

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 13,664

IN THE MATTER OF:

Served January 4, 2013

Application of EXECUTIVE TECHNOLOGY)
SOLUTIONS, LLC, for a Certificate)
of Authority -- Irregular Route)
Operations)

Case No. AP-2012-079

This matter is before the Commission on applicant's response to WMATC Order No. 13,543, served October 19, 2012, which gave applicant: (1) 30 days to show cause why the Commission should not assess a civil forfeiture against applicant for operating while suspended, revoked, and in violation of a cease and desist order; (2) 30 days to explain in writing why the Commission should not deny this application under Article XI, Section 7(b), of the Compact for applicant's failure to demonstrate regulatory compliance fitness; and (3) 15 days to submit a request for oral hearing that specifies the grounds for the request, describes the evidence to be adduced, and explains why such evidence cannot be adduced without an oral hearing.

Applicant timely submitted a Request for Oral Hearing on November 2, 2012, and responsive documents on November 16, 2012. This order addresses the request for hearing.

The factual grounds for hearing and the evidence to be adduced are stated in the request as follows:

(1) An oral hearing is requested to examine witnesses under oath and on the record. There are multiple documents and items which are disputed in the history of violations as accounted for in Order No. 13,357 (sic) that have not been sufficiently understood by the Commission which will be better explained by oral testimony.

(2) Witnesses will be used to supplement the entire record regarding Order No. 13,357, (sic) including, but not limited to, an explanation of the documents that the Commission currently does not accept as evidence to dispute allegations that ETS has used unauthorized carriers; and to explain the circumstances leading to the filing of ETS complaints.

(3) Oral testimony, particularly evidence adduced from direct examination, is necessary to ensure that the Commission has sufficient understanding of the circumstances contributing to past alleged violations.

Applicant's request for hearing shall be granted. Applicant shall bear the expenses of the hearing in accordance with Title II of the Compact, Article XIV, Section 1, and WMATC Regulation No. 54-03.

THEREFORE, IT IS ORDERED:

1. That an oral hearing shall be held in this proceeding at the office of the Commission from 10:00 a.m. to 2:00 p.m. on March 4, 2013.

2. That pursuant to Article XIV, Section 1, of the Compact and Regulation No. 54-03, the Commission hereby assesses the sum of two thousand five hundred dollars (\$2,500) as the sum of expenses the Commission estimates it will incur in connection with the hearing.

3. That respondent is hereby directed to pay to the Commission on or before February 19, 2013, by check or money order, the sum of two thousand five hundred dollars (\$2,500).

4. That the funds remitted by respondent pursuant to this order shall be used to hire a reporter and presiding officer to, respectively, transcribe and conduct the hearing.

5. That the parties may call any witness with personal knowledge of the evidence in the record, including the documents submitted November 16, 2012. The testimony shall be confined to matters directly relating to the evidence of record and shall be subject to cross-examination.

6. That no later than February 19, 2013, each party shall file a list containing the name, address, and telephone number of each witness to be called at the hearing, including rebuttal witnesses. The list shall set forth a brief description of the testimony to be given by each witness and an estimate of the time necessary for direct examination of each witness. Witnesses called for impeachment purposes only need not be listed.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND BELLAMY:



William S. Morrow, Jr.
Executive Director