



TRANSPORTATION CABINET  
TRANSP. DELIVERY

**TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
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2008 JUN 30 P 10:41 Joseph W. Prather  
Secretary

**Steven L. Beshear**  
Governor

**OFFICE OF LEGAL SERVICES**

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**Hearings Section Information Bulletin 08-001, June 2008**

**TO: APPLICANTS AND PROTESTANTS AND OTHER PARTIES INTERESTED IN APPLICATION FILINGS BEFORE THE OFFICE OF LEGAL SERVICES**

**FROM: Stuart McCloy, Deputy Executive Director** *SM*

**Cc: Dan Glass, Commissioner Department of Vehicle Regulation  
Geri Grigsby, Deputy Commissioner  
Bobby Russell, Executive Director Office of Legal Services  
All Office of Legal Services Hearing Officers**

**Subject: Status Report on Hearings Section Changes**

**Recent Retirement of Lou Amato.** Most of you are aware of the retirement on May 30, 2008 of long-time head of the hearings section, Mr. Lou Amato. He is greatly missed for his even-handed, competent and professional handling of the administration of this section and hearings that he conducted. His knowledge, experience and familiarity with you cannot be replaced. However, we are making adjustments to his departure as best we can. We appreciate your continued patience in this transition time for us.

**Recent Reduction in Staff Due to Budget Cuts.** An additional challenge that we face is that our work force in this office has been permanently reduced in the number of administrative personnel as well as attorneys. Again, this presents a challenge to us and one that is particularly acute as we also adjust to Mr. Amato's departure. Again, we beg your patience.

**Backlog of Hearings to be Scheduled this Next Week.** During this next week, Applicants and Protestants in matters that have been through the 30 day protest notice period should expect to receive scheduling orders in those matters that have not been scheduled. Unlike past practice in which you were invited to contact other interested parties to arrange a hearing time, the orders that you will receive now and in the future will inform you of the date and time certain for the final hearing. We are setting dates in September and October. In that order, you will also be informed of the date and time set for a prehearing conference to take place well in advance of the final hearing date as well as other important deadlines that must be met by the parties. The process for a non-protested application will not be affected.

**Reminders.** These reminders are for all Applicants, Protestants and their Attorneys.

- Applicants are responsible under the law for complete and accurate applications. Applications are available on the Motor Carrier website. Very carefully check your application materials before sending them to this office for filing. Due to our staff shortage, we regret that we will no longer make calls to inform you about incomplete applications and to explain in detail what you should do to submit a proper application and to hold them until complete. No one in this office will complete, correct or amend an application in any respect, even with your permission. All incomplete applications will be returned with all enclosures and checks with a brief written statement of the reason the application has been rejected without opening a case file.



- **Hearing officers are judges.** We want to make sure that all parties have confidence that they are making their recommended orders to the Commissioner based strictly on your application and relevant information from the hearing and not on any contacts that anyone may have that takes place outside of scheduled conferences with all Applicants and Protestants present by phone or in person. If you need to have some contact with the hearing officer relevant to your application or protest, you must send a writing by fax or mail and also send the same message to all other interested parties (Applicants or Protestants).
- **General information request calls.** Before making a call to this office asking for general information, please consider the following points. As a matter of course, Applicants and Protestants will be informed of all important information, in writing, concerning the status of the application and any protest concerning it: whether an application has been protested and by whom; whether an application will go forward as a non-protested application by the briefer affidavit process. Calls made during or immediately after the end of the 30 day protest notice period will not give you better or faster service or scheduling of next steps. If you are represented by an attorney he or she should be the only person to contact this office for any information concerning your application or protest.
- **Calls concerning what you should do or business related issues.** Remember that this office is charged to receive applications for certificates or permits and to make fair and unbiased recommended orders on them to the Commissioner under a formal hearing process. This office is not authorized to give legal advice or business advice to any Applicant, Protestant or to any private citizen. Legal advice can only be given by an attorney outside this office. Sometimes, this is a hard distinction to make, but understand that many questions asked of this office may have to be referred.
- **Protestants are required by law to notify the Applicant of their Protest.** Protestants are required and made responsible to inform Applicants of their protest at the same time as they notify this office.
- **Representing yourself.** The only persons who are allowed to represent themselves during this process (not just at the hearing) are those people who are "sole proprietors" and who are applying for a certificate or permit in their personal name. Everyone else must be represented by an attorney. A sole proprietor owns all of the property of his or her business in their personal name. A partnership is not a sole proprietor. A person who owns all of the stock of a corporation ("Inc." or "Corp." or "S-Corp.") is not a sole proprietor. A person who is the sole member of a limited liability company (LLC) is not a sole proprietor.
- **Notice of application or protest withdrawals or of agreements among parties.** Please inform this office as soon as possible of any application or protest withdrawal, or of any agreement that is reached between an Applicant and a Protestant that eliminates the need for a conference or a hearing. Early notice to this office will result in better service to Applicants and Protestants by allowing us to fill that hearing date if possible and to avoid the necessary advance preparation required on behalf of the hearing officer. Only one attorney in this office devotes himself full-time to hearings. All other hearing officers are trained attorneys in this office who are also assigned other litigation and administrative work. Therefore, late information also affects all of their other, non-hearing related duties.

**Website Improvements Being Planned.** Commissioner Dan Glass and Deputy Commissioner Geri Grigsby and Executive Director Bobby Russell have given approval to begin work immediately on what is planned to be a comprehensive improvement to our web pages. The first improvements will be aimed at frequently asked questions about the application process and providing examples of documents properly filled out and showing appropriate enclosures by which applicants can model their own submissions. There will be links to other websites that have information that is often required or which have other forms that are needed by Applicants but which are not in this office. In time, and as time and funding allow, we hope to be able to mount on the website for easy reference, applications filed, protests filed and the scheduled hearing docket for those matters scheduled for hearing. We may also incorporate an mailbox to which queries may be directed and handled as appropriate based on the criteria mentioned above. We solicit your suggestions, now, on things that you believe would be helpful to you regarding the information or functions that you would like to see on the website. We also invite your suggestions on any other improvements that you would like to see in our hearing section's service to you.



SERVED BY MAILING  
THIS 6-27-08

*Stuart McCloy*

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2008 JUN 30 P 1:49

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TRANSPORTATION CABINET  
DEPARTMENT OF VEHICLE REGULATION

**NOTICE OF APPLICATIONS FILED**

**PROTESTS TO THESE APPLICATIONS SHALL BE FILED NO LATER THAN  
7/28/08. PROTESTS RECEIVED AFTER THIS DATE WILL BE  
RETURNED TO SENDER.**

**LOVE LUXURY TRANSPORTATION, INC., 3104 MAJESTIC VIEW WALK,  
LEXINGTON, KY 40511**

**DOCKET NO. 08-126**

The above styled applicant seeks a certificate of public convenience and necessity authorizing the operation of two (2) limousines persons vehicles confined to the corporate limits of Lexington, Kentucky and its suburban area.

\* \* \* \* \*

**EL RASHEID ZAKARIA & AMIRA SAEID, D/B/A WE CARE MEDICAL  
TRANSPORTATION, 12514 BRIDGETOWN PLACE, LOUISVILLE, KY 40245**

**DOCKET NO. 08-127**

The above styled applicant seeks a certificate of public convenience and necessity authorizing the operation of three (3) disabled persons vehicles confined to Oldham County, Kentucky.

\* \* \* \* \*

**EL RASHEID ZAKARIA & AMIRA SAEID, D/B/A WE CARE MEDICAL  
TRANSPORTATION, 12514 BRIDGETOWN PLACE, LOUISVILLE, KY 40245**

**DOCKET NO. 08-128**

The above styled applicant seeks a certificate of public convenience and necessity authorizing the operation of seven (7) additional disabled persons vehicles as an extension to Disabled Persons Vehicle Certificate No. 3487. Disabled Persons Vehicle Certificate No. 3487 authorizes the operation of one (1) disabled persons vehicle to Jefferson County, Kentucky. If granted, applicant will be authorized to operate eight (8) disabled persons vehicles confined to Jefferson County, Kentucky. RESTRICTED TO PROVIDE TRANSPORTATION ONLY TO MEDICAID RECIPIENTS UNDER THE HUMAN SERVICE TRANSPORTATION DELIVERY PROGRAM IN KRS 281.

**RON BABCOCK, D/B/A RON & BRENDA'S TRANSPORTATION SERVICE, 4794  
BURKESVILLE RD., COLUMBIA, KY 42728  
DOCKET NO. 08-129**

The above styled applicant seeks a certificate of public convenience and necessity authorizing the operation of ten (10) disabled persons vehicles confined to Hardin County, Kentucky.

\* \* \* \* \*

**RON BABCOCK, D/B/A RON & BRENDA'S TRANSPORTATION SERVICE, 4794  
BURKESVILLE RD., COLUMBIA, KY 4272  
DOCKET NO. 08-130**

The above styled applicant seeks a certificate of public convenience and necessity authorizing the operation of ten (10) additional disabled persons vehicles as an extension to Disabled Persons Vehicle Certificate No. 1208. Disabled Persons Vehicle Certificate No. 1208 authorizes the operation of two (2) disabled persons vehicles to Green County, Kentucky. If granted, applicant will be authorized to operate twelve (12) disabled persons vehicles confined to Green County, Kentucky.

\* \* \* \* \*

**A-1 PERFORMANCE TRANSPORTATION SERVICES, INC., 110 E. GUARDIAN  
STREET, COLUMBIA, KY 42728  
DOCKET NO. 08-131**

The above styled applicant seeks approval for the lease of Taxicab Certificate No. 1229 from H & H Associates, Inc., 110 E. Guardian Street, Columbia, Kentucky 42728. Taxicab Certificate No. 1229 authorizes the operation of seven (7) taxicabs confined to Taylor County, Kentucky. If granted, applicant will be authorized to operate seven (7) taxicabs confined to Taylor County, Kentucky.  
**ATTORNEY: HUNTER DURHAM, 130 PUBLIC SQUARE, COLUMBIA, KY 42720**

\* \* \* \* \*

**A-1 PERFORMANCE TRANSPORTATION SERVICES, INC., 110 E. GUARDIAN  
STREET, COLUMBIA, KY 42728  
DOCKET NO. 08-132**

The above styled applicant seeks approval for the lease of Disabled Persons Vehicle Certificate No. 1217 from H & H Associates, Inc., 110 E. Guardian Street, Columbia, Kentucky 42728. Disabled Persons Vehicle Certificate No. 1217 authorizes the operation of two (2) disabled persons vehicles confined to Taylor County, Kentucky. If granted, applicant will be authorized to operate two (2) disabled persons vehicles confined to Taylor County, Kentucky.  
**ATTORNEY: HUNTER DURHAM, 130 PUBLIC SQUARE, COLUMBIA, KY 42720**

\* \* \* \* \*

**VICKI S. JORDAN, D/B/A TRI-STATE TAXI, HC 86 BOX 300, PINEVILLE, KY 40977  
DOCKET NO. 08-133**

The above styled applicant seeks a certificate of public convenience and necessity authorizing the operation of two (2) taxicabs confined to Bell County, Kentucky.

**REEMA MEDICAL TRANSPORTATION, LLC, 103 HIGHWOOD DR., LOUISVILLE, KY 40206**

**DOCKET NO. 08-134**

The above styled applicant seeks a certificate of public convenience and necessity authorizing the operation of eight (8) disabled persons vehicles confined to Jefferson County, Kentucky.

\* \* \* \* \*

**BAMN ENTERPRISES, LLC, D/B/A MARGARET'S MOVING & STORAGE, P. O. BOX 21323, LOUISVILLE, KY 40203**

**DOCKET NO. 08-135**

The above styled applicant seeks a certificate of public convenience and necessity as an irregular route common carrier authorizing the transportation of household goods between all points and places in Kentucky with a situs in Louisville, Kentucky.

\* \* \* \* \*

**REEMA MEDICAL TRANSPORTATION, LLC, 103 HIGHWOOD DR., LOUISVILLE, KY 40206**

**DOCKET NO. 08-136**

The above styled applicant seeks a certificate of public convenience and necessity authorizing the operation of two (2) disabled persons vehicles confined to Spencer County, Kentucky.

\* \* \* \* \*

**REEMA MEDICAL TRANSPORTATION, LLC, 103 HIGHWOOD DR., LOUISVILLE, KY 40206**

**DOCKET NO. 08-137**

The above styled applicant seeks a certificate of public convenience and necessity authorizing the operation of two (2) disabled persons vehicles confined to Shelby County, Kentucky.

\* \* \* \* \*

**REEMA MEDICAL TRANSPORTATION, LLC, 103 HIGHWOOD DR., LOUISVILLE, KY 40206**

**DOCKET NO. 08-138**

The above styled applicant seeks a certificate of public convenience and necessity authorizing the operation of three (3) disabled persons vehicles confined to Oldham County, Kentucky.

\* \* \* \* \*

**REEMA MEDICAL TRANSPORTATION, LLC, 103 HIGHWOOD DR., LOUISVILLE, KY 40206**

**DOCKET NO. 08-139**

The above styled applicant seeks a certificate of public convenience and necessity authorizing the operation of two (2) disabled persons vehicles confined to Bullitt County, Kentucky.

**DORAN CABZ & COURIERS, LLC, 890 APPLEWOOD RD., MURRAY, KY 42071**

**DOCKET NO. 08-140**

The above styled applicant seeks a certificate of public convenience and necessity authorizing the operation of one (1) limousine confined to Calloway County, Kentucky.

\* \* \* \* \*

**ELITE TAXI, LLC, 1987 PIECK DR. A, FT. WRIGHT, KY, 41011**

**DOCKET NO. 08-141**

The above styled applicant seeks approval for the sale and transfer of a portion of Taxicab Certificate No. 1163 from Jamal A. Alaawi, D/B/A Hebron Taxi, Inc., 1123 Carmania Ave., Rd., Cincinnati, Ohio 45238. Taxicab Certificate No. 1163 authorizes the operation of three (3) taxicabs confined to the corporate limits of Covington, Kentucky and its suburban area. If granted, applicant will be authorized to operate one (1) taxicabs confined to the corporate limits of Covington, Kentucky and its suburban area.

\* \* \* \* \*

**NANCY L. COUCH, D/B/A MAMA NANCY'S CABS, 385 RIVERVIEW BLVD, MURRAY, KY 42071**

**DOCKET NO. 08-142**

The above styled applicant seeks a certificate of public convenience and necessity authorizing the operation of one (1) additional taxicab as an extension to Taxicab Certificate No. 3355. Taxicab Certificate No. 3355 authorizes the operation of two (2) taxicabs confined to Calloway County, Kentucky. If granted, applicant will be authorized to operate three (3) taxicabs confined to Calloway County, Kentucky.

\* \* \* \* \*

**CAB AMERICA, LLC, 608 WINDBROOK DR., ELIZABETOWN, KY 42701**

**DOCKET NO. 08-143**

The above styled applicant seeks approval for the sale and transfer of Taxicab Certificate No. 0189 from Freddy's Taxicab Service, Inc. 1363 North Dixie, Radcliff, Kentucky 40160. Taxicab Certificate No. 0189 authorizes the operation of six (6) taxicabs confined to the corporate limits of Radcliff, Kentucky and its suburban area. If granted, applicant will be authorized to operate six (6) taxicabs confined to the corporate limits of Radcliff, Kentucky and its suburban area.

\* \* \* \* \*

INFORMATION ABOUT THE HEARING PROCEDURE

Anyone desiring to protest any of the foregoing applications may do so by filing a written protest in accordance with Regulation 601 KAR 1:030 Section 4. The protest should be sent to the Office of Legal Services, 200 Mero, Sixth Floor, Transportation Building, Frankfort, KY 40622. THE PROTESTANT SHALL MAIL A COPY OF THE PROTEST TO APPLICANT OR APPLICANT'S ATTORNEY IF ONE IS LISTED, AND STATE IN THE PROTEST THE DATE THE COPY WAS MAILED.

If this Notice of Hearing or any part thereof is incorrect, the applicant must immediately notify the Hearings Clerk at (502) 564-7650 so that a corrected notice can be distributed.

If no protest is filed to an application, the Department may elect to hold a hearing. If a hearing is not required, an order will be sent to the applicant providing the date by which it must file affidavits with the Office of Legal Services in accordance with KRS 281.801 and 601 KAR 1:031.

When a protest is filed, an order will be sent to applicant (or applicant's attorney) directing applicant to contact all protestants (or protestant's attorney) and select an agreeable hearing date, then notify the Hearing Clerk of that date. The Clerk will then issue an order scheduling the date for the hearing. Any party to the hearing may participate in person or be represented by counsel. ANY PARTY WHO IS A CORPORATION MUST BE REPRESENTED BY AN ATTORNEY. Attorney representation shall be at the party's expense. Attorneys shall enter their appearance in the proceeding with the hearing clerk if their representation was not shown on the application or a protest.

If an appearance by an applicant or protestant is not made at a hearing on the application and no request has been made for a continuance or cancellation of the hearing, the application or protest may be dismissed in accordance with the provisions of KRS 13B.080 (6).

If, after a protest is filed, a protestant desires to withdraw the protest, it must be done in writing and sent to the Hearing Clerk with a copy to all parties of record.

This 27<sup>th</sup> day of June, 2008.

  
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OFFICE OF LEGAL SERVICES  
(502) 564-7650