

# Application Certificate of Public Convenience and Necessity

## COMPLETION INSTRUCTIONS

**OFFICE OF PUBLIC CARRIER**  
DELAWARE TRANSIT CORPORATION  
119 LOWER BEECH STREET  
WILMINGTON, DELAWARE 19805-4440  
1-800-652-3278, PROMPT 7 FAX 302-577-1042

### General Instructions:

*The Office of Public Carrier is ready to assist in the completion of the Application. The Office of Public Carrier can be reached at 1-800-652-3278, Prompt 7, Monday –Friday 8:30 am to 4:00 pm.*

Any individual or company seeking to operate a public carrier business in the State of Delaware must obtain a Certificate of Public Convenience and Necessity from the Office of Public Carrier. 2 Del. C. §1800. No individual or company, or existing public carrier, shall commence any new operations, or continue any existing operations, without having first obtained from the Office of Public Carrier a Certificate of Public Convenience and Necessity.

A Certificate of Public Convenience and Necessity may be obtained by submitting a completed Application for a Certificate of Public Convenience and Necessity and paying the registration fee therefor. An Applicant must also show that its proposed operations will serve a useful public purpose, a useful public necessity and a useful public convenience responsive to a public demand. An Applicant may offer proof that a public demand for its services exists and that its operations will serve a useful public purpose, a useful public necessity and a useful public convenience by completing Attachment I of the Application or submit a business plan that provides evidence that there exists a public demand for Applicant's intended services and that Applicant's services will serve a useful public purpose, a useful public necessity and a useful public convenience.

In addition to the above, an Applicant shall demonstrate that the Applicant is of good moral character, as shall be evidenced by exhibiting compliance with all applicable laws and regulations, and shall not have been convicted of a felonious or infamous crime involving fraud or deceit.

The Application must be completed in its entirety and all attachments thereto be clearly identified as requested by the Application. An Application Checklist is available on the Office of Public Carrier's website, [www.dartfirststate.com/publiccarrier/PC](http://www.dartfirststate.com/publiccarrier/PC), to assist the Applicant in attaching all required documents.

Applicants are not required to have purchased vehicles, business licenses, insurance, etc. until after the Application has been approved; however, Applicant must state an intent to obtain such items if its Application is approved. If Applicant is approved to receive a Certificate of Public Convenience and Necessity Applicant must submit the following before commencing operations:

- A copy of the Applicant's business license issued by the Delaware Division of Revenue.
- Federal Bureau of Investigation and a State Bureau of Investigation criminal history background check for each driver of the company to verify that they are clear of any disqualifying crime
- Registration cards for each vehicle, registrant to match Delaware business license and insurance.
- A General Liability insurance policy, from a solvent, reputable insurance company licensed to do business in the State of Delaware, for the payment of property damage and personal injuries sustained by acts or failures to act by a Public Carrier in an amount no less than one million dollars (\$1,000,000); or an approved bond, from a solvent, reputable surety company licensed to do business in the State of Delaware, that shall be conditioned for the payment of property damage and personal injuries sustained by acts or failures to act by a Public Carrier, and shall be in an amount no less than one hundred thousand dollars (\$100,000).
- Auto Liability insurance policy which identifies the Office of Public Carrier Regulation, Delaware Transit Corporation, 119 Lower Beech Street, Wilmington, DE 19805-4440, as the Certificate Holder.

Application Parts I and II must be carefully and completely filled out by computer, typewriter, or neat handwriting using black or blue ink. All portions must be answered in it's entirety with the words "none" or "N/A" when portions do not apply. The Application does not have to be notarized.

If you are required to include documentation and the space provided in the Application is insufficient, use 8 1/2 X 11 inch plain paper and write in the portion on the Application "See Attachment (A, B, C, etc)".

The Application may be mailed to or dropped off at:

The Office of Public Carrier  
119 Lower Beech Street,  
Wilmington, DE 19805-4440.  
M-F 8:30 am to 4:00 pm

If the Application is not complete, it will not be accepted by the Office of Public Carrier. The Application and any fees remitted will be returned to you for correction and may delay the approval of your Application.

Every Application must be accompanied by the required attachments and the filing fee indicated at the top of each Application. Checks must be made payable to the Delaware Department of Transportation (DelDOT). Filing fees are non-refundable once the Application has been accepted by this office.

In accordance with 2 Del. C. c. 18, a public hearing may be required if intervention is received on the Application filed within the ten day comment period. The Applicant will be contacted for a convenient time if the hearing is necessary. The Applicant will be charged for the stenographic record of the hearing. As annotated in the Delaware Department of Transportation Rules and Regulations Pertaining to the Regulation of Public Carriers, Chapter 7, 7-2 (a) "The Applicant or the public carrier about whom the hearing is being held will be responsible for the cost of the stenographic record." The cost of this service begins at approximately \$150.00 per hearing. The Applicant must be prepared and is obligated to pay the Court Reporters fee immediately at the

end of the hearing. All payments will be made directly to the Court Reporter. No hearing decision will be determined until this fee is paid in full.

**Note:** If your company intends to apply as a limousine or non-emergency medical transport service and your vehicle has a passenger capacity of 16 persons or more, including the driver, your company must apply for "Charter Bus" rights as defined by 2 Del. C. c. 18 § 1801 (10). Therefore, it may be necessary to file two separate Applications, if your fleet includes vehicles that have to transport 15 passengers or less, including the driver (limousine), and also vehicles that have the capacity to transport 16 passengers or more, including the driver (charter bus).

## **Application**

### **Section 1: Type of Operations:**

The filing fee to apply for a Certificate of Public Convenience and Necessity is \$400.00 effective January 10, 2010. The filing fee must accompany the Application in order for this office to accept the Application. All Applications received without the correct filing fee will be returned to the Applicant. A separate Application and filing fee must be submitted for each service type that the Applicant is requesting.

Check off the type of service that you plan to provide to the public. Contact the Office of Public Carrier if you have questions regarding the definition of each type of service.

Check off the service area that the Applicant plans to provide service to the public. A service area can include a single county, multiple counties, or statewide operations. A custom operating territory may be requested if the Applicants operations will be providing service to a specific market segment. Include a description of the custom territory requested. You may attach a map to show the custom service area to assist in this process.

### **Section 2: Applicant Information:**

Complete all information requested in this section as applicable. The legal name of the company must match all other records submitted by the Applicant to conduct operations which include registration with the Delaware Secretary of State (as applicable), vehicle titles, insurance quotes, etc.

The Applicant may conduct business using a "Trading As (TA)". All advertising and correspondence with the public must indicate either the legal name or TA of the Applicant. The name of the Applicant used in conducting business with the public may in no way state or imply services that are not authorized to be provided by the Applicant. (For example: Bob's Taxi & Limo Service can not be used if the Applicant is not authorized to operate as both a taxi and a limousine).

Include the Federal Employer Identification Number (FEIN) issued by the Internal Revenue Service for the legal entity applying for the Application. Applicants operating as a sole proprietorship may apply using their social security number; however, if the Applicant has employees the Internal Revenue Service may require that a FEIN be issued for this purpose. A FEIN can be applied for online at the [www.irs.gov](http://www.irs.gov).

### **Section 3: Business Owners, Officers, Directors, Members, Partners:**

Provide the name, social security number, date of birth, and ownership percentage for ALL owners, officers, directors, members, or partners of the Applicant.

Include copies of the articles of incorporation or partnership agreements as applicable. Registration with the Delaware Secretary of State may be required for both domestic and foreign companies. Attach a copy of registration with the Delaware Secretary of State or include a statement as to the reason why the Applicant is not required to be registered.

Attach and label as attachment A.

**Section 4: Operational Information:**

Indicate if the proposed operations will be conducted year round or seasonally. If the operations will be conducted seasonally, include a description of the period of the year and the hours of operation that you will operate.

**Section 5: Vehicle Information:**

Submit a list of the vehicles and copies of the registration cards for vehicles that are already in possession of the Applicant. Each vehicle registration and insurance card must match the Applicant's name. Attach a list if more room is needed.

For proposed operations, submit a purchase quotation document from the individual/company that you intend to purchase the vehicle(s) from and/or a letter of intent to purchase the vehicle(s) within 180 days, if approved.

Attach and label as attachment B.

**Section 6: Proposed Color or Design:**

For Applicants applying for taxi or charter bus rights, you must submit a color picture or proposal for a color scheme, insignia, name, or monogram to be permanently affixed to the vehicle. The color scheme or design can not simulate the color scheme or design of other public carriers already authorized to conduct business within the same local area.

Attach and label as attachment C.

**Section 7: Driver Information:**

Provide the name, social security number, date of birth, driver's license number, and state of issuance for each driver that will be providing transportation to the public. Include a legible copy of each driver's license and a current driving record from their state of residence. All drivers that will be operating taxicabs must have the proper Division of Motor Vehicle endorsements on their licenses.

Attach and label as attachment D.

**Section 8: Financial Fitness Requirement:**

All public carriers must show sufficient financial ability to compensate a member of the public for injuries to person or property, which they may sustain from acts or failures to act of the public carrier. Public carriers holding a Certificate of Public Convenience and Necessity, issued by this State, must provide the Department with one of the following:

- a. A General Liability insurance policy, from a solvent, reputable insurance company licensed to do business in the State of Delaware. This policy shall be conditioned for the payment of property damage and personal injuries sustained by acts or failures to act by a Public Carrier, and shall be in an amount no less than one million dollars (\$1,000,000).

- b. A bond, as authorized by Delaware law. The approved bond form may be obtained from the Office of Public Carrier Regulation. A solvent, reputable surety company licensed to do business in the State of Delaware must complete the form, letter, or certificate. The bond shall be conditioned for the payment of property damage and personal injuries sustained by acts or failures to act by a Public Carrier, and shall be in an amount no less than one hundred thousand dollars (\$100,000). If the bond becomes insufficient because of claims or any other reason, the operator shall have seven (7) days to restore it to the full amount, or obtain a general liability policy as stipulated.
- c. Documentation of any nature which the Public Carrier presents as evidence of meeting the financial ability provision. This documentation is subject to review by the Office of Public Carrier Regulation, and if necessary, legal counsel of the Delaware Department of Transportation. If the proposed method of accountability is accepted, it is subject to verification by the Office of Public Carrier Regulation at any time, and failure to meet the financial ability provision at any time will be cause for immediate suspension of the Certificate of Public Convenience and Necessity.

Attach and label as attachment E.

### **Section 9: Auto Liability Insurance:**

For the proposed operations, the Applicant must be covered by and with a public liability and property damage policy issued by an insurance company licensed to conduct business in the State of Delaware. A copy of an insurance quote is acceptable for proposed operations. The quote must include the minimum amounts of coverage requested and indicate that the insurance company will extend coverage to the Applicant suitable for the type of operations being conducted.

Attach and label as attachment F.

### **Section 10: Background Check:**

All business owners, officers, directors, members, and partners must provide a Federal Bureau of Investigation and State Bureau of Investigation criminal background check to verify they are clear of any disqualifying crime. 2 Del. C. c. §1802(e)(1) states that "...the Applicant shall be of good moral character, as shall be evidenced by exhibiting compliance with all applicable law and

Regulations, and shall not have been convicted of a felonious or infamous crime involving fraud or deceit."

The background checks must be submitted along with the original Application for ALL owners, officers, directors, members, or partners of the Applicant.

Attach and label as attachment G.

### **Section 11: Rates:**

A copy of the rates to be charged to customers must be included. This document must be typed and on company letterhead. It must clearly identify the information that a customer needs to determine the charge for transport to and from a particular destination. Once established, rates can not be changed unless a formal request is received by this office. In addition, only vehicles equipped with a taximeter can utilize a per mile rate.

Public carriers shall apply to the Office of Public Carrier to amend the current rate schedule or temporary fuel surcharge fee at least thirty days prior to the effective date of the proposed rate change. The filing fee for this Application is \$100.00.

All changes to rates schedules must be advertised in a newspaper of general circulation for two separate days in two consecutive weeks in the geographic area affected by the changes at least 30 days prior to the effective date.

Attach and label as attachment H.

**Section 12: Proposed Operations:**

An Applicant must offer proof that a public demand for its services exists and that its operations will serve a useful public purpose, a useful public necessity and a useful public convenience by completing Attachment L of the Application or submit a business plan that provides evidence that there exists a public demand for Applicant's intended services and that Applicant's services will serve a useful public purpose, a useful public necessity and a useful public convenience.

Attach and label as attachment I.

**Section 13: Fixed Route:**

All fixed route carriers must submit a map of the proposed routes and schedules for which public transportation services will be provided. If operating within a municipality, please include evidence that the municipality has approved the fixed route and if these services are being provided in response to a public demand.

Attach and label as attachment J.

**Applicant's Signature:**

The Applicant should review the Application thoroughly before signing and dating it. Any false or substantive omission of information may be cause for rejection of the Application, or revocation of a Certificate of Convenience and Necessity if one has been issued.