

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,995

IN THE MATTER OF:

Served October 3, 2011

Formal Complaint of CSL LLC,)
Trading as DOUBLE DECKER TOURS,) Case No. FC-2011-02
WMATC No. 1240, Against CITY)
SIGHTSEEING WASHINGTON DC INC.,)
Trading as OPEN TOP SIGHTSEEING)
WASHINGTON, WMATC No. 931)

The Washington Metropolitan Area Transit Commission (Commission or WMATC) licenses and regulates private-sector, for-hire motor carriers transporting passengers between points in the Washington Metropolitan Area pursuant to the Washington Metropolitan Area Transit Regulation Compact (Compact).¹

Article XIII, Section 1(a), of the Compact stipulates that: "A person may file a written complaint with the Commission regarding anything done or omitted by a person in violation of a provision of this Act, or in violation of a requirement established under it." "If the respondent does not satisfy the complaint and the facts suggest that there are reasonable grounds for an investigation, the Commission shall investigate the matter."² "If the Commission determines that a complaint does not state facts which warrant action, the Commission may dismiss the complaint without hearing."³

On May 4, 2011, CSL LLC, trading as Double Decker Tours, WMATC No. 1240, filed a formal complaint against City Sightseeing Washington DC Inc., trading as Open Top Sightseeing Washington, DC, (Open Top), WMATC No. 931, alleging various violations of the Compact and Commission regulations.

On May 17, 2011, Open Top requested an extension of time to file an answer. That request was granted the same day in Order No. 12,862, and the May 23, 2011, answer deadline was extended to June 2, 2011. On June 2, Open Top filed an answer and a motion to dismiss. CSL filed an opposition to the motion on June 13, and Open Top filed a reply on June 17.

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).

² Compact, tit. II, art. XIII, § 1(b)(i).

³ Compact, tit. II, art. XIII, § 1(b)(ii).

On August 5, 2011, Open Top filed an application to acquire the assets of CSL. In the course of finding Open Top fit to acquire CSL's assets, the Commission considered the allegations in the complaint:

Although a complaint filed by CSL LLC against applicant is pending, no findings have been made, CSL has stated its intent to withdraw the complaint before closing, and where a complainant and respondent have settled their differences, and there is no valid public purpose to be served independent of the controversy between complainant and respondent, then dismissal is appropriate.⁴

The Commission examined each allegation in the complaint and determined that no action was required:

Under the circumstances, it does not appear that the public interest requires investigation of the allegations in the complaint at this time. If the proposed acquisition ultimately is not consummated, complainant will be given an opportunity to supplement the complaint to address the foregoing comments.⁵

On September 30, 2011, CSL filed a motion to dismiss its complaint.

Inasmuch as both complainant and respondent have moved to dismiss the complaint, and considering that the Commission has determined that the public interest does not require investigation of the allegations in the complaint at this time, the motions to dismiss shall be granted.⁶

IT IS SO ORDERED.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director

⁴ *In re City Sightseeing Wash. DC Inc., t/a Open Top Sightseeing Wash., DC*, No. AP-11-101, Order No. 12,969 at 2 (Aug. 30, 2011).

⁵ *Id.* at 3.

⁶ *See VIP Coach Servs., Inc., & White House Sightseeing Corp.*, No. AP-84-06, Order No. 2550 (May 1, 1984) (same).