

Minutes of the Fairfax County Consumer Protection Commission

October 20, 2009

7:30PM Conference 4
Government Center
12000 Government Center Pkwy.
Fairfax, Virginia 22035
Chairman Fee, presiding

Attendance:

Commissioners: Bahhur, Belkowitz,
Bounacos, Boyd, Douskalis, Fee,
Hargraves, Kirk, Mrowka, Nguyen,
Rosier, Roark

Absent:

Commissioners: Hine

Staff:

Michael S. Liberman, Director
Cable Communication and Consumer
Protection
Cynthia Bailey, Assistant County Attorney
Steve Sinclair, Chief, Public Utilities Branch
Dave Reidenbach, Chief, Regulation and
Licensing Branch
Susan Hafeli, Utilities Analyst, Public
Utilities Branch
Henri Stein-McCartney, Investigator
Regulation and Licensing Branch
Scotty Scott, Communications Analyst
Communications, Policy and Regulation
AndreaS. Khoury, Investigator, Consumer
Affairs Branch

The meeting was called to order at 7:31PM by Chairman Fee.

Minutes

The minutes of the September 15, 2009, meeting were approved.

Report of the Chairman

Chairman Fee requested that the Commission matters be held after the public hearing.

Report of the Director

Director Liberman stated at the request of the Town of Vienna, following input from the County Executive's office, the water survey was revised and now available online through November 15, 2009.

Director Liberman informed Commissioners that the Board of Supervisors meeting day will change to Tuesdays in calendar 2010. Staff will analyze potential conflicts with CPC meetings and report back to the commission.

Commission Matters

Commissioner Bahhur had no matters to bring before the commission.

Commissioner Belkowitz had no matters to bring before the commission.

Commissioner Boyd had no matters to bring before the commission.

Commissioner Bounacos had no matters to bring before the commission.

Commissioner Douskalis had no matters to bring before the commission.

Commissioner Hargraves mention an article on Net Neutrality in the Washington Post and requested the article be placed in the November packet.

Commissioner Kirk had no matters to bring before the commission.

Commissioner Mrowka had no matters to bring before the commission.

Commissioner Nguyen had no matters to bring before the commission.

Commissioner Roark had no matters to bring before the commission.

Commissioner Rosier had no matters to bring before the commission.

Old Business

There was no old business.

New Business

Commissioner Fee informed the Commissioners that the GoGreen Cab, Inc. has requested 50 certificates to establish a hybrid owned taxicab company to provide service to Fairfax County. Commissioner Fee read the statement of CPC responsibility under Chapter 84.1 of the County Code.

1. Public Hearing on Taxicab Certificates

Mjuahid Ahmad, President, GoGreen Cab, Inc. presented the character and responsibility and related business experience of the applicant under Chapter 84.1-2-6 (b)(6), that the public welfare will be enhanced by the award of the certificates of public convenience and necessity requested under Chapter 84.1-2-5 (b), the benefits of hybrid taxicabs, fuel efficiency,

dispatch system, operational facility with zoning, and problems and issues with the taxicab industry in Fairfax County.

A discussion ensued on the location of the company, the number of certificates requested, factual evidence, amount of drivers, cost to join, loan application, and the salary of the drivers.

Steve Sinclair, Chief, Public Utility Branch, presented the taxicab certificate analysis on the application of GoGreen Cab, Inc. for fifty additional certificates. He went over the requirements under Chapter 84.1, the application, DCCCP investigation, burden of the applicant, public hearing notice, factors for the CPC to consider if burden of proof is met, 2009 timeline, industry notification, taxicab demand analysis, and formula used. In addition, Mr. Sinclair discussed airport outbound taxicabs, regional comparison, demand for taxicabs, and staff recommendation.

A discussion ensued on the impact of adding fifty certificates, competition, burden of proof, formula used, customer satisfaction survey, and lack of complaints filed.

Steven Sinclair, Chief, Public Utility Branch presented staff findings regarding the application and if proof of demand was met. Also, Mr. Sinclair addressed staff recommendation, concerns about the application, and the request for more information.

A discussion ensued on who is responsible if a complaint is filed, unrealistic approach of the business model, going green 100 percent, and the responsibility if the plan fails.

Chairman Fee opened to the floor to the public.

Charlie King, Transportation General Inc. spoke about starting a business in a regulated industry, the lack of proof for the additional certificates, comparison between Fairfax and the City of Alexandria/Arlington, not reducing emissions by adding more vehicles, demand for after hour taxicabs, driver fees, and no evidence that the welfare of consumers are not served.

Habib Kazemi, Operations Manager, White Top Taxicab Company, spoke to the lack of need for extra certificates, the expense to drivers owning hybrid vehicles, and the failure to provide a sound financial business model.

Chairman Fee declared the public hearing closed at 10:06 PM.

Chairman Fee made the motion that the CPC deny the application of GoGreen Cab Inc. because the applicant has not met its burden of establishing that public welfare will be enhanced by the award of the certificates. Commissioner Bounacos seconded the motion.

A discussion ensued on the business plan, formula used, retrospective look at the economy, and the need for the certificates.

The motion to deny passed unanimously.

The meeting adjourned at 10:30 PM.