

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1891

IN THE MATTER OF:

Served September 28, 1978

EDWARDS TRUCKING COMPANY, INC., )  
Investigation and Partial Revocation)  
of Certificate of Public Convenience)  
and Necessity No. 40 )

Case No. MP-78-9

By Order No. 1864, served July 14, 1978, the Commission instituted the above-captioned proceeding pursuant to Title II, Article XII, Section 4(g) of the Compact for the purposes of (a) determining whether Edwards Trucking Company, Inc. (Edwards), is in compliance with the provisions of the Compact, including Title II, Article XII, Section 3, Edwards' Certificate of Public Convenience and Necessity No. 40, and the rules, regulations and orders of the Commission, and (b) determining whether said Certificate No. 40 should be revoked to the extent, if any, said carrier is found not to be in compliance.

Specifically, Certificate No. 40, as reissued September 8, 1977, authorizes Edwards, inter alia, to conduct charter operations pursuant to a contract or contracts with the United States Nuclear Regulatory Commission (NRC) transporting employees of the United States government and persons traveling on official government business, together with mail, between the facilities of the NRC at 1717 H Street, N. W., Washington, D. C., and the facilities of the NRC at 7920 Norfolk Avenue, Bethesda, Md. Edwards' WMATC Tariff No. 3 includes a contract to provide service which expired June 30, 1978. No notice of extension or termination of this contract has been filed with the Commission. On July 5, 1978, Beltway Limousine Service, Inc. (Beltway), filed its WMATC Tariff No. 4, Supplement No. 1, covering the operations described above including a contract between Beltway and the NRC effective July 1, 1978, through June 30, 1979. Thus, it appears that Edwards is not furnishing the transportation authorized by its certificate as required by Title II, Article XII, Section 3 of the Compact, Commission Regulation No. 63-01 and the terms of its certificate, and that it did not provide written notice to the Commission within five days of the termination of any contract as directed by Certificate No. 40.

A public hearing on the matter was scheduled for August 14, 1978. On August 10, 1978, counsel for Edwards filed a verified "Admission of Facts" as well as a "Waiver of Rule 29 (sic) and Request for Date to File Brief on Argument". The public hearing was cancelled by Order No. 1872, served August 11, 1978, pending the Commission's review of the proceeding.

Edwards acknowledges that it provided the transportation for NRC through contractual agreement until June 30, 1978. It admits that effective July 1, 1978, the charter operation was re-bid by NRC and Edwards has been advised that Beltway was the successful bidder. Edwards contends that the involved contract was not terminated by NRC nor was it extended or modified, but rather it merely expired in accordance with its terms. However, Certificate No. 40 specifically requires notice of a contract termination, whether scheduled or premature. The carrier admits that no such notice of termination was filed with the Commission. Edwards' admissions are corroborated by the contract on file with the Commission and other facts of record. We therefore adopt Edwards' admissions as our finding of fact herein.

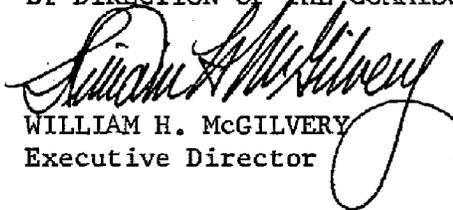
Based on these findings, the Commission concludes (a) that Edwards is in violation of Title II, Article XII, Section 3 of the Compact, Commission Regulation 63-01 and the fourth ordering paragraph of its Certificate No. 40 for failure to render reasonable, continuous and adequate service to the public in pursuance of the authority to serve NRC in said certificate and (b) that Edwards has violated the third ordering paragraph of its Certificate No. 40 by failure to provide written notice to the Commission within five days of the date of termination of its contract with NRC.

THEREFORE, IT IS ORDERED:

1. That Edwards Trucking Company, Inc., is hereby directed fully to comply, within 30 days from the date of service hereof, with the provisions of the Compact, the Commission regulation and the terms, conditions and limitations of its certificate found by the Commission to have been violated.

2. That Edwards Trucking Company, Inc., is hereby directed, within 35 days from the date of service hereof, to file either a notarized statement detailing the state of its compliance as directed herein or a response of counsel showing good cause, if any there be, why Certificate of Public Convenience and Necessity No. 40 should not be revoked to the extent it grants authority to conduct operations pursuant to a contract with the United States Nuclear Regulatory Commission.

BY DIRECTION OF THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director