WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,945

IN THE MATTER OF: Served August 12, 2011

Application of AMERICAN DC LIMOUSINE AND BUS SERVICE INC., Trading as AMERICAN DC LIMOUSINE, for a Certificate of Authority -- Irregular Route Operations) Case No. AP-2010-152

This matter is before the Commission on applicant's response to Order No. 12,749, served March 3, 2011.

I. BACKGROUND

The Commission conditionally approved applicant's application for a certificate of authority in this proceeding on November 12, 2010, in Order No. 12,625, pursuant to the Washington Metropolitan Area Transit Regulation Compact.[1] The order stipulated that Certificate No. 1658 would be issued to applicant upon applicant's satisfaction of the conditions of approval requiring applicant to present its vehicles for inspection by Commission staff and file certain documents. The approval order admonished: "That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph." Certificate No. 1658 has not been issued yet.

On November 23, 2010, the Commission received a complaint regarding passenger transportation allegedly performed by applicant in a 24-passenger limo bus between points in the District of Columbia (which is wholly within the Metropolitan District) on November 19-20, 2010. The Commission forwarded a copy of the complaint to applicant on December 20, 2010, and received applicant's response on January 3, 2011. In the response, applicant appeared to admit performing the trip and charging the customer a total of $650.

Article XI, Section 6(a), of the Compact provides that: "A person may not engage in transportation subject to this Act unless there is in force a 'Certificate of Authority' issued by the Commission authorizing the person to engage in that transportation." Article XI, Section 14(c), of the Compact provides that: "A carrier may not charge a rate or fare for transportation subject to this Act other than the applicable rate or fare specified in a tariff filed by the carrier under this Act and in effect at the time." It thus appeared that applicant had admitted violating these provisions.

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[1] Pub. L. No. 101-505, § 1, 104 Stat. 1300 (1990), *amended by* Pub. L. No. 111-160, 124 Stat. 1124 (2010) (amending tit. I, art. III).

Accordingly, we reopened this proceeding in Order No. 12,749 to allow applicant an opportunity to show cause why the Commission should not: (1) assess a civil forfeiture against applicant pursuant to Article XIII, Section 6(f), of the Compact for knowingly and willfully operating without authority; (2) direct applicant to refund the $650 collected from the complainant without a valid tariff in effect; and/or (3) rescind the conditional grant in Order No. 12,625.[2]

II. RESPONSE AND FINDINGS

Applicant has filed a response denying any admission of operating without authority. Applicant's president, Ms. Tanya Ghareeb, states under oath that applicant subcontracted the trip in question to "Five Star Coach Way" and that applicant refunded $150 to the complainant in compromise of the claim.

Ms. Ghareeb's statement is corroborated by a copy of the advice from the merchant service vendor that processed the refund and a statement from Five Star Coachways, Inc.

Commission records show that Five Star Coachways, Inc, held WMATC Certificate No. 1646 at the time of the trip in question.

We therefore find applicant has shown cause why the Commission should not take the actions proposed in Order No. 12,749.

III. CONCLUSION

Inasmuch as the record shows that applicant timely satisfied the conditions of the grant of authority issued in Order No. 12,625, served November 12, 2010, Certificate of Authority No. 1658 shall be issued to American DC Limousine and Bus Service Inc., trading as American DC Limousine, 3057 Nutley Street, #345, Fairfax, VA 22031-1931.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND HOLCOMB:

William S. Morrow, Jr.
Executive Director

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[2] *See In re Double Decker Bus Tours W.D.C., Inc., t/a Double Decker Bus Wash., D.C.*, No. AP-95-21, Order No. 5963 (Aug. 15, 2000) (reopening application proceeding); *In re Ruchman & Assocs., Inc., t/a RAI, Inc.*, No. AP-91-32, Order No. 3868 (Dec. 19, 1991) (setting hearing to investigate post-approval, pre-issuance operations).