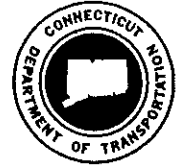




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

DOCKET NO. 2404-N-37-L

RE: APPLICATION OF PH WAY LLC TO OPERATE ONE (1) MOTOR
VEHICLE IN GENERAL LIVERY SERVICE, WITH A SEATING
CAPACITY OF LESS THAN ELEVEN PASSENGERS, FROM A
HEADQUARTERS IN WATERBURY

DECISION

SEPTEMBER 26, 2024

I. INTRODUCTION

A. APPLICATION

By application filed on April 16, 2024, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, PH Way LLC (hereinafter "applicant") with a mailing address of 159 Edgewood Avenue, Waterbury, Connecticut 06706 seeks authorization to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) passengers, in general livery service from a headquarters in Waterbury.

B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing by telephone was held on this application on September 11, 2024.

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 Connecticut General Statutes Section 13b-103, as amended. 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

Cheryl Porter appeared pro se on behalf of the applicant. The applicant's mailing address is 159 Edgewood Avenue, Waterbury, Connecticut 06706.

II. FINDINGS OF FACT

1. The applicant seeks to operate one (1) motor vehicle in general livery service from a headquarters in Waterbury.
2. The applicant will operate a 2005 Dodge Caravan which is paid for.
3. The applicant is the executive director of a nonprofit called Porter House Inc which provides after school programs and outpatient therapy to students.
4. The first six months of the applicant's expenses includes insurance of \$5,804, property tax of \$40 and maintenance costs of \$1,000.

5. The applicant has \$7,218 in a business bank account to pay the start-up expenses.
6. In addition to servicing her clients, the applicant plans to provide medical livery transportation to the public and possibly contract with DCF.
7. The applicant has two drivers with endorsements who are available to drive the livery vehicle.
8. Ms. Porter has a clean criminal history.
9. This application was not opposed.

III. DISCUSSION

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.

Regarding the applicant's suitability, the applicant submitted a criminal record check for Ms. Porter which disclosed no criminal record. Ms. Porter currently operates a non-profit. Based on the evidence presented, the applicant is suitable to conduct the proposed intrastate livery business.

As far as the applicant's financial ability is concerned, the first six months of expenses includes insurance of \$5,804, property tax of \$40 and maintenance costs of \$1,000 for a total expense of \$6,844. The applicant has \$7,218 in a business bank account to cover these startup expenses and is therefore financially suitable to conduct this proposed operation.

On the issue of public convenience and necessity, the applicant has clients that would benefit from her adding a transportation component to her existing services. She also wants to expand into providing private pay medical transportation. Based on the evidence presented, the applicant will receive authorization for one (1) general livery vehicle.

IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application in the name of PH Way LLC is hereby granted, and Livery Permit Number 3834 is hereby issued as follows:

LIVERY PERMIT NUMBER 3834

PH Way LLC is authorized to operate one (1) motor vehicle in general livery service, with a seating capacity of less than eleven passengers, from a headquarters in Waterbury.

RESTRICTIONS:


The applicant must register and insure the one (1) motor vehicle granted in this decision within ninety (90) days. Failure to do so may result in revocation of the general livery authority.

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 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.

Dated at Newington, Connecticut on the 26th day of September 2024.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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