

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6933

IN THE MATTER OF:

Served December 4, 2002

CHIKA TRANSPORT SERVICE, INC., )  
WMATC No. 348, Investigation of )  
Tariff Violations )

Case No. MP-2002-124

This investigation is being initiated to determine whether Chika Transport Service, Inc., WMATC No. 348, knowingly and willfully violated Article XI, Section 14, of the Compact and Commission Regulation No. 55, which require each WMATC carrier to charge only those rates and fares specified in a tariff filed by the carrier under the Compact and in effect at the time.

Respondent filed a contract tariff on July 13, 1998. The contract tariff expired on December 31, 1998, but was not replaced, leaving respondent without a tariff on file with the Commission.

Staff wrote to respondent on September 24, 2002, advising respondent to file a new tariff no later than October 4, 2002. Respondent filed a tariff on October 4, 2002, but the tariff was rejected as unacceptable on October 10, 2002, in a letter detailing the errors. Respondent has yet to file a corrected tariff.

The Commission may investigate whether a person has violated the Compact and for the purpose of an investigation "may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry."<sup>1</sup> In addition, the Commission "shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes."<sup>2</sup>

If the Commission finds a person has violated the Compact, the Commission shall issue an order compelling compliance and effecting other just and reasonable relief.<sup>3</sup> A person who knowingly and willfully violates a provision of the Compact is subject to a civil forfeiture of not more than \$1,000 for the first violation and not

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<sup>1</sup> Compact, tit. II, art. XIII, § 1(c), (e).

<sup>2</sup> Compact, tit. II, art. XII, § 1 (b).

<sup>3</sup> Compact, tit. II, art. XIII, § 1(d).

more than \$5,000 for each subsequent violation.<sup>4</sup> Each day of the violation counts as a separate violation.<sup>5</sup>

We shall direct respondent to produce any and all records and documents in its possession, custody or control relating to transportation of passengers for hire between points in the Metropolitan District during the period beginning January 1, 1999, and ending on the date of this order. We also shall direct respondent to bring its operations into compliance with Commission regulations and produce its revenue vehicles for inspection.

THEREFORE, IT IS ORDERED:

1. That an investigation of respondent and its operations in the Washington Metropolitan Area Transit District is hereby initiated under Article XIII, Section 1, of the Compact.

2. That respondent is hereby directed to refrain from, and/or cease and desist from, transporting passengers for hire between points in the Metropolitan District, unless and until otherwise ordered by the Commission.

3. That respondent is hereby directed to file an acceptable tariff in accordance with Article XI, Section 14, of the Compact and Commission Regulation No. 55.

4. That respondent is hereby directed to produce, within thirty days from the date of this order, any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondent's possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning January 1, 1999, and ending on the date of this order, including, but not limited to any and all:

- a. customer contracts, invoices and confirmations;
- b. evidence of communications, including telephone messages, facsimile transmissions, email, letters and other correspondence;
- c. receipts;
- d. bank records;
- e. tax returns; and

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<sup>4</sup> Compact, tit. II, art. XIII, § 6(f).

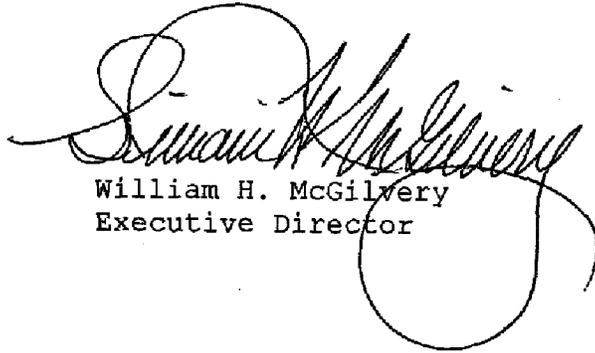
<sup>5</sup> Compact, tit. II, art. XIII, § 6(f).

f. insurance documents.

5. That Certificate of Authority No. 348 shall be automatically suspended upon respondent's failure to timely comply with this order.

6. That in the event Certificate of Authority No. 348 is suspended pursuant to the preceding paragraph, respondent shall have thirty days thereafter to show cause why Certificate of Authority No. 348 should not be revoked.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER AND MCDONALD:



William H. McGilvery  
Executive Director

