTMENT ANALYSIS

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 and whether the proposed service will improve the existing mode of transportation as recently defined in Steve Martorelli v. Department of Transportation (SC19307).

Regarding public convenience and necessity, the applicant operates a home health care company which services the seniors. The applicant presented several witnesses in support of the application who testified that their clients have requested transportation services. The applicant receives fifteen to twenty calls each week requesting transportation from clients. The applicant intends to service their current clients in addition to the general public. The type of work the

applicant does goes hand in hand with transportation services. The requests that the applicant receives per week is more than sufficient to keep one van in operation. The applicant has readymade clientele and will have no difficulty servicing this population.

The applicant's first six months of expenses include 4,343 for vehicle payments, \$1,432 for insurance, \$600 for rent, payroll expenses of \$10,860, phone expenses of \$452, loan payments of \$1,350, property tax of \$240, repairs of \$250 and maintenance of \$300 for total expense of \$19,807. Although Ms. Asumadu testified that 24/7 was covering the vehicle payment, the applicant company must have sufficient funding to take on this financial responsibility. The applicant has \$30,285 in the Citizen Bank account which is more than sufficient to cover these costs.

With regard to suitability, the applicant provided the requisite criminal conviction history for the sole member, Jane Asumadu which shows no criminal convictions. The applicant has been operating a home health business for the past six years and has several drivers available with a public service license to drive for her. Ms. Asumadu has gained valuable business experience in operating her other company and has experience providing services for the elderly.

Based on the evidence presented, the applicant has proven the required elements of financial wherewithal, suitability and public convenience and necessity to be granted a livery permit.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of is hereby granted and Livery Permit Number 3544 is issued as follows:

LIVERY PERMIT NO. 3544 FOR THE OPERATION OF LIVERY SERVICE

Harmony Transportation Services, LLC is hereby permitted and authorized to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Manchester.

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 thereunder for not less than twenty-four (24) months.

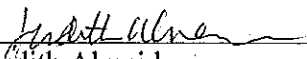
This permit may not be sold or transferred until it has been operation, i.e., a vehicle registered with livery plates thereunder, for not less than twenty-four (24) consecutive months.

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 rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke said permit.

A memorandum of this permit, bearing the seal of the department, shall be conspicuously posted in each motor vehicle operated under this permit.

Dated at Newington, Connecticut on this 5th day of August 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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