

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5036

IN THE MATTER OF:

Served March 10, 1997

Investigation of Unauthorized)	Case No. MP-97-03
Operations of MADISON LIMOUSINE)	
SERVICE, INC., Trading as)	
MADISON LIMO, WMATC No. 132, and)	
AMERICAN SERVICES INTERNATIONAL)	
COMPANY, WMATC No. 197)	

This investigation was initiated on January 21, 1997, in Order No. 5005, after a routine audit of the Commission's insurance files revealed that respondents -- Madison Limousine Service, Inc., trading as Madison Limo (Madison), and American Services International Company (ASI or American) -- had filed certificates of insurance referencing the same insurance policies. The insurance broker confirmed that the underlying policies apply to both carriers. The broker explained that this was possible because respondents "share common management."

Order No. 4857 allows respondents to share office space but directs each respondent to keep its assets, books and operations completely separate from the other's and cautions that permission to share office space should not be construed as permission to share revenue vehicles or operating authority. The Compact states that a person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority.¹ The Compact also states that a carrier shall obtain Commission approval to consolidate or merge any part of the ownership, management, or operation of its property or franchise with a carrier that operates in the Metropolitan District.²

Madison responds, under oath, that "there were never common stockholders, common officers, common directors, or common managers as between the two companies. The only commonality which ever existed was shared office space and the fact that Madison sold equipment to American."

ASI responds that it has ceased operations and cancelled coverage under the aforementioned policies. ASI has surrendered its certificate of authority and requests that it be revoked.

We find that the record at this time is insufficient for making a determination of whether respondents violated the Compact and Order No. 4857 and whether any violation which may have occurred was knowing

¹ Compact, tit. II, art. XI, § 11(b).

² Compact, tit. II, art. XII, § 3(a)(i).

and willful. ASI's decision to terminate operations renders further investigation unnecessary.³

ASI requests termination of its certificate. The Compact, Title II, Article XI, Section 10(b), provides that upon application by the holder of a certificate, the Commission may suspend, amend, or terminate said certificate. ASI's request shall be granted.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 197, issued to ASI, is hereby terminated, effective this date.

2. That ASI, shall remove from its vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61.

3. That within thirty days from the date of this order:

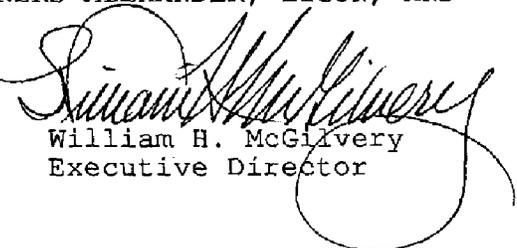
a. ASI shall file with the Commission a notarized affidavit stating that it has removed all WMATC identification from its vehicle(s).

b. Madison shall file the following documents with the Commission: (a) a notarized equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (b) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; and (c) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

c. Madison shall present its vehicles for inspection by Commission staff after filing the required documents.

4. That upon respondents' timely compliance with the requirements of this order, and on the condition that all vehicles on Madison's list pass inspection, this investigation shall stand terminated.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery
Executive Director

³ See Air Couriers Int'l Ground Transp. Servs., Inc., t/a Passenger Express, & United Mgmt. Corp., t/a Passenger Express, No. MP-92-05, Order No. 3955 at 4-5 (June 15, 1992) (prompt correction upon discovery of illegality renders further Commission action unnecessary).