

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2143

IN THE MATTER OF:

Served September 25, 1980

Application of INTERNATIONAL)
LIMOUSINE SERVICE, INC., for)
Temporary Authority to Conduct)
Charter Operations Pursuant to)
Contract with USDA-APHIS)

Case No. AP-80-22

By application filed September 3, 1980, as supplemented on September 16, 1980, International Limousine Service, Inc., seeks temporary authority to conduct charter operations pursuant to contract with the United States Department of Agriculture-Animal and Plant Health Inspection Service (APHIS), transporting APHIS employees and persons traveling on official business with APHIS, together with mail in the same vehicle with passengers, between the Department of Agriculture South Building, Independence Avenue, S. W., Washington, D. C., the Federal Building, 6505 Belcrest Road, Hyattsville, Md., and the Presedential Building 6526 Belcrest Road, Hyattsville, Md. APHIS has contracted with the U.S. Small Business Administration for this service and SBA has, in turn, subcontracted with International. Inasmuch as APHIS will have supervisory responsibility for the contract and make the payments thereon directly to International we will consider APHIS to be the contracting agency for the purpose of our discussion herein.

APHIS requires two vehicles to operate from 7:20 a.m. to 4:45 p.m. each Federal workday during the period October 1, 1980, through September 30, 1981. This service has been performed by Beltway Limousine Service, Inc., most recently under temporary authority set to expire on September 30, 1980. */ International states that it is not aware of any other carrier operating the required 20-passenger vehicles.

*/ See Order No. 2116, served June 6, 1980, granting Beltway 117 days temporary authority. The Compact, Title II, Article XII, Section 4(d)(3) provides that temporary authority may not be granted for more than 180 days.

On September 22, 1980, Beltway filed a protest to the application. Beltway states that it is ready and willing to continue service for APHIS and would suffer an adverse economic impact if this application is granted. Beltway acquired its 20-passenger vehicles specifically for this contract and has no other authority to utilize such vehicles. Beltway also suggests that the contract award violates certain SBA regulations.

More to the point, however, is Beltway's allegation that International has been engaged in substantial uncertificated operations. Beltway points out that International's operating statement shows income far in excess of what could be earned from applicant's authorized operations. While it is possible that some of this excess income is attributable to applicant's exempt limousine operations, we note that International's equipment list includes 13 vans or minibuses, a number far in excess of any authorized requirements. Beltway further substantiates its claim with a receipt issued by International indicating that a 14-passenger van was used to transport 11 passengers on a three-hour sightseeing excursion on Sunday, September 21, 1980, for a total charge of \$111.32.

Title II, Article XII, Section 4(d)(3) of the Compact provides

[t]o enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service.

One of the considerations involved in our exercise of discretion under the above-quoted section is the applicant's fitness which we weigh in light of the urgency for service. Here, we find that the evidence mitigates against an affirmative determination of the applicant's fitness at this time. In our view, the allegations raised by Beltway are sufficiently serious to warrant further inquiry. Correspondingly, Beltway's temporary authority can be extended through December 2, 1980, in the event that APHIS indicates a desire to continue the use of that carrier's service. In that interim, the Commission shall expedite its consideration of International's fitness.

THEREFORE, IT IS ORDERED:

1. That the application of International Limousine Service, Inc., for temporary authority is hereby scheduled for public hearing to commence on Wednesday, October 15, 1980, at 9:30 a.m., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

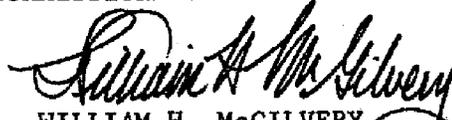
2. That Commission Rule No. 6-01 generally requiring 25 days prior notice of a hearing is hereby waived so that the application may receive expedited consideration.

3. That applicant is hereby directed to produce on Tuesday, October 7, 1980, at 9:00 a.m., for inspection and photocopying at the offices of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, its books, records, tickets, receipts, service orders and other documents describing transportation for hire of passengers between points in the Metropolitan District in vehicles with a seating capacity in excess of eight passengers (excluding the driver) during the period June 1, 1980, through September 30, 1980, and further to produce said documents at the time and place of the above-scheduled public hearing.

4. That applicant is directed to furnish at the time and place set in the preceding paragraph six copies of a list containing the names, addresses and telephone numbers of each of applicant's employees, agents or servants holding a license to guide or escort persons through or about the District of Columbia pursuant to D. C. Code (1973 Ed.) Section 47-2338, and to produce the original thereof at the above-scheduled public hearing.

5. That applicant is hereby assessed \$250, an amount preliminarily estimated to cover the expenses of this proceeding which an applicant is required to bear pursuant to Title II, Article XII, Section 19 of the Compact, and is directed to deliver said amount to the office of the Commission no later than Tuesday, October 7, 1980, at 9:00 a.m.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS SCHIFTER AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director