

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4173

IN THE MATTER OF:

Served September 23, 1993

Investigation of Unauthorized )  
Operations and/or Tariff )  
Violations of O. OLUOKUN, INC., )  
Trading as MONTGOMERY COUNTY LIMO )

Case No. MP-93-43

On June 1, 1992, in Order No. 3946, the Commission conditionally granted the application of O. Oluokun, Inc. (OOI), for a certificate of authority to transport passengers, together with baggage in the same vehicles as passengers, in 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. The Commission ordered OOI to file the usual compliance documents, including an insurance certificate, within thirty days. After receiving several requests from OOI for an extension of the filing deadline, the Commission issued Order No. 4012, granting the maximum extension of 180 days under Commission Regulation No. 66. OOI did not comply with Order No. 4012, thereby voiding the conditional grant as of December 1, 1992.

On July 21, 1993, Commission staff received an inquiry from the Montgomery County Department of Transportation, Transit Services Division, Taxicab Unit, concerning the status of OOI's application. Staff responded that OOI had failed to comply with the Commission's filing requirements and that no operating authority had been issued. The occasion for the Taxicab Unit's inquiry appears to have been a complaint from OOI, trading as Montgomery County Limo, that its limousine operations at the United States Postal Service Academy in Potomac, MD, had been interfered with by taxicab drivers licensed by the Taxicab Unit. There was nothing in OOI's complaint indicating to staff that our jurisdiction, including the regulation of interstate limousine fares, was implicated in what appeared to be a dispute within the jurisdiction of the Taxicab Unit.

On August 26, 1993, staff received a follow-up letter to the Taxicab Unit's July 21 inquiry stating that OOI had "been providing unauthorized transportation services from Montgomery County to points in Maryland, the District of Columbia, and northern Virginia, including BWI, National Airport, Dulles Airport, and Union Station," and requesting our "cooperation in enforcing the laws of [our] jurisdiction in this matter." Staff initiated a preliminary inquiry, which included obtaining copies of Montgomery County Limo advertising flyers from OOI's owner, Mr. Oluokun, and a copy of OOI's tariff on file with the Maryland Public Service Commission (MDPSC). Those documents are hereby made a part of the record in this proceeding.

OOI's tariff contains flat transfer rates for service from various locations in Montgomery and Prince George's counties to Washington National Airport (National), Washington-Dulles International Airport (Dulles), Baltimore-Washington International

Airport (BWI), and Union Station. The tariff also contains rates based on duration and distance, with per capita surcharges and, to a certain extent, without limitation to any particular origin or destination. Montgomery County Limo's advertising flyers display flat transfer rates, with per capita surcharges, for service from two locations in Montgomery County to National, Dulles, BWI, and Union Station, plus a distance based rate with a per capita surcharge for "local" service. The rates in the flyers do not conform entirely to the rates in OOI's tariff. Mr. Oluokun has confirmed to staff that the fares for airport transfers do not vary according to duration or distance.

With few exceptions, a carrier may not transport passengers for hire between points in Montgomery and Prince George's counties, on the one hand, and National, Dulles, and Union Station, on the other, without a certificate of authority. The only pertinent exception here is the exemption under Title II of the Compact, Article XI, Sections 1(b) and 3(f), for transportation conducted in "taxicabs and other vehicles that perform a bona fide taxicab service." Bona fide taxicab service is defined by Commission Regulation No. 51-09. OOI's flat rates and per capita rates do not meet the "duration and/or distance" test of Regulation No. 51-09(c). Further, OOI's rates for service confined to a limited number of origins and/or destinations do not meet the test for transportation "between points selected at will by the person or persons hiring the vehicle" under Regulation No. 51-09(a). Therefore, the services in question were not exempt from our certification requirements. Had OOI's operations qualified for 51-09 exemption, OOI would have been obliged to charge the rates on file with the MDPSC. OOI's billing records show that it did not charge the filed rate in all instances.

Pursuant to the Compact, Title II, Article XIII, Section 1, the Commission hereby institutes an investigation into the operations of OOI, trading as Montgomery County Limo, within the Washington Metropolitan Area Transit District. OOI will be named a party respondent and directed to produce copies of its vehicle manifests and customer invoices for transportation performed during the period beginning June 1, 1992, and ending on the date this order is issued. OOI also will be directed to show cause why a civil forfeiture should not be assessed for its knowing and willful violations of the Compact and regulations thereunder. Finally, OOI will be directed to cease and desist from charging flat and/or per capita fares, and from limiting service to fixed origins and/or destinations, while transporting passengers for hire between points in the Metropolitan District.

THEREFORE, IT IS ORDERED:

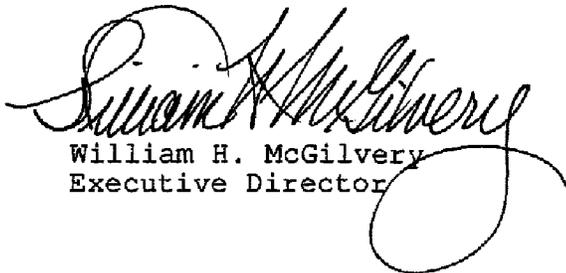
1. That an investigation is hereby instituted into the operations of O. Oluokun, Inc., trading as Montgomery County Limo, within the Washington Metropolitan Area Transit District, and O. Oluokun, Inc., is hereby named a party respondent.

2. That O. Oluokun, Inc., trading as Montgomery County Limo, shall file with the Commission, no later Friday, October 15, 1993, copies of its vehicle manifests and customer invoices for transportation performed during the period beginning June 1, 1992, and ending on the date this order is issued.

3. That O. Oluokun, Inc., trading as Montgomery County Limo, shall, no later than Friday, October 15, 1993, show cause why a civil forfeiture should not be assessed for its knowing and willful violations of the Compact and regulations thereunder.

4. That O. Oluokun, Inc., trading as Montgomery County Limo, shall cease and desist from charging flat and/or per capita fares, and from limiting service to fixed origins and/or destinations, while transporting passengers for hire between points in the Metropolitan District.

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



William H. McGilvery  
Executive Director

