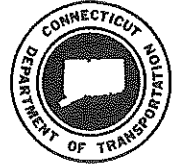


STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

DOCKET NO. 1712-N-133-T

RE: APPLICATION OF APLUS TAXI, LLC TO OPERATE THREE (3)  
MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND  
FROM THE TOWNS OF WINDSOR, HARTFORD, WEST HARTFORD,  
EAST HARTFORD, BLOOMFIELD, MANCHESTER, SOUTH  
WINDSOR, ENFIELD, AVON, FARMINGTON, VERNON,  
WETHERSFIELD, ROCKY HILL, GLASTONBURY, SIMSBURY AND  
GRANBY .

DECISION

OCTOBER 5, 2018

## I. INTRODUCTION

### A. Applicant's Proposal

By application filed on December 20, 2017, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, APLUS Taxi, LLC (hereinafter "applicant") with a mailing address of 47 Angus Drive, Manchester, Connecticut 06040 seeks authorization to operate three (3) motor vehicles in taxicab service within and to and from the towns of Windsor, Hartford, West Hartford, East Hartford, Bloomfield, Manchester, South Windsor, Enfield, Avon, Farmington, Vernon, Wethersfield, Rocky Hill, Glastonbury, Simsbury and Granby.

The application was amended on the record to remove the following towns from the application: Cromwell, Windsor Locks, Middletown, Meriden, Waterbury, Wallingford and Mansfield.

Pursuant to Section 13b-97(a) of the Connecticut General Statutes, as amended, a public hearing on this application was held at the Department of Transportation in Newington, Connecticut on July 24, 2018, September 13, 2018 and September 20, 2018.

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 Section 13b-97(a) of the Connecticut General Statutes, as amended. Legal notice to the public was given by publication on the department's website.

The hearing on this matter was conducted by a hearing officer, designated by the Commissioner of Transportation pursuant to Connecticut General Statutes Section 13b-17.

### C. Appearances

Mahbub Alam, Muhammad Raja and Ismail Mohamoud appeared on behalf of the applicant. The applicant was represented by Attorney Michael Stone with a mailing address of 129 Church Street, Suite 806, P.O. Box 1112, New Haven, CT, 06510.

Several companies requested and were granted intervenor status in this matter to the extent that they have authority to operate in the same territory that has been requested by the applicant. The seven (7) intervenor companies were represented by Shafquat Kahn by the issuance of a Power of Attorney:

1. George Taxi, LLC (C-1024)-42 Hayden Avenue, Windsor, CT 06095.
2. William Saunders dba Bills Taxi (C-1080)-2 Richard Lane, Bloomfield, CT 06002.
3. Americab, LLC (C-1209)-656 Rainbow Road, Windsor, CT 06095.
4. Executive Cab Company, Inc. (C-1012)-20 East Granby Road, Windsor, CT 06095.
5. Venniel Clarke dba Beulah Taxi (C-1101) 6 Linwood Drive, Bloomfield, CT 06002.
6. Norbert Kosiorek dba Norbert Taxi Co. (C-1107) 12 Green Valley Drive, Enfield, CT 06082.
7. ABC Taxi, LLC (C-1211) 64 Hunters Lane, Newington, CT 06111.

The following two companies were granted intervenor status and were self-represented:

8. Ahmed N. Bhatti dba Best Cab (C-1166) 49 Forrest Street, Rocky Hill, CT 06067 represented pro se by Ahmed Bhatti.
9. Executive 2000 Transportation, LLC dba Executive 2000 Taxi (C-1097) 11 Alcap Ridge, Suite D, Cromwell, CT 06416 represented pro se by Joyful Selah.

On the second day of hearing, neither Mr. Bhatti from Best Cab nor Ms. Selah from Executive 2000 appeared at the hearing or contacted the department to express that they would not be attending. It was reported to the hearing officer that Mr. Bhatti was in the hospital and a note was subsequently provided by his doctor

so he was allowed to remain as an intervenor. Ms. Selah removed herself as an intervenor when her territory of Cromwell was withdrawn from the application on the third day of the hearing.

The Waterbury Yellow Cab & Service Company, Inc. dba Yellow Cab Co. petitioned for party/intervenor status which was denied because the territory of Waterbury was withdrawn from the application at the beginning of the hearing thereby leaving no territory in common between the Waterbury Yellow Cab & Service Company, Inc. dba Yellow Cab Co. and the applicant. Attorney Mathew Forrest represented Waterbury Yellow Cab & Service Company, Inc. dba Yellow Cab Co. in this matter. His mailing address is 72 Somerset Street, Wethersfield, CT 06109.

#### D. Administrative Notice

Administrative Notice was taken of the following:

1. The territory of Action Taxi, LLC which is authorized to operate four (4) taxicabs within and to and from Cromwell.
2. The testimony of Muhammad Raja in his 2017 livery application hearing for Etihad Livery in Docket Number 1605-N-57-L, wherein he states that his customers prefer livery service over taxi service.
3. The testimony of Ismail Mohamoud and Mahbub Alam in the application of Amity Transportation, LLC in Docket Number 1711-N-114-T on February 15, 2018, wherein they both state that they will be drivers for Amity.
4. The location of Aba-Pgt at 10 Gear Drive in Manchester, Connecticut.

## II. FINDINGS OF FACT

1. The applicant is seeking to operate three (3) motor vehicles in taxicab service within and to and from the towns of Windsor, Hartford, West Hartford, East Hartford, Bloomfield, Manchester, South Windsor, Enfield, Avon, Farmington, Vernon, Wethersfield, Rocky Hill, Glastonbury, Simsbury and Granby.

2. Nicholas Gross is a semi-retired physician living in Farmington. He occasionally uses Muhammad Raja for taxicab trips around the Hartford area, to Bradley Airport and other locations for speaking engagements. He does not have difficulty getting taxicab transportation.

4. Abdullahi Dalmer lives in West Hartford. He uses Ismail Mohamoud to drive him to doctor appointments in the Hartford area. He has not had difficulty getting service.

5. Al Mohaimen Billah has been driven by Mahbub Alum while he was working for Action Taxi. Mr. Billah's work place, Aba-Pgt, is located in Manchester. He takes taxicab trips from Manchester to Bradley Airport. Mr. Alum as a driver for Action Taxi has no authority to do that trip.

6. Ahmed Mohamud is a Farmington resident who uses Ismail Mohamoud to transport him from Farmington to Hartford Hospital about once a week. He does not have difficulty getting taxicab service.

7. Marilyn Kane uses Muhammad Raja for transportation from her home in Vernon to Bradley Airport. She does not have difficulty getting taxicab service from Mr. Raja.

8. Taslima Hossain lives in Manchester and uses Mahbub Alum for taxicab transportation. She goes from Manchester to her job in South Windsor, Bradley Airport or UConn in Storrs, CT. These trips are not authorized for Action Taxi which only has authority in Cromwell. Mr. Alum also gave her discounted fares in violation of the department regulations.

9. Farah Jibrell uses a taxicab driven by Ismail Mohamoud to get to medical appointments. He never has difficulty getting taxicab service.

10. Tofayel Ahmed uses Mahbub Alum to provide him transportation. He takes him from his home in Newington to Bradley Airport about twice a year. This trip is not authorized for Action Taxi.

11. Tanveer Husain is a management consultant. He uses Mr. Raja's taxicab service. He has no difficulty getting taxi service.

12. Micheal Kehayias is a truck driver. Mr. Kehayias uses the taxicab service provided by Mr. Raja. He typically uses the service one (1) time a year and has no difficulty retaining service.

13. Hein Nguyen is a martial arts instructor. He uses Mr. Raja's taxi service five (5) times a year and has no problems getting service.

14 Michael Olschafskie is the owner of East Hartford and Ace Taxi which has authorization in the Hartford area. His taxi business has declined by fifty (50) percent since 2015 when UBER and LYFT came to Connecticut. In total he has authority for fifty-five (55) taxicabs of which only forty-five (45) are actually in operation. The other ten (10) taxicab vehicles are not used due to the lack of business.

15. Mahbub Alam works for Action Taxi which has authority for four (4) taxicabs to perform trips within and to and from Cromwell. He has been a taxicab driver for years. He has performed taxicab trips out of his authorized territory and discounted fares. He gets a lot of his work from the queue line at Bradley Airport.

16. Ismail Mohamoud works for Ace Taxi which has authority in the Hartford area. Seventy-five (75) percent of the time, he uses the queue line at Bradley to find his work.

17. Muhammad Raja works for AAA which has authority in the Hartford area. In his 2017 hearing for livery service in Docket Number 1605-N-57-L in the application of Etihad Livery, Mr. Raja testified that his regular taxi customers are willing to pay the higher price for livery service and preferred livery service. At some point after being granted authority, Mr. Raja started driving a taxicab again and let someone else drive his livery vehicle. Mr. Raja now claims that his regular customers preferred the cheaper taxi prices and taxi service.

18. Mahbub Alam and Ismail Mohamoud both testified in the Amity Transportation case in Docket Number 1711-N-114-T on February 15, 2018 that they wanted to be drivers for Amity if its taxicab authorization was granted. Their taxicab application in this case was filed prior to that testimony on December 20, 2017.

19. The applicants will utilize a 2013 Honda Accord and a 2014 Toyota Siena van. Due to department regulations, the 2008 Toyota Siena they were going to use as the third vehicle can only be operated until the end of this year as there is a ten-year age restriction on taxicabs. Instead the applicant purchased a 2018 Toyota Camry which was paid for in full.

20. The applicant has \$40,000 cash in a bank account.

21. The applicant's first six months of expenses includes insurance of \$7,700, maintenance of \$2,000, advertising costs of \$1,000, office expenses of \$100, vehicle financing of \$2,993 for 2014 Toyota Sienna, communication costs of \$450 and property tax of \$942.

22. New taxicab companies may not contract with Bradley Airport to operate out of the queue line for the first two years after receiving their taxicab authority.

23. From 2016 to 2017, there was a decline of 2701 taxicab trips from the taxicab queue line at Bradley Airport.

## II. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over common carriers, which include each person, association, limited liability company or corporation owning or operating a taxicab in the State of Connecticut in accordance with Connecticut General Statutes Section 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 Section 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.

Some factors to consider in determining public convenience and necessity include 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 defined in *Martorelli v. Department of Transportation* 316 Conn. 538 (2015).

With regard to suitability, the applicant submitted State Police Bureau of Identification Criminal History Forms for the three applicant members which show no criminal records found.

However, there are serious issues which arose in the hearing concerning both the credibility and suitability of the applicant members. For example, Mr. Alam admits that he has performed illegal taxicab trips while working for Action Taxi. He also discounted the fares for some taxicab customers which is also a violation of the department's regulations.

Another member, Mr. Raja has provided the department with conflicting information. Mr. Raja testified in 2017 at his livery hearing that his taxicab customers are willing to pay more to use his proposed livery service. Now, a year later, he is saying his customers like taxi service better because of its cheaper price so he has allowed his livery authorization to be used by another operator and he is using that operator's taxi authority. Mr. Raja's testimony in this matter conflicts with the testimony in his earlier livery case and is not credible.

Another instance which shows a lack of credulity is the fact that both Mr.



Alum and Mr. Mohamoud testified on February 15, 2018 in the Amity application in Docket Number 1711-N-114-T that they wanted to be drivers for that company. This testimony occurred despite the fact that they had already filed their own taxicab application which was pending with the department in December of 2017, several months prior to their testimony in Amity case. The evidence of record shows that the applicants testimony is not credible and that they lack the suitability to be granted this taxicab authorization.

As far as the applicant financial suitability is concerned, the applicants presented evidence that the first six months of expenses includes insurance of \$7,700, maintenance of \$2,000, advertising costs of \$1,000, office expenses of \$100, vehicle financing of \$2,993, communication of \$450 and property tax of \$942 for a total expense of \$15,185. The applicants have a bank balance of \$40,000 in the bank which is sufficient to cover these initial expenses.

With regard to qualified drivers, all three applicant members will be driving the three (3) vehicles requested. This number of drivers should be sufficient to keep the business operational for twenty-four (24) hours.

On the issue of public convenience and necessity the applicant presented witnesses in support of the application. Several of these witnesses were friends or relatives of the applicant members thereby creating a potential bias in their testimony. All of the witnesses were satisfied with the taxicab service that they are currently receiving and expressed no complaints or difficulty getting service. Granting the applicant additional taxicab authority would not change the level of service that these customers are currently receiving.

Regarding the amount of taxicab work that is available in the service area, the applicant members spend the bulk of their working hours in the airport queue line waiting for taxicab trips because there is not enough work in their respective territories. With a two (2) year ban from working at the airport for all newly authorized companies, the applicants will not have enough work to sustain their taxicab operation by just doing local jobs.

There has been a real decline in the taxicab business because of the introduction of UBER and LYFT into the Connecticut marketplace. This decline is reflected in the overall decrease in 2701 trips from the Bradley Airport queue line

from 2016 to 2017. The introduction of the Transportation Rideshare Companies has had a very detrimental effect on the taxi market.

The other factors used to consider in assessing public convenience and necessity were not addressed in this hearing. The applicant presented no evidence that the population in the service area is increasing or that the vehicle types the applicants are offering are different from those vehicles offered by the other taxicab companies in the area. There is no rate advantage putting the applicant into business since all of the taxicabs are to charge the department approved rate. There was no evidence that the applicant's service is more efficient, more economical, more convenient or more satisfactory than the services currently being offered by the existing taxicab companies. Based on the evidence presented, the applicant has not shown that public convenience and necessity requires a grant of this application.

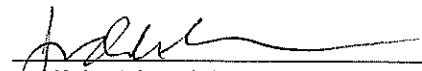
Based on all of the evidence presented, the applicant has failed to prove public convenience and necessity and that the applicant is suitable to operate the proposed service.

#### IV. CONCLUSION

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of APLUS Taxi, LLC is hereby denied.

Dated at Newington, Connecticut on this 5th day of October 2018.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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