

## Minutes of the Fairfax County Consumer Protection Commission

September 16, 2014

7:30 PM Conference 4/5  
Government Center  
12000 Government Center Pkwy.  
Fairfax, Virginia 22035  
Chairman Fee, presiding

Attendance:

Commissioners: Belkowitz, Durant, Fee, Hine,  
Kazmi, Kirk, Luse, Nguyen, Roark, Rosier

Absent:

Commissioners: Chung, Hargraves,

Staff:

Michael S. Liberman, Director  
Department of Cable and Consumer  
Services  
John W. Burton, Assistant County Attorney  
Steve Sinclair, Branch Chief  
Public Utilities Branch  
Susan C. Jones, Branch Chief,  
Consumer Affairs Branch  
Henri Stein-McCartney, Branch Chief  
Regulations and Licensing Branch  
Susan Hafeli, Utility Analyst  
Public Utilities Branch  
Carl Newcomb, Consumer Specialist II  
Regulations and Licensing Branch

The meeting was called to order at 7:33 PM by Chairman Fee.

### **Minutes**

The minutes of the July 15, 2014, and August 19, 2014 meeting were approved.

### **Report of the Chairman**

Chairman Fee mentioned that Commissioner Martz had resigned.

### **Report of the Director**

Director Liberman had no matters to bring before the commission.

### **Commission Matters**

Commissioner Durant had no matters to bring before the commission.

Commissioner Roark had no matters to bring before the commission.

Chairman Fee spoke about promotional offers made by cable companies and that Cox Communications has a loyalty program that saved him money on his monthly bill.

Commissioner Belkowitz described his billing issues with Verizon when installing phone service at his business location.

Commissioner Rosier asked if the CPC minutes were on display for public review. Minutes are posted online on the DCCS Web page.

Commissioner Kirk had no matters to bring before the commission.

Commissioner Nguyen spoke about upgrading your iPhone and that the rates may be different from the advertised special and possibility of false advertising on the part of the wireless companies.

Commissioner Luse had no matters to bring before the commission.

Commissioner Hine had no matters to bring before the commission.

### **Old Business**

There was no old business to discuss.

### **New Business**

**1. Taxicab Rate Public Hearing-** (7:50PM) Chairman Fee read the statement of Commission responsibility under the ordinance:

*All hearings or other public proceedings conducted by the Commission in accordance with this Chapter shall be conducted in an informal manner. The Commission shall have the discretion to admit all evidence which may be of probative value even if that evidence is not in accord with formal rules of legal practice and procedure. Applicants and appellants may appear, either by personal appearance, legal counsel, or other representation, to present argument and evidence on their behalf. In addition, the Commission may establish rules of procedure for the conduct of hearings which are consistent with law. Any interested party may record all public proceedings of any hearing in any manner which will not impede the orderly conduct of the hearing.*

Susan Hafeli, Public Utility Analyst, presented the staff report on taxicab industry in Fairfax County, taxicab rates, Fairfax County Code § 84.1-6-2(d), taxicab industry price index, FCTIPI weighted change, evaluation factors, gasoline price trends, driver retention and attraction, competition from smartphone dispatch, regional rate comparison, and staff rate and penalties recommendations.

A discussion ensued on wording in the state code, basis for increasing the fares, lack of petition request by drivers, competition in the marketplace, and possible cap for taxicab companies to decide on fees.

Richard Bennett, Yellow Cab, spoke about the difficulty of making a living as a taxicab driver, the extra responsibilities, the safety of the driver, and the need for professional well trained drivers. Mr. Bennett proposed to increase the drop charge from \$3.25 to \$3.50, and increase per-mile charge from \$2.10 to \$2.60.

A discussion ensued on the types of calls received, customer base, more training provided to drivers, incomes earned, and competition.

Charlie King, representing Transportation General, spoke in favor of supporting staff recommendation.

A discussion ensued on the change to the meter, customer affordability, possible cap rate, competition, and increase in driver training.

Public Hearing ended at 9:12PM.

Chairman Fee made the motion to accept staff recommendation:

- A 3.5 percent increase be implemented by: increasing the initial (drop) charge \$0.25, or from \$3.25 to \$3.50;
- Increasing the per-mile charge by \$0.06, or from \$2.10 to \$2.16;
- Revising the billing increment from 1/7th of a mile to 1/6th of a mile, or from \$0.30 per 1/7th mile (\$2.10) to \$0.36 per 1/6th mile (\$2.16);
- Revising the waiting time increment and rate to correspond to the revised mileage billing increment, or from \$0.30 per 51 seconds to \$0.36 per 61 seconds; and
- Section 84.1-9 of the County Code be revised so that it conforms to state law.

Commissioner Nguyen seconded the motion.

Commissioner Kirk made a motion to amend the original motion to increase drop charge \$0.25, to \$3.50 and increase per-mile charge \$0.10, to \$2.20. Section 84.1-9 of the County Code be revised so that it conforms to state law.

A discussion ensued on too many licenses versus increase in rate, benefit of increasing by \$.10, downward adjustment warranted, and the effect on fixed or low income passengers.

Chairman called the motion made by Commissioner Kirk. The motion failed with four commissioners voting for, four commissioners voting against, and one commissioner abstaining.

Chairman Fee called the motion to accept staff recommendation:

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- increasing the per-mile charge by \$0.06, or from \$2.10 to \$2.16;
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- Revising the waiting time increment and rate to correspond to the revised mileage billing increment, or from \$0.30 per 51 seconds to \$0.36 per 61 seconds; and
- Section 84.1-9 of the County Code be revised so that it conforms to state law.

The motion passed with eight commissioners voting for, zero commissioners voting against, and one commissioner abstaining.

Discussion ensued on upcoming meeting events and attendance by commissioners. The commission requested a reminder email to all commissioners the day prior to the scheduled meeting.

The meeting ended at 9:40 PM.