

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8021

IN THE MATTER OF:

Served May 27, 2004

Application of EXECUTIVE TECHNOLOGY)
SOLUTIONS, LLC, for a Certificate)
of Authority -- Irregular Route)
Operations)

Case No. AP-2004-84

By application accepted for filing April 23, 2004, Executive Technology Solutions, LLC, a Maryland limited liability company, seeks a certificate of authority for irregular route operations between points in the Metropolitan District.

Applicant proposes commencing operations with three to five minibuses. Applicant's proposed tariff contains rates for shuttle service under a contract with the Department of Homeland Security.

The application indicates that applicant was investigated recently by the Colorado Public Utilities Commission (CPUC) and on March 29 of this year found in violation of eleven Federal Motor Carrier Safety Regulations published in Title 49 of the Code of Federal Regulations. Three of the violations were deemed critical.

When an applicant has a record of violations, the Commission considers the following factors in assessing the likelihood of future compliance: (1) the nature and extent of the violations, (2) any mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether applicant has made sincere efforts to correct its past mistakes, and (5) whether applicant has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.¹

Applicant will be directed to file a written statement describing in detail the specific steps applicant has taken to correct the violations noted in the CPUC's March 29, 2004, report and the steps taken to prevent such violations from occurring again. Applicant also will be directed to supplement the record with any further CPUC pronouncements or findings regarding applicant issued since March 29, 2004.

¹ In re VGA Enters., Inc., No. AP-02-34, Order No. 6736 (July 22, 2002).

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than June 10, 2004, notice in the form prescribed by the staff of the Commission.

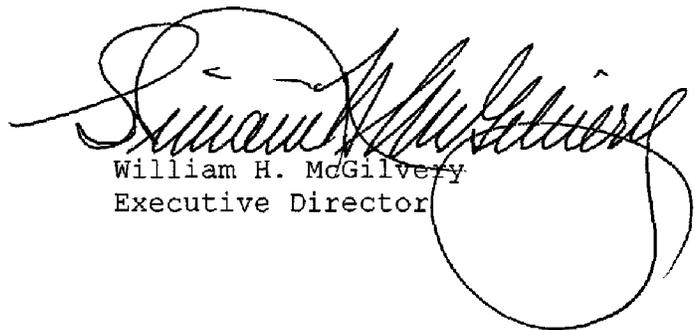
2. That applicant shall file with the Commission, no later than June 24, 2004, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than June 10, 2004, an original and four copies of a written statement describing in detail the specific steps applicant has taken to correct the violations noted in the March 29, 2004, report of the Colorado Public Utilities Commission and the steps taken to prevent such violations from occurring again.

4. That applicant shall file with the Commission, no later than June 10, 2004, an original and four copies of any Colorado Public Utilities Commission pronouncements or findings regarding applicant issued after March 29, 2004.

5. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is June 24, 2004, and that copies must be served on applicant's vice president, Garcine Whitney, 8639-B 16th Street, #171, Silver Spring, MD 20910.

FOR THE COMMISSION:



William H. McGilvery
Executive Director