

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4242

IN THE MATTER OF:

Served February 3, 1994

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

Case No. MP-93-43

This investigation was initiated on September 23, 1993, in Order No. 4173. O. Oluokun, Inc., trading as Montgomery County Limo (OOI or respondent), was ordered 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 Order No. 4173 was issued. OOI complied.

The Commission subsequently found in Order No. 4225, served December 16, 1993, that the invoices filed by OOI established seven knowing and willful violations of the Compact. The Commission consequently assessed a civil forfeiture against OOI in the amount of \$3,500, and ordered OOI to cease and desist from providing transportation from one signatory to another within the Metropolitan District pending payment of the assessed forfeiture.

OOI filed a Petition for Extension of Time Within Which to Pay Civil Forfeiture on January 19, 1994. Partial payment of the forfeiture in the amount of \$500 accompanied the petition. The petition states that the cease and desist provision of Order No. 4225 "severely restricts respondent's financial ability to" pay the assessment. OOI requests permission to resume inter-signatory operations and proposes paying the remainder of the forfeiture in equal monthly installments of \$1,000, payable on the last day of February, March, and April 1994.

In consideration of substantial partial payment of the civil forfeiture assessed in Order No. 4225, and for good cause shown, the cease and desist provision of that order shall be lifted, and OOI's proposed payment plan shall be approved. Naturally, OOI may only resume operations which are consistent with Commission Regulation No. 51-09 and in accordance with its locally-filed tariff. Failure to timely pay the remainder of the assessment as herein ordered shall result automatically in the reinstatement of the cease and desist provision of Order No. 4225, and all outstanding amounts thereunder shall become immediately due and payable.

It is expressly noted that Regulation No. 51-09 does not authorize any operations. Rather, it defines a category of transportation service that does not require a certificate of authority under the compact, even though such service is subject to regulation by WMATC as to interstate rates and minimum insurance requirements. Such operations may also be subject to the requirements of other entities including without limitation the Maryland Public

Service Commission and Montgomery County. Our lifting of the prohibition against certain defined WMATC-regulated interstate operations should not be construed as anything more.

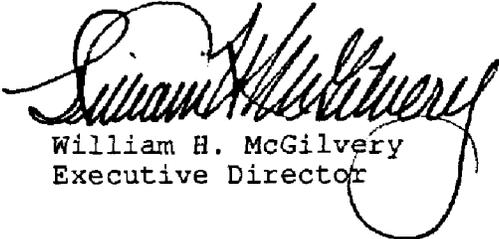
THEREFORE, IT IS ORDERED:

1. That in consideration of the five hundred dollars (\$500) paid by respondent on January 19, 1994, O. Oluckun, Inc., trading as Montgomery County Limo, is hereby directed to pay the remainder of the civil forfeiture assessed in Order No. 4225 by remitting to the Commission by money order, certified check, or cashiers check, the sum of three thousand dollars (\$3,000), payable in three monthly installments of one thousand dollars (\$1,000) each, payable on the last day of February, March, and April 1994, respectively.

2. That the cease and desist provision of Order No. 4225 is hereby lifted.

3. That failure to timely comply with the requirements of this order shall result automatically in the reinstatement of the cease and desist provision of Order No. 4225, and all outstanding amounts thereunder shall become immediately due and payable.

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



William H. McGilvery
Executive Director