

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3867

IN THE MATTER OF:

Served December 19, 1991

Formal Complaint of ACTION TAXI,)
INC., against MALEK INVESTMENT,)
INC., Trading as MONTGOMERY AIRPORT)
SHUTTLE)

Case No. FC-91-01

On October 31, 1991, Action Taxi, Inc. (ATI or Complainant), filed a formal complaint against Malek Investment, Inc., trading as Montgomery Airport Shuttle (MAS or Respondent). The complaint alleges, inter alia, that MAS (also known as "Montgomery County Taxi") on September 16, 1991, began for-hire transportation of passengers from hotels in Montgomery County, MD, to Washington National Airport (National) in Arlington County, VA, and Washington Dulles International Airport (Dulles) in Loudoun County, VA. Complainant specifies certain violations including conduct of operations without the required operating authority, without meeting the Commission's tariff requirements, and without meeting the Commission's insurance requirements. Complainant requests that Respondent be ordered to cease unauthorized operations.

By Order No. 3857, served December 3, 1991, the Commission found Respondent to be in knowing and willful violation of the Compact. Respondent was directed to cease and desist all operations in violation of the Compact and to file with the Commission within 15 days an affidavit specifying the steps taken to bring itself into compliance.

Meanwhile, on November 21, 1991, MAS tendered for filing combined applications for temporary authority and a Certificate of Authority for irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver. Order No. 3857 directed that those applications be held in abeyance pending further order of the Commission.

Order No. 3857 further provided that the investigation into this formal complaint would remain open to determine what, if any, further proceedings may be required and to determine whether and how to proceed with the applications tendered for filing by Respondent on November 21, 1991.

On December 6, 1991, the president of Respondent MAS filed an affidavit averring, inter alia, that the operations of Montgomery Airport Shuttle have been discontinued and will not be resumed without the necessary operating authority, and that all Commission rules, regulations, and orders, including specifically Order No. 3857, will be complied with.

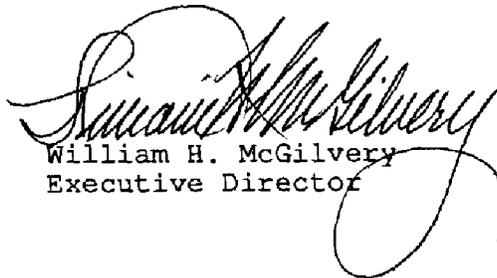
Complainant ATI requests that MAS "be ordered to cease all operations until authorized by the Commission" (Complaint, at p. 2). Further, ATI "requests to be informed of any application for a shuttle service operation in Montgomery County" (Complaint, at p. 2). While such a request goes beyond the scope of a formal complaint, ATI has been advised of certain applications filed by MAS. Finally, under the heading "Relief Requested," ATI protests MAS's application and asserts that MAS is unfit to operate as an authorized carrier. These are not proper requests for relief in this formal complaint case.

ATI has identified and properly complained of an unlawful operation, asking that the Commission order it stopped. The Commission has so ordered, and MAS has complied. The relief appropriately sought in this case has been effected.

The applications filed by MAS on November 21, 1991, will be released for processing. Copies of the orders giving notice of those applications will be served on ATI, and ATI may protest them in accordance with the requirements of those orders and our Rules and Regulations.

IT IS SO ORDERED.

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



William H. McGilvery
Executive Director