

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8223

IN THE MATTER OF:

Served August 13, 2004

IMPERIAL TRAVEL AND LIMOUSINE)
SERVICES, INC., Investigation of)
Unauthorized Operations)

Case No. MP-2003-48

This matter is before the Commission on respondent's request to waive the \$500 combined civil forfeiture assessed in Order No. 7748, served February 17, 2004.

I. BACKGROUND

This investigation was initiated to determine whether respondent violated Article XI, Section 6(a), of the Compact, which states that a person may not engage in transportation subject to the Compact unless there is in force a certificate of authority issued by the Commission authorizing the person to engage in that transportation.

On December 2, 2002, the Commission received a \$1.5 million WMATC Certificate of Insurance and Policy Endorsement in the name of Imperial Travel & Limo Service, Inc. Commission staff wrote to respondent on December 6, 2002, advising it to consider filing an application for WMATC operating authority, but respondent did not reply.

Commission staff subsequently obtained from the Transportation Division of the Maryland Public Service Commission (MDPSC) a copy of the rates filed with that agency on November 25, 2002, by Imperial Travel and Limousine Services, Inc., MDPSC #2892. The rates include flat fares for service between points in the Washington Metropolitan Area Transit District. Such service requires a WMATC certificate of authority.¹ Respondent does not hold such a certificate.

Order No. 7202 advised respondent that flat-fare service between points in the Metropolitan District requires a WMATC certificate of authority and directed respondent to produce any and all records in its possession, custody or control relating to operations in the Metropolitan District during the period beginning November 25, 2002, and ending on May 21, 2003. Respondent did not

¹ In re Washington Exec. Sedan, Inc., & Global Express Limo. Serv., Inc., No. MP-02-03, Order No. 6772 (Aug. 13, 2002).

respond and continued publishing flat-fare rates for service between points in the Metropolitan District in its MDPSC tariff.

Order No. 7748 accordingly assessed a forfeiture of \$250 for respondent's knowing and willful failure to produce the requested documents and \$250 for respondent knowingly and willfully holding itself out to perform transportation requiring a WMATC certificate of authority in violation of Commission Regulation No. 63-04. In addition, Order No. 7748 expressly directed respondent to cease publishing flat fares for service between points in the Washington Metropolitan Area Transit District.

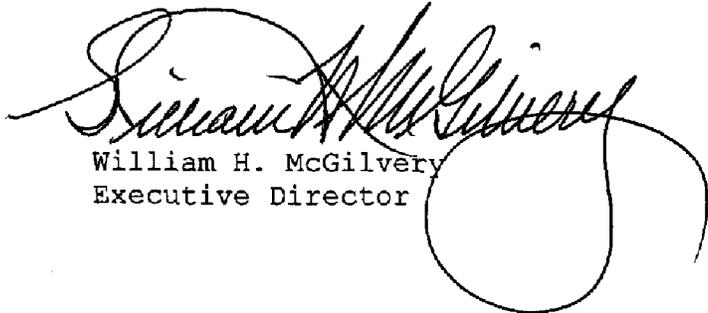
II. FINDINGS AND CONCLUSION

The Commission may reduce a civil forfeiture for good cause shown.² Respondent argues that it is being penalized for something it was not aware of. But the Commission's files show that respondent continued publishing flat-fare rates for service between points in the Metropolitan District in its MDPSC tariff despite having received Order No. 7202 on June 2, 2003, which clearly warned that such service requires a WMATC certificate of authority. Further, respondent has yet to either produce the documents demanded by Order No. 7202 or explain why production has not been made. Finally, respondent has yet to verify that it has ceased publishing flat fares for service between points in the Washington Metropolitan Area Transit District as required by Commission Rule No. 28.

Accordingly, the request shall be denied.

IT IS SO ORDERED.

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


William H. McGilvery
Executive Director

² See In re Zohery Tours Int'l, Inc., No. MP-02-46, Order No. 7096 (Mar. 19, 2003) (forfeiture reduced where respondent complied with document request and filed application for operating authority).