BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2010-103-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, 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. (1976 and 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. 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. 2009) 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. 2009); further, that these companies have submitted themselves to the jurisdiction of the Commission by their holding a Certificate of

Public 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 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)]; 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. 2009)].

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. 2009).

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. 2009) and 26 S.C. Code Regs. 103-171 (Supp. 2009). 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. 2009); 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. 2009).

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 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).

10. That "the Commission may, at any time, by its order, duly entered, after a hearing had upon notice to the holder of any certificate hereunder at which such holder shall have had an opportunity to be heard and at which time it shall be proved that such holder has 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 any of the terms of his certificate or of the Commission's proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of Articles 1 to 11 of this chapter." S.C. Code Ann. §58-23-320 (Supp. 2009).

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. 2009);

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. 2009) and S.C. Code Ann. §58-23-320 (Supp. 2009).

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.

Shealy Boland Reibold

Jeffrey M. Nelson, Esquire
Shealy Boland Reibold, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

March 17, 2010
Columbia, South Carolina

EXHIBIT A - MARCH 16, 2010 CARRIERS OUT OF COMPLIANCE - NO INSURANCE - 4TH QUARTER 2009

No.	Docket #	Class	Type of Cert	Name	DBA	Address	City	State	Zip
1	1999-301-T	E	HHG	**ADVANTAGE RELOCATION SYSTEMS, INC.**		PO BOX 24081	COLUMBIA	SC	29224
2	2008-29-T	C	TAXI	BRUCE WILLIAMS	**B.C. TAXI SERVICE**	524 SALLEY STREET	ORANGEBURG	SC	29115
3	2008-207-T	C	CHARTER BUS	CHARLES E. MILLER	**C & C CHARTER AND TOURS**	7495 COON RIDGE ROAD	SUMTER	SC	29154
4	2009-194-T	C	CHARTER BUS	**CEE & DEE MOTORCOACH AND TOURS, LP**		3663 CAPE LANE	CONYERS	GA	30013
5	1995-1159-T	C	CHARTER	**COAST LIMOUSINE**		5237 PECAN LANE	LORIS	SC	29569
6	2008-305-T	C	CHARTER	**EXECUTIVE LIMOUSINE OF THE LOWCOUNTRY, INC.**		3242 HEATHLAND WAY	MT PLEASANT	SC	29466
7	2009-28-T	C	CHARTER BUS	**GRACE TOURS, LLC**		PO BOX 6001	SAVANNAH	GA	31419
8	2005-148-T	C	CHARTER BUS	**HAPPY TRAILS TOURS, INC.**		1602 CAMELOT FOREST	BELTON	SC	29627
9	1998-502-T	C	CHARTER BUS	**HOLLYWOOD TRAVEL AGENCY, INC.**		PO BOX 457	HOLLYWOOD	SC	29449
10	2009-93-T	C	TAXI	MARCELINO REYES	**LA SAN JOSE TAXI**	2341 VINCENT STREET	NEWBERRY	SC	29108
11	2008-78-T	C	CHARTER	**NEED-A-RIDE TRANSPORTATION, INC.**		1008 3RD AVE SUITE I	CONWAY	SC	29526
12	2005-126-T	C	CHARTER BUS	WILLIE WESBY	**PEACH CITY TOURS**	PO BOX 211457	AUGUSTA	GA	30917
13	2000-586-T	C	CHARTER	ROBERT A. SMALLS	**R & S TRANSPORTATION**	101 DARLINGTON AVENUE	CHARLESTON	SC	29403
14	2009-304-T	C	TAXI	STEPHEN P. MATTHEWS	**STEVE'S TAXI**	2000 GREENS BLVD APT 29-D	MYRTLE BEACH	SC	29577
15	2000-356-T	C	TAXI	RICHARD DEROSE	**SUPERIOR CAB CO.**	PO BOX 6784	MYRTLE BEACH	SC	29572

EXHIBIT B

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. _____

March 16, 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 16, 2010, 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 16, 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 16th day of March, 20 10

Notary Public for South Carolina
My Commission Expires: 2/10/2020

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2010- ___-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 Revoked for Failure Maintain and File Evidence of Insurance	)))))))	**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 17, 2010
Columbia, South Carolina

RICHARD DEROSE SUPERIOR CAB CO. PO BOX 6784 MYRTLE BEACH, SC 29572	ADVANTAGE RELOCATION SYSTEMS, INC. PO BOX 24081 COLUMBIA, SC 29224	BRUCE WILLIAMS B.C. TAXI SERVICE 524 SALLEY STREET ORANGEBURG, SC 29115
CHARLES E. MILLER C & C CHARTER AND TOURS 7495 COON RIDGE ROAD SUMTER, SC 29154	CEE & DEE MOTORCOACH AND TOURS, LP 3663 CAPE LANE CONYERS, GA 30013	COAST LIMOUSINE 5237 PECAN LANE LORIS, SC 29569
EXECUTIVE LIMOUSINE OF THE LOWCOUNTRY, INC. 3242 HEATHLAND WAY MT PLEASANT, SC 29466	GRACE TOURS, LLC PO BOX 6001 SAVANNAH, GA 31419	HAPPY TRAILS TOURS, INC. 1602 CAMELOT FOREST BELTON, SC 29627
HOLLYWOOD TRAVEL AGENCY, INC. PO BOX 457 HOLLYWOOD, SC 29449	MARCELINO REYES LA SAN JOSE TAXI 2341 VINCENT STREET NEWBERRY, SC 29108	NEED-A-RIDE TRANSPORTATION, INC. 1008 3RD AVE SUITE I CONWAY, SC 29526
WILLIE WESBY PEACH CITY TOURS PO BOX 211457 AUGUSTA, GA 30917	ROBERT A. SMALLS R & S TRANSPORTATION 101 DARLINGTON AVENUE CHARLESTON, SC 29403	STEPHEN P. MATTHEWS STEVE'S TAXI 2000 GREENS BLVD APT 29-D MYRTLE BEACH, SC 29577