235612

2012-122-T

**BEFORE**

**THE PUBLIC SERVICE COMMISSION**

**OF SOUTH CAROLINA**

**DOCKET NO. 2012- -T**

| | | |
|---|---|---|
| IN RE: Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers For Failure to Maintain and File Evidence of Insurance | ) | **PETITION FOR RULE TO SHOW CAUSE** |

The Office of Regulatory Staff ("ORS"), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina ("the Commission"):

1. That the Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (1976 and Supp. 2011); that the ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. Section 58-4-10, et seq. as enacted by 2004 S.C. Acts 175.

2. That the companies listed in Exhibit A are currently operating as "motor vehicle carriers" as defined in S.C. Code Ann. §58-23-10(4) (Supp. 2011) in that they own, control, operate, or manage motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That the companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (1976 and Supp. 2011); further, that these companies have submitted themselves to the jurisdiction of the Commission by their holding a Certificate of Public

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Convenience and Necessity as indicated in Exhibit A. See Exhibit A, List of Companies Failing to File Required Documents.

4. That the Companies listed in Exhibit A, upon receiving their Certificate of Public Convenience and Necessity, were found to be fit, willing and able to operate as a motor carrier by the Commission; that such authority found the companies were "familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina" and that they "agree to operate in compliance with these statutes and regulations" [26 S.C. Code Regs. 103-133(4)(a) (Supp. 2011)]; further, that the companies were "aware of the Commission's insurance requirements and the costs associated therewith" [26 S.C. Code Regs. 103-133(4)(b) (Supp. 2011)].

5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance "must be kept in full force and effect and failure to do so is cause for the revocation of the certificate." S.C. Code Ann. §58-23-910 (Supp. 2011).

6. That the Companies listed in Exhibit A have failed to file proof of insurance as required by S.C. Code Ann. §58-23-910 (Supp. 2011) and 26 S.C. Code Regs. 103-171 and/or 103-174 (Supp. 2011). See Exhibit B, Affidavit of Carole Chauvin.

7. That ORS notified the companies listed in Exhibit A, through certified mail, return receipt requested, of their failure to file the required documents providing evidence of insurance; that despite this notification, the listed companies have continued to fail to comply with the requirements of providing evidence of insurance.

8. That "either a failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier." 26 S.C. Code Regs. 103-175 (Supp. 2011); further, that the insurance "must be kept in full force and effect and failure to do so is cause for the revocation of the certificate." S.C. Code Ann. §58-23-910 (Supp. 2011).

9. That "the Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of Public Convenience and Necessity is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria..." 26 S.C. Code Regs. 103-240 (Supp. 2011).

10. That "the Commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or willfully violated any of the terms of his certificate or of the Commission's proper orders, rules or regulations." S.C. Code Ann. §58-23-320 (Supp. 2011).

11. That the information listed in Exhibit A is the mailing address for each carrier on file with the Commission and ORS and the information listed in Exhibit A was provided by each carrier listed in Exhibit A. See Exhibit A, List of Companies Failing to File Required Documents. See also Exhibit B, Affidavit of Carole Chauvin.

**WHEREFORE,** the ORS staff prays that the Honorable Commission:

1. Issue an order requiring the carriers listed in Exhibit A to appear before the Commission and show cause why their Certificates of Public Convenience and Necessity should not be revoked by this Commission pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2011);

2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificates which the ORS seeks to have revoked by the Commission in this action pursuant to 26 S.C. Code Regs. 103-175 and 103-240 (Supp. 2011) and S.C. Code Ann. §58-23-320 (Supp. 2011).

3. Following the formal administrative hearing, immediately rule to revoke the Certificates of those motor carriers listed in Exhibit A in accordance with the authority provided the Commission under S.C. Code Ann. §58-23-320 and thereafter immediately enter a final Order.

4. For other appropriate action which the Commission may deem necessary.

Jeffrey M. Nelson
**Office of Regulatory Staff**
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Phone: (803)737-0800
Fax: (803)737-0895
Email: jnelson@regstaff.sc.gov

March 21, 2012
Columbia, South Carolina

| No. | Docket # | Class | Type of Cert | Name | DBA | Address | City | State | Zip |
|---|---|---|---|---|---|---|---|---|---|
| | | | | EXHIBIT A - MARCH 19, 2012CARRIERS OUT OF COMPLIANCE - NO INSURANCE - 3RD & 4TH QUARTER 2011 | | | | | |
| 1 | 2007-47-T | C | Charter | London Cabs, LLC | Advantage Transportation | 13 White Tail Deer Ln | Hilton Head Island | SC | 29926 |
| 2 | 2007-43-T | C | Taxi | London Cabs, LLC | Advantage Transportation | 13 White Tail Deer Ln | Hilton Head Island | SC | 29926 |
| 3 | 2008-388-T | C | Non-Emergency | ABS Trans Tours, LLC | | PO Box 704 | Irmo | SC | 29063 |
| 4 | 2011-138-T | C | Taxi | Faye Overman | Arrow-Cab | 6216 Frontage Rd | Myrtle Beach | SC | 29572 |
| 5 | 2004-299-T | C | Taxi | James Allen, Jr. | | 303 Creek Dr | Quinby | SC | 29506 |
| 6 | 2006-236-T | C | Charter | Daniel Odumodu | A-Class Ride Provider | 1 White Tail Ct | Greenville | SC | 29607 |
| 7 | 2002-347-T | C | Charter | Ray Charles Jones | Bestway Shuttle Service | 903 Meadow Street | Columbia | SC | 29205 |
| 8 | 2008-313-T | C | Taxi | Jacob Benezra | | 1301 Pridgen Rd Unit 1001 | Myrtle Beach | SC | 29577 |
| 9 | 2010-250-T | C | Taxi | Christian Bramson | Captain Taxi | 1176 Shoreside Way | Mt Pleasant | SC | 29464 |
| 10 | 2009-392-T | C | Taxi | Dwayne Brown | | PO Box 13681 | Florence | SC | 29504 |
| 11 | 2007-53-T | A | | Carolina Coach Company | Carolina Trailways | 1201 South Blount St | Raleigh | NC | 27601 |
| 12 | 2006-368-T | C | Charter | Charleston Executive, LLC | | 1107 Key Plaza #432 | Key West | FL | 33040 |
| 13 | 2008-40-T | C | Charter | D & L Limo/Taxi Service, LLC | | 886 Clubhouse Rd | Ridgeville | SC | 29472 |
| 14 | 2011-161-T | C | Taxi | STATT Ventures, LLC | Delux Rides | 514 Alder St Ste 1 | Myrtle Beach | SC | 29577 |
| 15 | 2000-0251-T | E | HHG | Dickert's Moving & Storage, Inc. | | PO Box 941 | Greenwood | SC | 29648 |
| 16 | 1998-539-T | C | Taxi | Carrol Campbell | Greenville Metro Cab Co. | 220 Westfield St | Greenville | SC | 29601 |
| 17 | 2001-196-T | C | Charter Bus | Robert Garrison Putnam, Jr. | G & S Tours | PO Box 897 | Lincolnton | NC | 28093 |
| 18 | 1998-619-T | C | Charter Bus | Tony L. Graham | Graham's Tours | PO Box 71 | Garnett | SC | 29922 |
| 19 | 2007-217-T | C | Charter Bus | J & R Travels, Inc. | | 107 Erskine Dr | Tryon | NC | 28782 |
| 20 | 1998-629-T | C | Charter Bus | Calvin Jackson | Jackson Bus Line | 102 West Five Notch Rd | North Augusta | SC | 29841 |
| 21 | 2010-108-T | C | Charter | Francisco Vizcarra | Luxurious Limousine Service | 2374 Clandon Dr | Myrtle Beach | SC | 29579 |
| 22 | 2010-129-T | C | Charter Bus | Francisco Vizcarra | Luxurious Limousine Service | 2374 Clandon Dr | Myrtle Beach | SC | 29579 |
| 23 | 1998-580-T | C | Charter Bus | Willie Carlisle Graham | Maharg Bus Company | Hwy 385 | Gibson | NC | 28343 |
| 24 | 2009-79-T | C | Charter | SCM Transportation, LLC | | 3704 Chapel Lane | Myrtle Beach | SC | 29588 |
| 25 | 2009-442-T | C | Non-Emergency | SCM Transportation, LLC | | 3704 Chapel Lane | Myrtle Beach | SC | 29588 |
| 26 | 2006-115-T | C | Charter | Randy Stewart | | 435 Katydid St | Sumter | SC | 29154 |
| 27 | 2010-309-T | C | Charter Bus | American Go Team Services, LLC | The Go Bus | 420 Maplewood Circle | Conway | SC | 29526 |
| 28 | 2010-310-T | A | | American Go Team Services, LLC | The Go Bus | 420 Maplewood Circle | Conway | SC | 29526 |
| 29 | 2006195-T | C | Charter Bus | Peter Washington | Washington Bus Line | #3 Wright Place | Hilton Head Island | SC | 29925 |

**EXHIBIT B**

**BEFORE**

**THE PUBLIC SERVICE COMMISSION**

**OF SOUTH CAROLINA**

**DOCKET NO. _____**

**March 19, 2012**

| | | |
|---|---|---|
| IN RE: Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers | ) ) ) ) | AFFIDAVIT OF Carole Chauvin |

The Affiant, after having been first duly sworn, deposes and states as follows:

1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.

2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.

3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").

4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.

5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.

6) On March 19, 2012, I examined the business records on file with ORS.

7) As a result of that examination, I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 and/or 103-174 has not been filed with ORS by the following carriers as of March 19, 2012: (See attached list)

EXHIBIT B

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin
Program Specialist, Transportation Department
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, S.C. 29201

Sworn and subscribed before me
this 19th day of March, 20 12

Notary Public for South Carolina
My Commission Expires: [illegible]

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| IN RE: Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers For Failure to Maintain and File Evidence of Insurance | ) ) ) ) | **CERTIFICATE OF SERVICE** |

This is to certify that I, Faith E. Shehane, have this date served one (1) copy of the **PETITON FOR RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

[ COMPANYADDRESSES FOLLOWING ON NEXT PAGE]

Faith Shehane

Faith E. Shehane

March 21, 2012
Columbia, South Carolina

London Cabs, LLC
Advantage Transportation
13 White Tail Deer Ln
Hilton Head Island, SC 29926

ABS Trans Tours, LLC
PO Box 704
Irmo, SC 29063

Faye Overman
Arrow-Cab
6216 Frontage Rd
Myrtle Beach, SC 29572

James Allen, Jr.
303 Creek Dr
Quinby, SC 29506

Daniel Odumodu
A-Class Ride Provider
1 White Tail Ct
Greenville, SC 29607

Ray Charles Jones
Bestway Shuttle Service
903 Meadow Street
Columbia, SC 29205

Jacob Benezra
1301 Pridgen Rd Unit 1001
Myrtle Beach, SC 29577

Christian Bramson
Captain Taxi
1176 Shoreside Way
Mt Pleasant, SC 29464

Dwayne Brown
PO Box 13681
Florence, SC 29504

Carolina Coach Company
Carolina Trailways
1201 South Blount St
Raleigh, NC 27601

Charleston Executive, LLC
1107 Key Plaza #432
Key West, FL 33040

D & L Limo/Taxi Service, LLC
886 Clubhouse Rd
Ridgeville, SC 29472

STATT Ventures, LLC
Delux Rides
514 Alder St Ste 1
Myrtle Beach, SC 29577

Dickert's Moving & Storage, Inc.
PO Box 941
Greenwood, SC 29648

Carrol Campbell
Greenville Metro Cab Co.
220 Westfield St
Greenville, SC 29601

Robert Garrison Putnam, Jr.
G & S Tours
PO Box 897
Lincolnton, NC 28093

Tony L. Graham
Graham's Tours
PO Box 71
Garnett, SC 29922

J & R Travels, Inc.
107 Erskine Dr
Tryon, NC 28782

Calvin Jackson
Jackson Bus Line
102 West Five Notch Rd
North Augusta, SC 29841

Francisco Vizcarra
Luxurious Limousine Service
2374 Clandon Dr
Myrtle Beach, SC 29579

Willie Carlisle Graham
Maharg Bus Company
Hwy 385
Gibson, NC 28343

SCM Transportation, LLC
3704 Chapel Lane
Myrtle Beach, SC 29588

Randy Stewart
435 Katydid St
Sumter, SC 29154

American Go Team Services, LLC
The Go Bus
420 Maplewood Circle
Conway, SC 29526

Peter Washington
Washington Bus Line
#3 Wright Place
Hilton Head Island, SC 29925