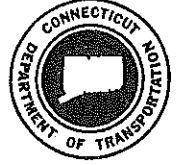




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

DOCKET NO. 1309-N-336-T

RE: APPLICATION OF ABC RED TAXI, LLC. D.B.A. ABC RED TAXI TO OPERATE THREE (3) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM BARKHAMSTED, BRISTOL, GOSHEN, PLYMOUTH, THOMASTON, TORRINGTON, WATERBURY AND WATERTOWN.

FINAL DECISION

March 18, 2014

I. INTRODUCTION

A. Applicant's Proposal

By application filed on September 24, 2013, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, ABC Red Taxi, LLC. d.b.a. ABC Red Taxi (hereinafter "applicant") with a mailing address of 20 Woodside Lane, Plainville, Connecticut 06062 seeks authorization to operate three (3) motor vehicles in taxicab service within and to and from the towns of Barkhamsted, Bristol, Goshen, Plymouth, Thomaston, Torrington, Waterbury and Watertown.

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 Department of Transportation in Newington, Connecticut on February 20, 2014.

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

Mr. Patros Hormoz appeared on behalf of the applicant. The applicant was represented by Robert Cohen, Esq. with a mailing address of 580 Broad Street, Suite 101, Bristol, Connecticut 06010.

Attorney Mary Alice Moore Leonhardt represented the following taxicab companies:

1. Suburban Transportation, Inc. d.b.a. Valley Cab, C-1144, represented by owner Mrs. Shazia Dode.
2. Suburban Transportation, Inc. d.b.a. Tunxis Cab, C-1093, represented by owner Mrs. Shazia Dode.
3. Torrington Valley Cab, LLC, C-1161, represented by owner Mrs. Shazia Dode.

4. The Waterbury Yellow Cab & Service Company, Inc. d.b.a. Yellow Cab Co., C-107, represented by manager Mr. Joseph Miller.

Ms. Leonhardt's mailing address is 102 Oak Street, Hartford, Connecticut 06106.

II. FINDINGS OF FACT

1. The applicant seeks to operate three (3) taxicabs in the towns of Barkhamsted, Bristol, Goshen, Plymouth, Thomaston, Torrington, Waterbury and Watertown.

2. Suburban Transportation, Inc. d.b.a. Valley Cab, C-1144, operates in Barkhamsted, Bristol, Goshen, Plymouth, Thomaston and Torrington in addition to other towns not listed in the application.

3. Suburban Transportation, Inc. d.b.a. Tunxis Cab, C-1093, operates in Bristol in addition to other towns not listed in the application.

4. Torrington Valley Cab, LLC, C-1161, operates only in Torrington.

5. The Waterbury Yellow Cab & Service Company, Inc. d.b.a. Yellow Cab Co., C-107, operates in Waterbury and Watertown in addition to other towns not listed in the application.

6. The applicant currently operates a construction and credit card processing business.

7. The applicant previously filed an application for taxicab service which was denied in 2013.

8. Raymond Marquis of R & M Home Improvement located in Bristol is in support of the application. Mr. Marquis is a friend of Mr. Hormoz who works for him on occasion as a sub-contractor. Mr. Marquis has his own vehicle and rarely uses taxicab service. Sometimes Mr. Marquis has to transport one of his employees to work. Mr. Marquis has approximately three or four employees who don't have drivers' licenses. He occasionally calls a taxicab to transport his employees to his home. He only calls one taxicab company for service although others may be available for service.

9. Jesse Medina is a subcontractor for the applicant who lives in Bristol. He uses taxicabs a couple of times a week for shopping and picking up his daughter. His main complaint is that the dispatchers are not truthful when they estimate the time it will take for him to get a taxicab. He has called both Valley Cab and Tunxis Cab for service.

10. Philip Williams is an electrical contractor in Colebrook. He does not use taxicabs. He has one employee that he transports from the employee's house in Plymouth to the work site. Mr. Williams lives about a fifty (50) minute ride to Plymouth. He does not currently use a taxicab

to transport his employee to the work site. Mr. Williams works as a subcontractor for the applicant on occasion.

11. Paul Tuper is a self-employed contractor with one employee. He does not call taxicabs for his employees but sometimes his employee calls for a taxicab. He has no use for a taxicab himself as he drives. He has worked for the applicant in the past.

12. Nicholas Dunn has worked as a laborer for the applicant and currently works for Paul Tuper. At this time, his driver's license is suspended but he will be getting his driver's license back soon so he will be able to drive again. He usually gets to work by getting rides with friends and has not called for a taxicab in the last six months.

13. John Pajeski is a realtor and councilman in Plymouth who has been active in town affairs for the past 50 years. While in his various positions, Mr. Pajeski heard complaints from Plymouth residents about getting taxicab service for transportation including medical appointments. He is concerned that the elderly residents may not be calling far enough ahead to get taxicab service.

14. Plymouth has a Dial-A- Ride that services the senior population for medical appointments which charges \$2.00 a trip.

15. The applicant's annual expenses include: insurance costs of \$4,500 per vehicle, repairs and maintenance of \$3,900, property taxes of \$1,500, legal fees of \$1,200, advertising costs of \$600, communication costs of \$1,200 and the cost of converting the vehicles to taxicabs of \$1,800.

16. The applicant has cash assets of \$25,750 and a 2004 Toyota Camry which is valued at \$6832. The applicant must purchase two (2) other vehicles at a cost of around \$10,000.

17. Mr. Hormoz has only identified himself and a limousine driver he knows as drivers for the company. He indicated that he would call an employment agency to find other drivers.

18. The applicant plans to utilize his taxicabs for Logisticare work which he estimates will be 25% to 30% of his total work.

19. Work under contract with the state, federal government or municipality cannot be considered in determining public convenience and necessity.

20. The applicant appears to be unfamiliar with the rules and regulations governing taxicab service. Among other things the applicant did not know what the metered rate is for the area he has requested, the metered drop rate, the average trip length, the average fare or how many taxicabs are operating in Waterbury.

21. The applicant plans to hire a consultant to show him how to operate the taxicab business and to train his drivers.

22. The only two (2) towns discussed in the hearing were Plymouth and Bristol. Little or no evidence was produced at the hearing concerning Barkhamsted, Goshen, Thomaston, Torrington, Waterbury and Watertown.

23. The applicant will dispatch the taxicabs himself from his cell phone.

III. 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 presented a criminal record check for Mr. Hormoz which shows one prior arrest in 2004. This incident is remote in time and will not be held against the applicant.

The applicant operates a construction company but he has no experience operating a taxicab business in Connecticut. Mr. Hormoz testified that he has researched the taxi business for over 500 hours prior to coming to the hearing but several times he appeared not to know answers to basic questions on how he was going to operating the taxicab service. He also appeared to lack knowledge concerning the rules and regulations overseeing the taxicab industry which he testified he had a familiarity with. One example is that Mr. Hormoz did not know how many taxicabs operate in Waterbury, a town he applied to service or what the metered drop was on the tariff he filed.

Another issue that surfaced is the applicant's dispatch service. A taxicab dispatch service must be maintained twenty-four (24) hours a day pursuant to Section 13b-96-19 of the Regulations of Connecticut State Agencies. Mr. Hormoz testified that he intends to dispatch the taxicabs from his cell phone while also acting as a driver. This dispatch method does not appear

to be viable as he is only one person and can't operate the dispatch by himself twenty-four (24) hours a day and drive a cab.

Mr. Hormoz admitted he would hire a consultant to train him and his drivers on how to operate in the taxicab business. At this point, Mr. Hormoz should have a clear vision on how he is going to operate the business and be at least familiar with his application and the rules and regulations governing the taxicab business. While there was evidence that Mr. Hormoz is a good and honest person that is not enough to prove suitability to operate the service. Based on the evidence presented, the applicant's suitability to operate the proposed taxicab service has not been proven.

As far as the applicant's financial suitability is concerned, the applicant presented evidence that the expenses include: annual insurance costs of \$4,500 per vehicle, repairs and maintenance of \$3,900, property taxes of \$1,500, legal fees of \$1,200, advertising costs of \$600, communication costs of \$1,200 and the cost of converting the vehicles to taxicabs of \$1,800. The applicant has cash assets of \$25,750 and a 2004 Toyota Camry which is valued at \$6832. The applicant must purchase two (2) additional vehicles at a cost of \$10,000. Based on the evidence presented, the applicant has shown the financial ability to operate the proposed service.

When considering the availability of qualified operators, Mr. Hormoz stated that he and a limousine driver he knows are going to be the drivers for his taxicab company. Two drivers are not adequate to operate three (3) taxicabs which would have at least six (6) shifts. When pressed about the lack of drivers, Mr. Hormoz stated that he could call an employment agency to get other drivers but he could not identify what the name of that agency is.

While the applicant has applied to service eight towns, the evidence focused only on the need for taxicab service in Plymouth and Bristol. Several of the other towns in the application, Barkhamsted, Goshen, Thomaston, Torrington, Waterbury and Watertown were barely mentioned or not mentioned at all.

With regard to proving public convenience and necessity the applicant submitted three (3) letters of support. Unfortunately, the signatories were not present for cross examination so the letters are of no weight.

The applicant presented several witnesses in support of his application. Almost all of the witnesses presented were individuals who testified at the first hearing in which the applicant was denied authority in 2013. In addition, almost all of these witnesses are friends and subcontractors of the applicant and not true independent witnesses.

Of these witnesses, only one testified that he actually needs taxicab service. All of the other witnesses spoke of their employees needing taxicab service. Since none of their actual employees testified, it is not known whether these employees would be willing to pay the taxicab rate or utilize the service. The one employee that did testify, Nicholas Dunn, stated that in a few weeks he will be getting his driver's license back so he will be able to drive himself and therefore

has no need for taxicab service.

The applicant presented only one independent witness who was not a friend or subcontractor, Councilman John Pajeski. Councilman Pajeski has been active in the affairs of the town of Plymouth for the past 50 years as a board member and a member of various committees. He is also a realtor in Plymouth. Mr. Pajeski's experience has been that residents complain to him that they are having difficulty getting to doctor's appointments. Plymouth does have a Dial-A-Ride service to transport seniors to doctors' appointments for a very modest fare of \$2.00. Since none of these residents spoke at the hearing it is not know which services they are using and what the true nature of their transportation needs are.

Mr. Hormoz testified that he plans to utilize his taxicabs for Logisticare work which he estimates will be 25% to 30% of his total fares. Work pursuant to a governmental contract cannot be considered as part of the public convenience and necessity analysis pursuant to the Regulations of Connecticut State Agencies Section 13b-96-36 therefore, the Logisticare contract work was not considered by the hearing officer in the analysis of public convenience and necessity. The fact that the applicant is seeking to perform contract work shows that he does not believe that there is enough business from local residents to sustain the three (3) taxicabs that he has requested.

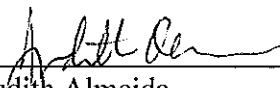
Based on the evidence presented, the applicant has failed to prove that public convenience and necessity requires a grant of taxicab authority and that the applicant is suitable to operate the service.

IV. CONCLUSION

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

Dated at Newington, Connecticut on this 18th day of March 2014.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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