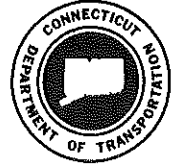




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

DOCKET NO. 2206-N-62-T

RE: APPLICATION OF PLATINUM RIDE LLC TO OPERATE SIX (6)
MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND
FROM THE TOWNS OF BRANFORD, NORTH BRANFORD, NORTH
HAVEN, NEW HAVEN, HAMDEN, AND WEST HAVEN

DECISION

NOVEMBER 2, 2022

I. INTRODUCTION

A. Applicant's Proposal

By application filed on June 7, 2022, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, Platinum Ride LLC (hereinafter "applicant") with a mailing address of 38 Auger Street, Hamden, Connecticut 06131 seeks authorization to operate six (6) motor vehicles in taxicab service within and to and from the towns of Branford, North Branford, North Haven, New Haven, Hamden, and West Haven.

Pursuant to Section 13b-97(a) of the Connecticut General Statutes, as amended, a telephone public hearing on this application was held at the Department of Transportation in Newington, Connecticut on July 26, 2022, August 3, 2022, August 24, 2022, September 15, 2022, October 5, 2022, and October 11, 2022.

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

Adnane Elarabi appeared pro se on behalf of the applicant. The applicant's mailing address is 38 Auger Street, Hamden, Connecticut 06131.

Luchen Latrache of Urshalim Taxi (C- 1236) with a mailing address of 1400 Ella Grasso Boulevard, Apt B, New Haven, CT 06511- appeared pro se as an intervenor to represent himself and Ecuamex Taxi (C-1160) with whom he filed a joint petition. Segundo Aguayza also attended the hearing on behalf of Ecuamex Taxi with a mailing address of 229 Hemmingway Avenue, 1st Floor, East Haven, CT 06512.

Transportation General Inc dba M7 (C-86) appeared pro se as an intervenor through William Scalzi with a mailing address of 65 Industry Drive, West Haven CT 06515.

All American Cab LLC (C-1207) appeared pro se as an intervenor through Samah Mortier, manager, with a mailing address of 33 Kenneth Street, Apt 5-4B, West Haven, CT 06516.

D. Administrative Notice

Administrative Notice was taken of the following:

1. The testimony of Deborah Mullins concerning the applicant's livery service.
2. Docket Number 1509-N-78-T Heavenly Ride, LLC dba Meriden Taxi.
3. Re-Entitlement of Authority of Yellow Cab dba Yellow Cab to Allride, LLC 1802-RE-23-T.

II. FINDINGS OF FACT

1. The applicant is seeking to operate six (6) motor vehicles in taxicab service within and to and from the towns of Branford, North Haven, North Branford, New Haven, West Haven, and Hamden.
2. All American Cab LLC operates two (2) taxicabs in Hamden, Cheshire and New Haven.
3. Ecuamex Taxi operates five (5) taxicabs in East Haven, Hamden, New Haven, and West Haven.
4. Lahcen Latrache dba Urshalim Taxi operates one (1) taxicab in New Haven.
5. Transportation General Inc dba M7 has authority to operate two hundred

thirty-three (233) taxicabs in the greater New Haven area including the proposed towns the applicant seeks to operate in.

6. Mr. Elarabi is a former employee and a taxicab driver with M7 ending his career with M7 as a Driver Services Manager. He has been driving a taxicab since 2003.

7. Mr. Elarabi has a business degree from the University of New Haven.

8. Mr. Elarabi has been operating a livery company, Platinum Transportation LLC, with five (5) livery vehicles since 2021.

9. The applicant proposes to utilize in the livery business two (2) 2015 Toyota Camry Sedans, two (2) 2016 Chevrolet Malibu Sedans and one (1) 2015 Hyundai Sonata and one (1) 2016 Hyundai Sonata. The 2015 Toyota Camry is owned, but the other three (3) vehicles must be purchased.

10. The applicant has \$98,646 cash in a bank account.

11. The applicant's first six months of expenses includes insurance costs of \$16,316, maintenance costs of \$3,600, equipment costs of \$4,400, advertising costs of \$600, vehicle purchase costs of \$64,240 and property tax of \$653.

12. The applicant will hire eighteen (18) drivers for the six (6) cars that he plans to operate. He currently has nine (9) drivers committed to work for the company.

13. Heritage Livery Service, Inc dba Heritage Taxi and Horizon Cab Co., LLC have left the taxicab market since 2021.

14. Heritage Livery Service, Inc dba Heritage Taxi was operating two (2) taxicabs out of authority for eight (8) taxicabs when it ceased operation in May 2022.

15. Mr. Elarabi wants to fill the void left when of Heritage Livery Service, LC dba Heritage Taxi and Horizon Cab Co., LLC ceased taxicab operations.

16. Debbie Mullen's mother is a resident Whitney Rehabilitation in

Hamden. Her mother uses the applicant's wheelchair livery service on a regular basis both with transportation broker Veyo and private pay. The applicant's livery service has been beyond stellar. The applicant has provided transportation service in safe vehicles with compassionate customer service. She has used other services including Metro Taxi which have not been as reliable. Other providers have left her mother stranded even when she had reservations.

17. Basma Bejdadi is a CNA for many years and currently works for Montowese Rehabilitation. She has received excellent livery service from the applicant as he is professional, on time, kind and responsible. The patients love the applicant's livery service. Other transportation services have canceled or never showed to provide the transportation.

18. Nigel Harris is a customer of the applicant. He has used numerous transportation services in the past and finds the applicant's service to be superb. The applicant is timely and professional. He uses them both through Veyo and privately. He has also used M7 and had problems with the taxicabs not showing up when he books them privately.

19. Mohamed Ngombulango works for Whitney Rehab in Hamden. The facility has been using the applicant for a couple of years. He is very happy with the applicant's good customer service. The applicant is the best company he has used. M7 is frequently cancelling rides and not showing up. One such incident occurred while the witness was in the process of testifying. Other taxicab companies have not provided as good a service as the applicant has and are not as reliable.

20. Lori Carlson has known applicant six (6) years from when she worked with him at M7. The applicant went above and beyond to be helpful and had good customer skills.

21. Mohammed Arma has known the applicant for ten (10) years. The applicant transports him from New Haven Train Station to Branford. The applicant is always there when he needs him and provides good customer service. He plans to utilize the applicant's taxicab service if the authority is granted.

22. Mathew Carlson used to work with the applicant at M7. He has found the applicant to be professional. The applicant stood out over the other drivers for the

good customer service that he provides. He is a dedicated and hard worker.

23. Harry Afriyie is a former taxicab driver with M7 and he worked with the applicant at Platinum Transportation. He supports Mr. Elerabi because he is a good manager.

24. Souliman Keita drove taxicabs with the applicant at M7. The applicant is reliable and on time. He will refer his former taxicab customers to the applicant's taxicab service.

25. Jabeen Hasan will be using the applicant's taxicab services in the future if he is granted taxicab authority. She will refer her family members to the applicant's taxicab service.

26. Gasser Badawi operates a restaurant in New Haven. He used the applicant for taxicab service in the past for both customers and employees. He was provided good customer service is on time and professional. He is using UBER now because of the slow taxicab response time with local taxicab companies.

27. Patricia Santiago has been using the applicant's service for medical transportation and has been very pleased with the service. The service is on time with clean cars and the drivers are pleasant. She will use the applicant for private pay taxicab transportation.

28. Ahmed Frikel currently operates an airport shuttle. He has known the applicant since they were taxicab drivers together. He will not send customers to M7 because the service is not reliable. He will refer taxicab customers to the applicant because he provides good customer service.

29. Khalid Lantaai is a nursing supervisor who is responsible for arranging transportation. He has used the applicant's livery service and found it to be excellent. The applicant is patient, reliable and provided good customer service. He had trouble getting taxicab service in the past with dirty cars and drivers talking on the phone. He is not impressed by the taxicab service provided by M7.

30. Ihab Fekry drove for M7 when the applicant was working there. The applicant provides very good customer service. He will refer his

former taxicab customers to the applicant.

31. When Heritage Livery Service, Inc dba Heritage Taxi went out of business, Ahmed Soliman purchased the Heritage Taxi phone number. The New Haven area needs more taxicabs as he can't service all the calls he gets. He will refer his excess taxicab work to the applicant.

32. Yosef Bakhit operates Assel Livery Service, LLC. He refers to the applicant his overflow livery calls. The applicant does a good job with these trips.

33. Anthony Bennet worked with the applicant at M7. The applicant is professional and caring. When Mr. Bennet needed a ride to get to work at M7, using M7's own drivers to transport him, he always had issues with getting picked up and was late every day. Drivers didn't want to pick up calls that were cash rides and he received many complaints about not being picked up promptly.

34. Abderrak Darwano drives an airport shuttle, and he was a former taxicab driver. He will refer his shuttle customers to the applicant's taxicab service because the applicant is honest.

35. Sarah Mach is a Director of Business Development and Strategic Initiative for Whitney Rehab. Whitney Rehab uses the applicant's livery service, and the applicant provides good customer service. There is a shortage of transportation available especially to and from medical appointments. Many complaints from the residents involves transportation problems. Transportation from M7 has not been reliable and she has not received good transportation services from other taxicab providers either. She wants more transportation options available for the patients.

36. Miguel Quiles has his mother transported to dialysis often by the applicant who provides good professional, on time, customer service to her.

37. Abellatif Saadoun will refer former taxicab customers to the applicant if the authority is granted. He will also refer his family members to the applicant for taxicab service.

38. There are times where M7 passengers wait more than thirty (30) minutes especially if the taxicab trip request is not prebooked by the customer or the trip is at

night.

39. Tweed Airport has expanded service with twelve (12) flights a day. At this time only M7 is the contracted taxicab provider at the airport since Heritage Taxi went out of business.

40. The owner of All American Taxi, Ayman El Salam, refused to transport a handicapped person with a guide dog while working for Mr. Elarabi.

41. M7 refers out their overflow taxicab trips to All American Cab.

42. Seventy (70) percent of M7 taxicab work is Medicaid work which does not require a taxicab certificate.

43. M7 has received some very negative reviews from both drivers and passengers. The reviews mentioned road rage, failing to pick up an elderly passenger at a medical facility, not honoring taxicab reservations and leaving passengers stranded.

44. Almost all of Mr. Latrache's taxicab work comes from the New Haven Train Station.

45. The applicant will not be stationed at the New Haven Train Station.

46. Good reliable taxicab service is lacking in the New Haven area.

47. Mr. Elarabi provided a clean criminal record check.

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.

With regard to suitability, the applicant submitted State Police Bureau of Identification Criminal History Form for the applicant member, Adnane Elarabi, which shows no criminal record found. Mr. Elarabi has been a taxi driver for many years and currently operates a livery company. The only negatives brought out against the applicant were a past citation for the applicant's livery service and an allegation of undercharging of livery rates. While the past citation and rate issue are of some concern to the department, it doesn't rise to the level of the applicant being denied taxicab authority.

M7 asked the department to take Administrative Notice of Heavenly Ride, LLC which it argues is similar to this application. In that case, the application was denied. Heavenly Ride is easily distinguished from the current case. The applicant in Heavenly Ride had many problems including no prior taxicab experience, not enough drivers for the proposed number of vehicles to be operated, members who were working other jobs and were relying on other people to administer the taxicab business. Many of the questions asked of that applicant went unanswered. The applicant in this case has many years of transportation experience and has been operating his own livery company. Based on the evidence presented, the applicant is suitable to operate a taxicab service.

As far as the applicant financial suitability is concerned, the applicant presented evidence that the first six months of expenses includes insurance of \$16,316, maintenance of \$3,600, equipment of \$4,400, advertising costs of \$600, vehicle purchase costs of \$64,240 and property tax of \$653 for a total expense of

\$89,809. The applicant has a bank balance of \$98,646 in the bank which is sufficient to cover these initial startup expenses.

Regarding qualified drivers, the applicant has nine (9) drivers committed to drive for him at this time. The applicant is actively recruiting drivers and he will be hiring additional drivers if needed.

The intervenors spoke at length about the negative impact that allowing the applicant to enter the market would have on their companies. M7 witnesses testified that seventy (70) percent of their taxicab work is Medicare work that does not require a taxicab certificate. The work the applicant wants to perform is traditional taxicab work. Given this scenario, it is unlikely that the applicant's taxicabs would have any effect on M7. It should also be noted that M7 claims to be suffering from a lack of taxicab business, but it is still referring its excess taxicab work to All American Cab.

Mr. Latrache from Urshalim Taxi gets almost all his taxicab work at the train station. The applicant is not interested in staying exclusively at the train station for his taxicab business so it is unlikely that the applicant would have an effect his business either.

The owner of All American Cab, Ayman El Salam, used to work for the applicant until an incident occurred wherein, he refused to transport a customer with a guide dog. This type of behavior cannot be tolerated and is against department regulations. In the end, Mr. Salam left the applicant's business. All American Cabs interest in opposing the applicant may have more to do with some past employment issues between the two men than with the applicant's potential effect on his business.

To be granted taxicab authority the applicant must address the issue of public convenience and necessity. To be clear, the role of the department is not to protect the existing companies at the expense of the public receiving bad, unreliable and untimely taxicab service.

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 that 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).

The record is full of examples of the applicant providing a very good customer experience. There were glowing reviews of the applicant's service including comments on his professionalism, on time service, going the extra mile to satisfy customer needs and providing good customer service. There was no testimony that the applicant provides a bad, untimely, or unreliable service.

The intervenors have discounted the applicant's witnesses as inaccurate or not having the knowledge of what they were testifying about. Some of these witnesses are employees working in various healthcare facilities who witness taxicab problems every day. These witnesses are reliable and credible and cannot be ignored.

Regarding the customer service provided by the existing taxicab services throughout the hearing, there were many negative complaints expressed. These complaints included taxicabs not showing up to appointments, showing up late, dirty cars, negligent driving, not driving handicapped passengers with guide dogs among other bad customer service. The intervenors claim that the complaints against their companies are invalid but some of very those same complaints were echoed in the applicant's witness testimony.

To show their good customer service, M7 presented the testimony of three corporate clients and one private pay client. It would be surprising if M7 did not provide good service to its large corporate clients. The public witness who testified spoke well about the taxicab driver that services her mother, but she did not have any experience with the other drivers from the company. While these witnesses were satisfied with the service they receive, there were many other witnesses who had a different taxicab experience.

M7 also presented its rewards data but even that data shows some dissatisfaction. The applicant presented detailed M7 reviews and a Google rating which showed a lower satisfaction rating of three stars. Some of these bad reviews included serious complaints against company including leaving patients stranded and negligent driving.

During intervenor witness's testimony it was admitted that there are times when M7 is busy, and their pickup times were more than thirty minutes especially when a prior reservation was not made, or the trip occurred at night. To be clear taxicab service is on demand service it does not require a reservation. While these long waiting times may be acceptable to M7 that is not the case for the department.

The most credible witnesses in this hearing were the true public witnesses who have no stake in the applicant or the intervenors business. The witnesses the applicant presented were credible and reliable. These customers or employees want to be able to have the option of using the applicant for taxicab service who in their experience is providing a better, more reliable transportation service. It isn't enough to say you have to ability to perform more taxicab trips, you also must provide safe, timely, courteous taxicab transportation. This is where the intervenors have failed.

There is a current unmet need expressed by the applicant's witnesses in the service area. There are many complaints about the existing taxicab service, and the current operators are failing to meet customer needs. Allowing the applicant to operate a taxicab service will create a more efficient, more economical, more convenient, more satisfactory taxicab experience for the public. The applicant's proposed service will improve existing taxicab transportation.

Regarding the amount of taxicab work that is needed in the service area, there have been several companies recently which have gone out of business including Horizon Cab Co., LLC and Heritage Livery Service, Inc dba Heritage Taxi whose owner retired in 2022. Heritage Taxi had been operating two (2) taxicabs at the time it ceased operation. It is not clear from the record how many taxicabs Horizon Cab Co, LLC had authority for when it was revoked but it had authority for at least one (1) vehicle.

Mr. Elarabi testified that he is trying to fill the void. Since Heritage Livery

Service, Inc dba Heritage Taxi was operating two (2) cabs at the time it stopped service and Horizon Cab Co had authority for at least one (1) vehicle that is the void that is left in the service area, not the six (6) taxicabs the applicant has applied for. Since the applicant is merely replacing taxicabs that were in operation, there are no additional taxicabs being put into the market and there will be no impact on the existing taxicab companies.

Based on the evidence presented concerning the questionable taxicab customer service that is being provided to the public currently, public convenience and necessity requires a partial grant of this application for three (3) taxicabs. The number of taxicab drivers the applicant has will be sufficient to operate these three (3) vehicles.

IV. CONCLUSION

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Platinum Ride LLC is hereby approved in part and certificate 1243 is issued as follows:

CERTIFICATE NUMBER 1243 **FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE**

Platinum Ride LLC is hereby permitted and authorized to operate three (3) motor vehicles in taxicab service within and to and from Branford, North Branford, North Haven, New Haven, Hamden and West Haven.

RESTRICTIONS:

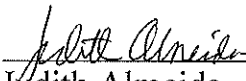
The applicant must register the three (3) vehicles granted under this certificate within sixty (60) days from the date of this decision. Failure to do so may result in revocation of this authority.

This certificate may not be sold or transferred until it has been operational, i.e., its vehicles registered with taxicab plates 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, as this department may from time to time prescribe, shall be considered sufficient cause to amend, suspend or revoke this certificate.

Dated at Newington, Connecticut on this 2nd day of November 2022.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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