

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3607

IN THE MATTER OF:

Served February 5, 1991

Formal Complaint of AIR COURIERS)
INTERNATIONAL GROUND TRANSPORTATION)
SERVICES, INC., Trading as)
PASSENGER EXPRESS Against MADISON)
LIMOUSINE SERVICE, INC.)

Case No. FC-90-02

By Order No. 3510, served June 4, 1990, in the above-captioned matter Madison Limousine Service, Inc. (Madison or respondent), was found to be in wilful violation of the Compact, Title II, Article XII, Section 4(a). Madison was directed to cease and desist from conducting transportation covered by the Compact, except to the extent such transportation was authorized by Madison's Special Authorization No. SP-132-03. */ The Commission further found that, if continued, such wilful violation would tend to show an unwillingness or inability of respondent to comply with the requirements of the law and could, for that reason, necessitate revocation of Special Authorization No. SP-132-03. Order No. 3510 granted respondent a 90-day rehabilitation period and directed respondent, at the close of that period, to certify to the Commission in detail the steps taken to correct past mistakes and to establish prospective compliance fitness and to further certify the status of its compliance with the Compact and the Commission's requirements thereunder. Respondent was directed to serve a copy of that certification upon counsel for Air Couriers International Ground Transportation Services, Inc., trading as Passenger Express (Air Couriers or complainant). Complainant was given five business days to respond.

The 90-day rehabilitation period expired on or about September 4, 1990. On September 11, 1990, complainant's counsel filed a letter alleging that (1) no certification from respondent had been received; (2) respondent was continuing to transport Pan American World Airways (Pan Am) flight crews between Washington Dulles International Airport (Dulles), Loudoun County, VA, and Andrews Air Force Base (Andrews), Prince George's County, MD; (3) respondent was transporting flight crews of Aeroflot Airlines (Aeroflot) between Dulles and unspecified points in Washington, DC; and (4) respondent was transporting flight crews of Lufthansa Airlines (Lufthansa) between Dulles and the Shoreham Hotel in Washington, DC.

*/ WMATC Special Authorization SP-132-03 authorizes certain charter operation pursuant to contract with Air France.

On September 20, 1990, Madison's president filed an unverified letter stating that Madison had discontinued serving Pan Am at Dulles and would consult with the Commission before entering into any new contracts. By this letter Madison requested closure of Case No. FC-90-02.

On September 24, 1990, complainant's vice president filed an affidavit attesting that (1) complainant did not receive a copy of Madison's letter until one was sent it by the Commission; (2) Madison had discontinued serving Pan Am between Dulles and Washington, DC; (3) Madison continued to transport Pan Am flight crews between Dulles and Andrews; (4) Madison continued to transport Aeroflot flight crews between Dulles and unspecified points in Washington, DC; and (5) Madison continued to transport Lufthansa flight crews between Dulles and the Shoreham Hotel in Washington, DC.

On November 1, 1990, Madison's president filed an affidavit attesting that (1) Madison had ceased all transportation for Pan Am at Dulles; (2) Madison transports Aeroflot flight crews within the confines of Dulles; (3) Madison provides transportation for British Airways solely within the Commonwealth of Virginia; and (4) Madison has never provided any ground transportation service to American Airlines.

On November 8, 1990, complainant's president filed an affidavit attesting that (1) Madison actively transported Pan Am flight crews between Dulles and Andrews until on or about October 31, 1990; (2) Madison continues to transport Lufthansa flight crews between Dulles and a hotel in Washington, DC; and (3) Madison is actively transporting flight crews of All Nippon Airways (ANA) between Dulles and the JW Marriott Hotel in Washington, DC.

On November 15, 1990, Madison's president filed an affidavit attesting that (1) Madison ceased all ground transportation for Pan Am flight crews on July 6, 1990; (2) Madison provides "ground transportation for Lufthansa flight crews within the Commonwealth of Virginia and only on very rare occasions in response to a specific request has any transportation been provided into Washington, D.C. No such transportation is provided on a regular or scheduled basis"; and (3) Madison provides ground transportation for ANA flight crews within the Commonwealth of Virginia and denies providing any such transportation to the JW Marriott Hotel in Washington, DC.

After reviewing the record in this case the Commission finds that there remain disputes of fact relevant to the issue of Madison's compliance fitness and, thus, relevant to the propriety of Madison's continuing to transport passengers for hire between points in the Metropolitan District. The Commission notes that Air Couriers has continually expanded its complaint, and Madison may have certain defenses that it has not raised. The Commission further notes, however, that each expansion has concerned the same type of violation alleged in its original complaint. At this point, the Commission is of the opinion that only an oral hearing can resolve the disputed facts and enable the Commission to decide the matters placed before it. The hearing will be limited to the receipt of evidence regarding the issue

of whether, when, where, and in what manner Madison has transported or is transporting flight crews of Pan Am, Aeroflot, Lufthansa, and ANA. The burden of proof and of going forward rests with Air Couriers. Madison is hereby warned once again that a holding in this matter adverse to it may result in revocation of its WMATC operating authority.

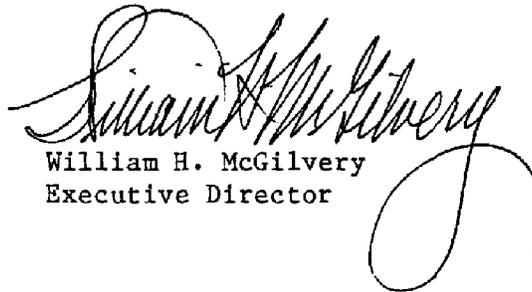
THEREFORE, IT IS ORDERED:

1. That Case No. FC-90-02 is hereby scheduled for public hearing to commence Wednesday, March 6, 1991, at 10:00 a.m. in the hearing room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, and to continue from day to day thereafter until completed.

2. That Air Couriers International Ground Transportation Services, Inc., trading as Passenger Express is hereby assessed \$750, an amount preliminarily estimated to cover the expenses of these proceedings and is directed to deliver said sum to the offices of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Friday, February 22, 1991.

3. That Madison Limousine Service, Inc., is hereby assessed \$750, an amount preliminarily estimated to cover the expenses of these proceedings, and is directed to deliver that sum to the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104 no later than Friday, February 22, 1991.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director