

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3903

IN THE MATTER OF:

Served March 17, 1992

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

Case No. FC-92-01

On January 24, 1992, Madison Limousine Service, Inc. (Madison or complainant), filed a Formal Complaint against Air Couriers International Ground Transportation Services, Inc., trading as Passenger Express (Air Couriers or respondent), and United Management Corporation, trading as Passenger Express (UMC or respondent) (collectively respondents). The complaint alleges that respondents were observed on October 4, 1991, and on a daily basis thereafter, operating two vehicles with a seating capacity of 20 to 25 persons each, at a time when their Certificates of Authority restricted their operations to transportation in vehicles with a seating capacity of 15 or fewer persons each, including the driver. The complaint also alleges that one of the vehicles observed that day displayed the certificate number of each respondent.¹ An exhibit to the complaint states that the complainant is a competitor of respondents in a market subject to the Commission's jurisdiction.

Respondents filed an Answer on February 11, 1992, denying the aforementioned allegations and alleging affirmatively that the vehicles in question have been configured to carry approximately 15 passengers each, including the driver, and that neither respondent has used either vehicle to carry more than 15 passengers, including the driver. Respondents also deny that complainant is their competitor in a market subject to the Commission's jurisdiction.

Madison filed a Motion for Immediate Relief on March 5, 1992, raising substantially the same allegations as those in the complaint. Respondents filed an Answer to Motion for Immediate Relief on March 16, 1992.

DISCUSSION AND CONCLUSION

Commission Rule No. 10-02(c) provides that a complaint shall contain "[a] statement setting forth the nature of the interest of the complainant . . . in the subject matter of the filing and the position of such person with respect thereto." In other words, a complainant must affirmatively state its grounds for standing.

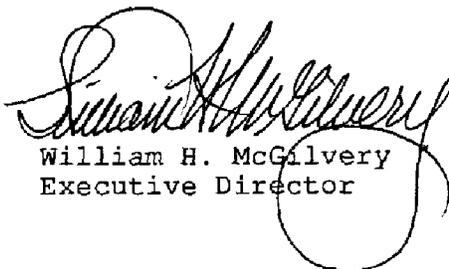
¹ The supporting affidavits indicate that two vehicles were observed displaying both numbers.

The complaint alleges that "[b]y flagrantly violating the terms of their Certificates of Authority and failing to maintain adequate insurance coverage, Respondents have seized an illegal competitive advantage at Complainant's expense." Commission records show that at all times pertinent to the complaint, complainant did not have authority to operate within the Commission's jurisdiction. Thus, respondents' alleged violations could not have disadvantaged it. Since no other grounds for standing are alleged, the complaint must be dismissed.

Although we are dismissing the Formal Complaint due to Madison's lack of standing, we note the existence of probable grounds for an investigation.²

THEREFORE, IT IS ORDERED that the Formal Complaint of Madison Limousine Service, Inc., against Air Couriers International Ground Transportation Services, Inc., trading as Passenger Express, and United Management Corporation, trading as Passenger Express, is hereby dismissed.

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


William H. McGilvery
Executive Director

² See In re Investigation of Compliance with the Compact by Air Couriers Int'l Ground Trans. Servs. & United Mgmt. Corp., No. MP-92-05, Order No. 3904 (Mar. 17, 1992)