**BEFORE**

**THE PUBLIC SERVICE COMMISSION**

**OF SOUTH CAROLINA**

**DOCKET NO. 2010- 102 - T**

IN RE:

| | | |
|---|---|---|
| Petition of the Office of Regulatory Staff for Commission to Order a Rule to Show Cause as to Why The Certificates of Public Convenience and Necessity for Certain Motor Carriers Should Not Be Revoked For Non-payment of Decal Fees | ) | PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE AS TO WHY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY SHOULD NOT BE REVOKED |

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina ("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. (Supp. 2009); that the Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §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) in that they are incorporated for the purpose of owning, controlling, operating or managing 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. (Supp. 2009); further, that these companies have submitted themselves to the jurisdiction of the Commission by holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A. See Exhibit A.

4. That the Companies listed in Exhibit A, upon receiving their Certificates 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. 2009).

5. That, "A holder of a certificate A, B, or C with less than twenty vehicles must semi-annually **on or before January first and June thirtieth of each year** pay to the Commission the following fees: For vehicles weighing not more than two thousand pounds, seven dollars and fifty cents; and for vehicles weighing in excess of two thousand pounds, seven dollars and fifty cents for the first two thousand pounds and two dollars and fifty cents additional for each additional five hundred pounds or part thereof of weight, except that the total license fee may not exceed fifty dollars per vehicle semi-annually." S.C. Code Ann. §58-23-560 (Supp. 2009) (emphasis added).

6. That, pursuant to S.C. Code Ann. §58-4-10 et seq. (Supp. 2009), beginning January 1, 2005, the Office of Regulatory Staff must represent the public interest of South Carolina before the Commission and has authority to enforce collection of such fees.

7. That the companies listed in Exhibit A failed to pay fees that were due on or before January 1, 2010 and are therefore currently not in compliance with Commission statutes governing the regulation of motor carriers.

8. 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 PC&N 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. 2009).

9. 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. But the holder of the certificate has the right of appeal to any court of competent jurisdiction. The Commission must not be a party to any appeal." S.C. Code Ann. §58-23-320 (Supp. 2009).

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

1. Issue an order requiring the carriers listed on Exhibit A to appear before the Commission, and show cause why any order should not be issued from this Commission revoking the Certificates of Public Convenience and Necessity previously issued to said carriers;

2. Provide for the opportunity by the carrier to respond to the allegations of this Petition within thirty (30) days from the date of the receipt of the Order;

3. Schedule and conduct a formal administrative hearing within 45 days to address disputed issues of fact and law regarding the Certificate pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2009) and S.C. Code Ann. §58-23-320.

4. Pursuant to S.C. Code Ann. §58-23-560 (Supp. 2009), take judicial notice of the Commission's records in that the required semi-annual fees have not been filed for the companies listed in Exhibit A.

5. Enter a final order revoking the Certificates of Public Convenience and Necessity held by those carriers failing to pay the required fees; and

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

Jeffrey M. Nelson, Esquire
Shealy Boland Reibold, Esquire
**Office of Regulatory Staff**
1441 Main Street, Suite 300
Columbia, South Carolina 29201
Telephone: (803) 737-0823
Fax: (803) 737-0895

March 15, 2010
Columbia, South Carolina

Exhibit A - March 4, 2010
Docket No. _____
Rule to Show Cause for Non-Payment of Decal Fees

| No. | CERT TYPE | DOCKET NO. | NAME | DBA | ADDRESS | CITY | STATE | ZIP CODE |
|---|---|---|---|---|---|---|---|---|
| 1 | C-Charter | 2007-140-T | Albert Frasier | Charles Town Tours and Transportation | 135 Corral Dr | Summerville | SC | 29485 |
| 2 | C-Charter | 2009-34-T | Arthur G. Washington, II | AW Taxi and Limo | 1514 Marietta St | N Charleston | SC | 29406 |
| 3 | C-Charter | 2007-426-T | Bernard Frazier | Majestic Limo Service | 1784 Turkey Pen Rd | Charleston | SC | 29412 |
| 4 | C-Taxi | 2005-282-T | Branson Transportation, LLC | | 612 37th Ave North #3 | Myrtle Beach | SC | 29577 |
| 5 | C-Taxi | 2008-29-T | Bruce Williams | B. C. Taxi Service | 524 Salley St | Orangeburg | SC | 29115 |
| 6 | C-Taxi | 2003-222-T | Carl Edward McFadden | Jenkins Taxi | 318 Wilmont St. | Lake City | SC | 29560-3428 |
| 7 | C-Taxi | 2007-345-T | Charles Weanquoi | Nimba Cab and Shuttle Service | 428 S. Spruce Street | Rock Hill | SC | 29730 |
| 8 | C-Charter | 1995-1159-T | Coast Limousine | | 5237 Pecan Lane | Loris | SC | 29569 |
| 9 | C-Taxi | 2005-207-T | Connie F. Mitchell | | 140 E Wingate Ave | Florence | SC | 29506 |
| 10 | C-Taxi | 2007-331-T | Davis Taxi Service, LLC | | PO Box 306 | Latta | SC | 29565 |
| 11 | C-Non-Emergency | 2009-328-T | DJ's Transportation Services, LLC | | PO Box 1621 | Orangeburg | SC | 29116 |
| 12 | C-Charter | 2001-446-T | Dwight Hagwood | Vintage Limousine | 1141 Plantation Oak Dr | Awendaw | SC | 29429 |
| 13 | C-Charter | 2009-175-T | EcoDriven, Inc. | | M101 Foxhound Ct | Columbia | SC | 29223 |
| 14 | C-Taxi | 2008-244-T | Eugne Sumter, Jr. | Sumter's Taxi Cab | 3880 New Hope Rd | Johns Island | SC | 29455 |
| 15 | C-Non-Emergency | 2009-340-T | Excellence Moving Services, LLC | | 908 Bacons Bridge Rd Suite B | Summerville | SC | 29485 |
| 16 | C-Taxi | 1995-1135-T | Express Cab Company | | 1836 Meeting Street Rd | Charleston | SC | 29405 |
| 17 | C-Charter | 2006-72-T | Extreme Limousine, Inc. | | 3424 Dunnington Pl | Augusta | GA | 30909 |
| 18 | C-Taxi | 2009-214-T | Harrison Transportation, LLC | | 8724 Silver Creek Ln | North Charleston | SC | 29420 |
| 19 | C-Taxi | 2002-8-T | Harry V. Mitchell | Purple Line Taxi Service | 540 Columbia Rd | Chester | SC | 29706 |
| 20 | C-Taxi | 2008-106-T | Hix Enterprise, LLC | Greer Cab | 205 East Main St | Taylors | SC | 29687 |
| 21 | C-Charter | 1981-182-T | HTA Enterprises, Inc | Low Country Adventures, Ltd | PO Box 21010 | Hilton Head Island | SC | 29925 |
| 22 | C-Taxi | 1994-443-T | Irvin Brown | | 108 Kuker St | Florence | SC | 29501 |
| 23 | C-Taxi | 2003-37-T | Jeri Fabius | A 2 Z Express | 716 Field Planters Lane | Bluffton | SC | 29910 |
| 24 | C-Taxi | 2008-122-T | Jerome G. Parker | | 1731 Snowden Road | Mt Pleasant | SC | 29464 |
| 25 | C-Taxi | 2002-399-T | John F. Wilder | | 638 W Oakland Ave | Sumter | SC | 29150 |
| 26 | C-Charter | 2007-310-T | Joseph McQueeney | The Charleston Chauffeur Company | 35-A Barre St | Charleston | SC | 29401 |
| 27 | C-Charter | 1998-415-T | Leisure Tours, Inc. | | PO Box 49997 | Greenwood | SC | 29649 |
| 28 | C-Non-Emergency | 2007-86-T | Low Country Medical Transport, Inc. | | PO Box 912 | Varnville | SC | 29944-0912 |
| 29 | C-Charter | 2006-8-T | Lowcountry Excursions, LLC | | PO Box 61105 | North Charleston | SC | 29419 |
| 30 | C-Taxi | 2009-93-T | Marcelino Reyes | La San Jose Taxi | 2341 Vincent St | Newberry | SC | 29108 |
| 31 | C-Taxi | 2008-98-T | Melquiades Cid | La San Jose Taxi | 47 Landing Rd | Prosperity | SC | 29127 |
| 32 | C-Non-Emergency | 2009-309-T | Metrolink Transport, LLC | | 2025 L Ebenezer Rd | Rock Hill | SC | 29732 |
| 33 | C-Taxi | 2008-179-T | Myron Hughee | | 2210 W Jody Rd Apt A-4 | Florence | SC | 29501 |

Exhibit A - March 4, 2010
Docket No. _____
Rule to Show Cause for Non-Payment of Decal Fees

| No. | CERT TYPE | DOCKET NO. | NAME | DBA | ADDRESS | CITY | STATE | ZIP CODE |
|---|---|---|---|---|---|---|---|---|
| 34 | C-Charter | 2008-78-T | Need-A-Ride Transportation, Inc. | | 1008 3rd Ave Ste I | Conway | SC | 29526 |
| 35 | C-Non-Emergency | 2007-441-T | Renal Transit, LLC | | 108 Shoreditch Drive | Columbia | SC | 29209 |
| 36 | C-Taxi | 2000-356-T | Richard DeRose | Superior Cab Co. | PO Box 6784 | Myrtle Beach | SC | 29522 |
| 37 | C-Non-Emergency | 2009-403-T | Shaunyetta S. Foster | DDS Transportation Service | 161 Kennedy St | Darlington | SC | 29540 |
| 38 | C-Taxi | 2009-304-T | Stephen P. Mathews | Steve's Taxi | 2000 Greens Blvd Apt 29D | Myrtle Beach | SC | 29577 |
| 39 | C-Charter | 2009-308-T | Swamp Fox Taxi Service, LLC | Swamp Fox Transportation | 209 N Tom Gasque Ave | Marion | SC | 29571 |
| 40 | C-Taxi | 2009-139-T | Swamp Fox Taxi Service, LLC | Swamp Fox Transportation | 209 N Tom Gasque Ave | Marion | SC | 29571 |
| 41 | C-Taxi | 2009-13-T | Tonya R. Johnson | | 1015 W Darlington St | Florence | SC | 29501 |
| 42 | C-Charter | 2009-43-T | Transport Unlimited, Inc. | | 110 Palace Green Ct | Columbia | SC | 29210 |
| 43 | C-Non-Emergency | 2009-40-T | Vital Care One, LLC | | PO Box 6099 | N Augusta | SC | 29861 |

**BEFORE**

**THE PUBLIC SERVICE COMMISSION**

**OF SOUTH CAROLINA**

**DOCKET NO. _____**

**March 4, 2010**

| | | |
|---|---|---|
| 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 4, 2010, I examined the business records on file with ORS.

7) As a result of that examination, I attest that the License Decal Application Form(s) and appropriate license decal fee(s) as required by Title 58, Chapter 23, Section 58-23-560 have not been filed with ORS by the following carriers as of March 4, 2010: (See attached list)

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 4th day of 2:10AaL, 20 10-

Notary Public for South Carolina
My Commission Expires: 2/10/12 POR 12

**BEFORE**

**THE PUBLIC SERVICE COMMISSION**

**OF SOUTH CAROLINA**

**DOCKET NO. 2010- _____ - T**

| | | |
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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 Non-Payment of Decal Fees | ) ) ) ) | CERTIFICATE OF SERVICE |

This is to certify that I, Chrystal L. Morgan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE AS TO WHY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY SHOULD NOT BE REVOKED** in the above-referenced matter to the person(s) named on the attached service list by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown in the attached list:

Chrystal L. Morgan

Chrystal L. Morgan

March 15, 2010
Columbia, South Carolina

| | | |
|---|---|---|
| Albert Frasier<br>Charles Town Tours and Transportation<br>135 Corral Dr<br>Summerville, SC 29485 | Arthur G. Washington, II<br>AW Taxi and Limo<br>1514 Marietta St<br>N Charleston, SC 29406 | Bernard Frazier<br>Majestic Limo Service<br>1784 Turkey Pen Rd<br>Charleston, SC 29412 |
| Branson Transportation, LLC<br>612 37th Ave North #3<br>Myrtle Beach, SC 29577 | Bruce Williams<br>B. C. Taxi Service<br>524 Salley St<br>Orangeburg, SC 29115 | Carl Edward McFadden<br>Jenkins Taxi<br>318 Wilmont St.<br>Lake City, SC 29560-3428 |
| Charles Weanquoi<br>Nimba Cab and Shuttle Service<br>428 S. Spruce Street<br>Rock Hill, SC 29730 | Coast Limousine<br>5237 Pecan Lane<br>Loris, SC 29569 | Connie F. Mitchell<br>140 E Wingate Ave<br>Florence, SC 29506 |
| Davis Taxi Service, LLC<br>PO Box 306<br>Latta, SC 29565 | DJ's Transportation Services, LLC<br>PO Box 1621<br>Orangeburg, SC 29116 | Dwight Hagwood<br>Vintage Limousine<br>1141 Plantation Oak Dr<br>Awendaw, SC 29429 |
| EcoDriven, Inc.<br>M101 Foxhound Ct<br>Columbia, SC 29223 | Eugne Sumter, Jr.<br>Sumter's Taxi Cab<br>3880 New Hope Rd<br>Johns Island, SC 29455 | Excellence Moving Services, LLC<br>908 Bacons Bridge Rd Suite B<br>Summerville, SC 29485 |
| Express Cab Company<br>1836 Meeting Street Rd<br>Charleston, SC 29405 | Extreme Limousine, Inc.<br>3424 Dunnington Pl<br>Augusta, GA 30909 | Harrison Transportation, LLC<br>8724 Silver Creek Ln<br>North Charleston, SC 29420 |
| Harry V. Mitchell<br>Purple Line Taxi Service<br>540 Columbia Rd<br>Chester, SC 29706 | Hix Enterprise, LLC<br>Greer Cab<br>205 East Main St<br>Taylors, SC 29687 | HTA Enterprises, Inc<br>Low Country Adventures, Ltd<br>PO Box 21010<br>Hilton Head Island, SC 29925 |
| Irvin Brown<br>108 Kuker St<br>Florence, SC 29501 | Jeri Fabius<br>A 2 Z Express<br>716 Field Planters Lane<br>Bluffton, SC 29910 | Jerome G. Parker<br>1731 Snowden Road<br>Mt Pleasant, SC 29464 |
| John F. Wilder<br>638 W Oakland Ave<br>Sumter, SC 29150 | Joseph McQueeney<br>The Charleston Chauffeur Company<br>35-A Barre St<br>Charleston, SC 29401 | Leisure Tours, Inc.<br>PO Box 49997<br>Greenwood, SC 29649 |
| Low Country Medical Transport, Inc.<br>PO Box 912<br>Varnville, SC 29944-0912 | Lowcountry Excursions, LLC<br>PO Box 61105<br>North Charleston, SC 29419 | Marcelino Reyes<br>La San Jose Taxi<br>2341 Vincent St<br>Newberry, SC 29108 |

| | | |
|---|---|---|
| Melquiades Cid<br>La San Jose Taxi<br>47 Landing Rd<br>Prosperity, SC 29127 | Metrolink Transport, LLC<br>2025 L Ebenezer Rd<br>Rock Hill, SC 29732 | Myron Hughee<br>2210 W Jody Rd Apt A-4<br>Florence, SC 29501 |
| Need-A-Ride<br>Transportation, Inc.<br>1008 3rd Ave Ste I<br>Conway, SC 29526 | Renal Transit, LLC<br>108 Shoreditch Drive<br>Columbia, SC 29209 | Richard DeRose<br>Superior Cab Co.<br>PO Box 6784<br>Myrtle Beach, SC 29522 |
| Shaunyetta S. Foster<br>DDS Transportation Service<br>161 Kennedy St<br>Darlington, SC 29540 | Stephen P. Mathews<br>Steve's Taxi<br>2000 Greens Blvd Apt 29D<br>Myrtle Beach, SC 29577 | Swamp Fox Taxi Service, LLC<br>Swamp Fox Transportation<br>209 N Tom Gasque Ave<br>Marion, SC 29571 |
| Swamp Fox Taxi Service, LLC<br>Swamp Fox Transportation<br>209 N Tom Gasque Ave<br>Marion, SC 29571 | Tonya R. Johnson<br>1015 W Darlington St<br>Florence, SC 29501 | Transport Unlimited, Inc.<br>110 Palace Green Ct<br>Columbia, SC 29210 |
| Vital Care One, LLC<br>PO Box 6099<br>N Augusta, SC 29861 | | |