

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4165

IN THE MATTER OF:

Served September 14, 1993

Investigation of Failure to File)
Annual Report and Order to Show)
Cause Why Operating Authority)
Should not be Suspended or Revoked,)
Directed to: C&M CORPORATION)
(No. 209))

Case No. MP-93-30

This proceeding was initiated on June 15, 1993, in Order No. 4111, as amended July 1, 1993, by Order No. 4118. C&M Corporation, trading as C&M Transport (respondent), was directed to pay a \$250 assessment and appear at a hearing scheduled for July 15, 1993, to show cause why its certificate should not be suspended or revoked. In lieu of paying the assessment and appearing at the hearing, respondent was permitted the option of paying a \$100 civil forfeiture and filing its annual report on or before July 9, 1993.

Respondent's annual report -- filed in the name of C&M Tour & Transport, Inc. -- and a check for \$100 arrived by private courier at the Commission's offices during a recess in the hearing. Copies of the report, check and mailing envelope were admitted into the hearing record as Exhibits 1-3. The Executive Director accepted respondent's late-filed report and issued Order No. 4137 "For the Commission," waiving suspension but continuing the proceeding for a final determination.¹ In addition, respondent was directed to file a sworn statement disclosing its correct corporate and trade names.

Respondent subsequently filed an affidavit confirming that C&M Corporation, trading as C&M Transport, a Maryland corporation, is still the holder of Certificate No. 209. C&M Tour & Transport, Inc., is a new Virginia corporation formed by respondent's owners. The Virginia corporation's name was inadvertently placed on respondent's annual report. The owners plan to merge the two corporations at some point in the future. Respondent is reminded that it must obtain Commission approval of such a merger. In the meantime, respondent's owners are admonished not to use the Virginia corporation's name when providing transportation services under Certificate No. 209, and respondent will be directed to file an affidavit of compliance with Commission Regulation No. 61.

¹ The Executive Director has authority under Commission Regulation No. 7-05 to extend filing deadlines for good cause. See e.g., In re Automated Business Sys. & Servs., Inc., No. MP-93-25, Order No. 4136 (July 14, 1993) (report & forfeiture submitted and accepted July 14, 1993, terminating proceeding).

Respondent's affidavit filed August 27, 1993, identifies 1335 Rockville Pike, Rockville, MD, as respondent's current "business address." The Commission's records, including the record in this proceeding, indicate that respondent has ceased transacting business at that location and now transacts business out of the same office as C&M Tour & Transport, Inc., in Annandale, VA. Commission Regulation No. 68 mandates that each carrier must "keep its official address on file with the Commission at all times. Such address shall be the actual street location of the [carrier's] principal place of business." Unless and until the Commission is notified otherwise, our records shall continue to show Annandale, VA, as respondent's "principal place of business."

Three other carriers, Ironsides Medical Transportation Corporation; David C. Pearson, trading as E&H Transportation Co.; and Bethany Travel Agency, Inc., trading as Bethany Travel and Limousine Service, were scheduled to attend the hearing with respondent, but they did not appear. Those three and respondent are responsible for the hearing costs by virtue of not responding to Order Nos. 4111 and 4118 by noon of the day preceding the hearing.² The Commission's records show that the cost of the hearing was \$250. Each carrier's share, therefore, is \$62.50.

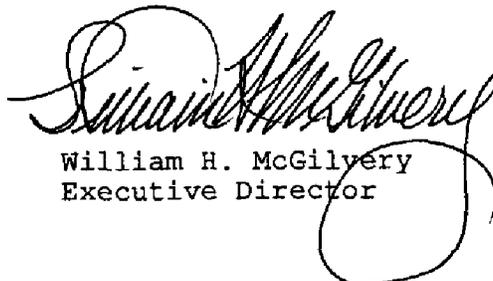
THEREFORE, IT IS ORDERED:

1. That C&M Corporation, trading as C&M Transport, shall tender to the Commission on or before Thursday, September 30, 1993, a check or money order in the amount of \$62.50 made payable to WMATC.

2. That C&M Corporation, trading as C&M Transport, shall file on or before Thursday, September 30, 1993, a notarized affidavit stating that pursuant to Commission Regulation No. 61, both sides of each vehicle operated under Certificate No. 209 identify C&M Corporation, trading as C&M Transport, as the operator of that vehicle.

3. That upon timely compliance with the requirements of this order, Case No. MP-93-30 will stand terminated.

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



William H. McGilvery
Executive Director

² In re Statement of Policy Regarding Hearing Officer Expenses, General Order No. 21 (Oct. 3, 1983).