

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2754

IN THE MATTER OF:

Served August 22, 1985

RODGERS E. JOHNSON T/A J&J BUS)
SERVICE, Investigation of)
Compliance and Order to Show Cause)

Case No. MP-85-08

By Order No. 2729, served June 27, 1985, the Commission, inter alia, conditionally granted authority to transfer Certificate No. 39 from Rodgers E. Johnson, a sole proprietor, to J&J Bus Service, Inc., and authority to amend the operating rights contained in Certificate No. 39. These grants and dismissal of the pending investigation were conditioned upon respondent filing within 30 days an updated equipment list and a new tariff comporting with the rates discussed in Order No. 2729. That order further provided that if respondent failed to comply with these requirements, the investigation would continue, the grant of authority would be void, and the application to amend Certificate No. 39 would stand denied in its entirety.

A new tariff was timely filed on or about July 10, 1985. Applicant was informed by letter dated July 18, 1985, of his obligation to file an equipment list no later than July 26, 1985, in order to preclude the grant of authority becoming void. However, respondent failed to file the required equipment list. Respondent having failed to comply with the requirements of Order No. 2729, the grants therein became void, and the investigation in Case No. MP-85-08 remains open.

By letter dated August 13, 1985, the Commission's Executive Director so advised respondent. That letter also advised respondent as follows:

Enclosed are a copy of Certificate No. 39, issued June 21, 1978, and WMATC Tariff No. 2 of Rodgers E. Johnson t/a J&J Bus Service. Together these embody all routes, rates, and service points for which J&J has WMATC authority. Any operations within the Metropolitan District which are not expressly authorized in the attached certificate constitute a violation of the Compact, Title II, Article XII, Section 4(b). Any charges other than those specifically set forth in the attached WMATC Tariff No. 2 constitute a violation of the Compact, Title II, Article XII, Section 5(d). Such violations may be grounds for revocation of existing authority on the basis of lack of fitness as required by the Compact, Title II, Article XII, Section 4(b).

Respondent's admissions on the record of this case clearly show that he was not operating in accordance with either his Certificate No. 39 or his WMATC Tariff No. 2. However, we continue to be keenly aware that regular route commuter services are at stake here. Our high regard for such service cannot, however, extend as far as exposing passengers to the operations of an unfit carrier. Our strenuous efforts to resolve this matter in respondent's favor having failed, and this investigation remaining open and unresolved, we shall again schedule this case for public hearing and direct respondent to show cause, if any there be, why he should not be found unfit and why Certificate No. 39 should not be revoked in its entirety.

THEREFORE, IT IS ORDERED:

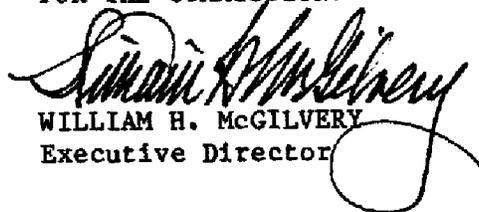
1. That Case No. MP-85-08 is hereby scheduled for public hearing to commence Thursday, September 19, 1985, at 9:30 a.m., in the Hearing Room of the Commission, 1625 I Street, N.W., Room 314, Washington, D.C. 20006.

2. That respondent Rodgers E. Johnson, trading as J&J Bus Service, is directed to appear at the above-scheduled public hearing to show cause, if any there be, why respondent should not be found unfit to transport passengers for hire between points in the Metropolitan District and why respondent's Certificate of Public Convenience and Necessity No. 39 should not be revoked in its entirety.

3. That respondent Rodgers E. Johnson, trading as J&J Bus Service, is directed to produce at the above-scheduled hearing a written description of all routes operated, points served, rates charged, and vehicles operated since July 27, 1985.

4. That respondent Rodgers E. Johnson, trading as J&J Bus Service, is hereby assessed the sum of \$400 pursuant to the Compact, Title II, Article XII, Section 19, and is directed to deliver said sum to the office of the Commission, Suite 316, 1625 I Street, N.W., Washington, D.C. 20006, no later than Monday, September 9, 1985.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director