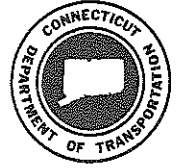




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 0804-N-83-T

RE: APPLICATION OF MUSHTAQ HUSSAIN D.B.A. AMERICAN
EXCELLENCE CAB TO OPERATE ONE (1) MOTOR VEHICLE IN
TAXICAB SERVICE WITHIN AND TO AND FROM WINDSOR
LOCKS TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

September 18, 2009

I. INTRODUCTION

A. Applicant's Proposal

By application filed on June 5, 2008, with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Mushtaq Hussain d.b.a. American Excellence Cab (hereinafter "applicant"), seeks authorization to operate one (1) motor vehicle in taxicab service within and to and from Windsor Locks to all points in Connecticut.

B. Hearing Held

Pursuant to Section 13b-97(a) of the Connecticut General Statutes, as amended, a public hearing on this application was held at the administrative offices of the Department in Newington, Connecticut on August 18, 2009.

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.

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.

D. Appearances

Mushtaq Hussain d.b.a. American Excellence Cab appeared pro se on behalf of the applicant. The applicant's mailing address is 15 Bell Court, Apt. B-2, East Hartford, Connecticut 06108.

Michael Olschafskie appeared in opposition to the application representing East Hartford Cab Company d.b.a. Ace Taxi and Ace Taxi Service, Inc. d.b.a. Ace Taxi. These two companies were represented by Mary Alice Leonhardt whose mailing address is 67 Russ Street, Hartford, Connecticut 06106.

Marco Henry appeared pro se in opposition to the application representing the Yellow Cab Company d.b.a. Yellow Cab. The mailing address for Yellow Cab is 86 Granby Street, Bloomfield, Connecticut 06002.

Sheldon Lubin, a Department staff member, appeared at the hearing.

E. Administrative Notice

Administrative Notice was taken of all of the taxicab operators in Windsor Locks.

1. Ace Taxi Service, Inc d.b.a. Ace Taxi operates- two (2) taxicabs in Windsor Locks under certificate number 1145.

2. East Hartford Cab Company, Inc. d.b.a. Ace Taxi- operates three (3) taxicabs in Windsor Locks under certificate number 1066.

3. Yellow Cab Company d.b.a. Yellow Cab- operates sixteen (16) motor vehicles in Windsor Locks under certificate number 1.

4. A.A. Cab, LLC.- operates one (1) taxicab under certificate number 1188.

5. Airport Service Cab, LLC d.b.a. Airport Service Cab- operates one (1) motor vehicle in taxicab service in Windsor Locks under certificate number 1198.

6. AAA Cab & Livery, LLC- operates one (1) motor vehicle in Windsor Locks under certificate number 1167.

7. Airports Carrier Cab, LLC- operates one (1) motor vehicle under certificate number 1187.

8. Aqdas Mahmood d.b.a A-Checker Cab Company- operates one (1) motor vehicle in Windsor Locks under certificate 1192.

9. Avery Cab, LLC- operates one (1) motor vehicle in Windsor Locks under certificate number 1179.

10. Executive Cab Company, Inc- operates two (2) motor vehicles in Windsor Locks under certificate number 1012.

II. FINDINGS OF FACT

1. The applicant seeks to operate one (1) motor vehicle in taxicab service within and to and from Windsor Locks.

2. Ace Taxi Service, Inc d.b.a. Ace Taxi operates two (2) taxicabs in Windsor Locks.

3. East Hartford Cab Company, Inc. d.b.a. Ace Taxi operates three (3) taxicabs in Windsor Locks.

4. Yellow Cab Company d.b.a. Yellow Cab operates sixteen (16) motor vehicles in Windsor Locks.

5. The applicant is a former taxicab driver for Valley Cab. About a year and a half ago, the applicant was let go from Valley Cab and now he wants to start his own taxicab company because he believes it is the only job that he can do and he does not want to be a burden to his family.

6. The applicant wants to operate his taxicab primarily at Bradley International Airport.

7. When the applicant used to operate a taxicab at the airport, he had to wait several hours for a job as there are too many taxicabs operating at Bradley International Airport.

8. The applicant says he will be offering a Honda Odyssey van for taxicab service of which there are only a few at Bradley International Airport. This van has as much passenger and cargo space as a Lincoln Town Car.

9. The insurance coverage on the one (1) vehicle will cost \$5,097.
10. The applicant has a 2002 Honda Odyssey van that has a fair market value of \$9,125, with no loan outstanding. He also has three other vehicles with a value of \$10,530.
11. The applicant's bank account statements fluctuate widely. In a one month period the checking account went from \$168 to \$6,242. During the same period, the applicant's savings account went from \$300 to \$6,300.
12. The last statement on the savings account of August 26, 2009 showed a balance of \$2,100. The last statement on the checking account of August 26, 2009 showed a balance of \$119.
13. The applicant's expenses are property tax of \$260, gasoline of \$4,957, repairs and maintenance of \$2,000, cell phone of \$800 and advertising of \$300.

III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over common carriers, which includes 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.

In support of financial wherewithal to operate the proposed service, the applicant presented evidence that the insurance coverage on the one vehicle will cost \$5,097. The applicant has a 2002 Honda Odyssey van that has a fair market value of \$9,125, with no loan outstanding. He also has three other vehicles with a value of \$10,530. The applicant's bank account statements fluctuate widely. The checking account went from \$168 to \$6,242. The applicant's savings account went from \$300 to \$6,300. The last statement on the savings account of August 26, 2009 showed a balance of \$2,100. The last statement on the checking account of August 26, 2009 showed a balance of \$119. The applicant's expenses are property tax of \$260, gasoline of \$4,957, repairs and maintenance of \$2,000, cell phone of \$800 and advertising of \$300. Due to the applicant's low amount of cash and the amount of expenses the applicant would have to pay, the applicant is not financially viable at this time to operate a taxicab company.

In support of suitability, the applicant submitted a criminal record check for Mr. Hussain which found no criminal record. The applicant has been a taxicab driver for many years and appears to be knowledgeable about the rules and regulations governing taxicab service. Based on the evidence presented, the applicant has proven the requisite suitability.

To receive a grant of authority, the applicant has the burden of proving that public convenience and necessity requires a grant of taxicab authority. The applicant has applied for a taxicab license in Windsor Locks. The applicant wants to primarily operate his taxicab from the queue line. Bradley International Airport is already loaded with taxicabs that often wait hours for a trip. Pursuant to Connecticut General Statutes Section 13b-97(d) any taxicab operator can contract with Bradley International Airport to operate a taxicab there. The airport clearly does not need another taxicab. There were no independent witnesses presented to show that Windsor Locks needs additional taxicab service.

The applicant testified that he wants employment as a taxicab driver so he can earn a living. The Department is sympathetic with the applicant's plight but we are bound by the statutes and regulations which govern the taxi industry and cannot grant an application just because the applicant needs a job. In addition, the applicant presented no public witnesses in support of the need for such service, therefore public convenience and necessity does not require additional taxicab service in Windsor Locks.

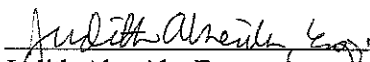
Based on the above, the applicant has shown the suitability but not the financial ability or public convenience in order for this application to be granted.

IV. CONCLUSION

Based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Mushtaq Hussain d.b.a. American Excellence Cab is hereby denied.

Dated at Newington, Connecticut, on this 18th day of September 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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