

DECISION OF RTA MALAPPURAM DATED 22.12.2010

Item No. 1

1. Perused the Judgment in MVAA No. 55/2008 dated 31.01.2008 of Hon. STAT Ernakulam
2. Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 2

Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 3

1. Perused the Judgment in WP(C) No. 10895/2010 of Hon. High Court of Kerala
2. Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 4

Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 5

Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 6

Heard. Adjourned. Secretary is directed to seek concurrence from RTA Palakkad and place before RTA

Item No. 7

Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 8

Heard. Adjourned. Secretary is directed to seek concurrence from RTA Palakkad and place before RTA

Item No. 9

Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 10

Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 11

Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 12

Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 13

Heard. Adjourned. Secretary is directed to seek concurrence from RTA Palakkad and place before RTA

Item No. 14

1. Perused the Judgment in MVAA No. 189/2009 dated 02.08.2010 of Hon. STAT Ernakulam
2. Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 15

Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 16

Heard. Portion of the proposed route from Ponnani to Purang in a distance of 8.5 Kms overlaps the notified sector Guruvayur – Kozhikkode. Which is violation of GO(P) No. 42/2009/Tran dated 14.07.2009. Hence Rejected.

Item No. 17

Heard. Portion of the proposed route from Meenchanda to Feroke in a distance of 6.5 Kms overlaps the notified sector Guruvayur – Kozhikkode. Which is violation Of O (P) No. 42/2009/Tran dated 14.07.2009. Hence Rejected.

Item No. 18

Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 19

Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No. 20

Heard. Secretary is directed to verify the exact route length and place before the next RTA, Adjourned.

Item No. 21

Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No.22

Heard. Secretary is directed to ascertain the exact overlapping on the notified sector in the proposed route, Adjourned

Item No.23

Heard. Regular Stage Carriage permit Granted subject to settlement of timings.

Item No.24

Heard. Regular Stage Carriage permit Granted in the vacancy of KL 11Q 6515.

Item No.25

Heard. There is no an urgent temporary need of a temporary permit U/S 87(1) a,b,c, and d. Hence rejected

Item No.26

Heard. There is no an urgent temporary need of a temporary permit U/S 87(1) a,b,c, and d. Hence rejected

Item No.27

Heard. There is no change of circumstances under 145(6) of KMV Rule 1989 and the proposal to change the termini is against Section 80(3) of MV Act 1988 Hence rejected

Item No.28

Heard. Total Curtailment in the existing route proposed by the permit holder is 70 Kms and Termini is changing from Perintalmanna to Karuvarakundu it is the violation of Section 80 (3) of MV Act 1988. Hence the application for variation is rejected.

Item No.29

Heard. Variation of the Regular Stage Carriage permit Granted subject to settlement of timings

Item No.30

Heard. Curtailment in the existing route from the ill served sectors will be adversely affect the traveling public has been reported. Hence rejected.

Item No.31

1. Perused the Judgment in WP(C) No. 23099/2010 dated 28.10.2010 of Hon. High Court of Kerala
2. Heard. Conversion of service as LSFP granted with existing timings.

Item No.32

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.33

1. Perused the Judgment in WP(C) No. 23490/2010 dated 08.10.2010 of Hon. High Court of Kerala
2. Heard. Conversion of service as Super Fast granted with existing timings.

Item No.34

1. Perused the Judgment in WP(C) No. 24981/2010 dated 28.10.2010 of Hon. High Court of Kerala
2. Heard. Conversion of service as Fast Passenger Service granted with existing timings.

Item No.35

Heard. Existing facilities of traveling public is curtailing. It will be adversely affect the traveling public. Hence rejected.

Item No.36

Heard. Conversion of the service to the higher class will be reduce the facilities of traveling public. It will adversely affect them. Hence rejected.

Item No.37

Heard. Conversion of the service to the higher class will be reduce the facilities of traveling public. It will adversely affect them. Hence rejected

Item No.38

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.39

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.40

Heard. Existing facilities of traveling public is curtailing. It will be adversely affect the traveling public. Hence rejected.

Item No.41

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.42

Heard. 28 single trips are curtailing in the existing regular route. It will be adversely affect the traveling public. Hence rejected.

Item No.43

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.44

Heard. Existing facilities of traveling public is curtailing. It will be adversely affect the traveling public. Hence rejected.

Item No.45

Heard. Existing facilities of traveling public is curtailing. It will be adversely affect the traveling public. Hence rejected.

Item No.46

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.47

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.48

Heard. Curtailment of the route (via) Kalvari Hills will be adversely affect the existing traveling public. Hence rejected.

Item No.49

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.50

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.51

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.52

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.53

1. Perused the Judgment in WP(C) No. 33615/2010 dated 18.11.2010 of Hon. High Court of Kerala
2. Heard. Conversion of service as Super Fast Service granted with existing timings.

Item No.54

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.55

Heard. No. LSOS service is existing. Conversion of the service to the higher class will be reduce the facilities of traveling public. It will adversely affect them. Hence rejected

Item No.56

Heard. Existing facilities of traveling public is curtailing. It will be adversely affect the traveling public. Hence rejected.

Item No.57

Heard. Curtailment of last trip will adversely affect the late traveling public. Hence rejected

Item No.58

Heard. Existing facilities of traveling public is curtailing. It will be adversely affect the traveling public. Hence rejected.

Item No.59

Heard. Existing facilities of traveling public is curtailing. It will be adversely affect the traveling public. Hence rejected.

Item No.60

Heard. Existing facilities of traveling public is curtailing. It will be adversely affect the traveling public. Hence rejected.

Item No.61

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.62

Heard. Existing facilities of traveling public is curtailing. It will be adversely affect the traveling public. Hence rejected.

Item No.63

1. Perused the Judgment in MVAA No. 96/2010 dated 04.09.2010 of Hon. STAT Ernakulam
2. Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.64

1. Perused the Judgment in MVAA No. 97/2010 dated 04.09.2010 of Hon. STAT Ernakulam
2. Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.65

Heard. There is no change of circumstances under 145(6) of KMV Rule 1989 and the proposal to change the termini is against Section 80(3) of MV Act 1988 Hence rejected

Item No.66

Heard. There is no change of circumstances under 145(6) of KMV Rule 1989 and the proposal to change the termini is against Section 80(3) of MV Act 1988 Hence rejected

Item No.67

Heard. Variation of Regular Stage Carriage permit Granted subject to settlement of timings

Item No.68

Heard. Transfer of permit allowed

Item No.69

Heard. Transfer of permit allowed

Item No.70

Heard. Adjourned. The applicant is directed to produce Legal Heir ship Certificate

Item No.71

Heard. Transfer of permit allowed

Item No.72

Heard. Transfer of permit allowed

Item No.73

Heard both the applicants
Transfer of permit allowed

Item No.74

Heard both the applicants
Transfer of permit allowed

Item No.75

Heard both the applicants
Transfer of permit allowed

Item No.76

Heard both the applicants
Transfer of permit allowed

Item No.77

Heard both the applicants
Transfer of permit allowed

Item No.78

Heard both the applicants
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Item No.79

Heard both the applicants
Transfer of permit allowed

Item No.80

Heard both the applicants
Transfer of permit allowed

Item No.81

Heard both the applicants
Transfer of permit allowed

Item No.82

Heard both the applicants
Transfer of permit allowed

Item No.83

Heard both the applicants
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Item No.84

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Item No.85

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Item No.86

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Item No.87

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Transfer of permit allowed

Item No.88

Heard both the applicants
Transfer of permit allowed

Item No.89

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Transfer of permit allowed

Item No.90

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Item No.91

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Item No.92

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Item No.93

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Item No.94

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Item No.95

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Item No.96

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Item No.97

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Item No.98

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Transfer of permit allowed

Item No.99

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Transfer of permit allowed

Item No.100

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Transfer of permit allowed

Item No.101

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Transfer of permit allowed

Item No.102

Heard both the applicants
Transfer of permit allowed

Item No.103

Heard both the applicants
Transfer of permit allowed

Item No.104

Heard both the applicants
Transfer of permit allowed

Item No.105

Heard both the applicants
Transfer of permit allowed

Item No.106

Heard both the applicants
Transfer of permit allowed

Item No.107

Heard both the applicants
Transfer of permit allowed

Item No.108

Heard both the applicants
Transfer of permit allowed

Item No.109

Heard both the applicants
Transfer of permit allowed

Item No.110

Heard both the applicants
Transfer of permit allowed

Item No.111

Heard both the applicants
Transfer of permit allowed

Item No.112

Heard both the applicants
Transfer of permit allowed

Item No.113

Heard both the applicants
Transfer of permit allowed

Item No.114
Heard both the applicants
Transfer of permit allowed

Item No.115
Heard both the applicants
Transfer of permit allowed

Item No.116
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Transfer of permit allowed

Item No.117
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Item No.118
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Item No.119
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Item No.120
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Item No.121
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Transfer of permit allowed

Item No.122

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Transfer of permit allowed
Item No.123
Heard both the applicants
Transfer of permit allowed

Item No.124
Heard both the applicants
Transfer of permit allowed

Item No.125
Heard both the applicants
Transfer of permit allowed

Item No.126
Heard both the applicants
Transfer of permit allowed

Item No.127
Heard. Allowed

Item No.128
Heard both the applicants
Transfer of permit allowed

Item No.129
Secretary is allowed to seek concurrence from Sister RTA Kozhikkode

Item No.130
Secretary is allowed to seek concurrence from Sister RTA Kozhikkode

Item No.131
Secretary is allowed to seek concurrence from Sister RTA Palakkad

Item No.132

Secretary is allowed to seek concurrence from Sister RTA Palakkad and Kozhikkode

Item No.133

Secretary is allowed to seek concurrence from Sister RTA Palakkad

Item No.134

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode and Thrissur

Item No.135

Secretary is allowed to seek concurrence from Sister RTA Palakkad

Item No.136

Secretary is allowed to seek concurrence from Sister RTA Palakkad

Item No.137

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode

Item No.138

Secretary is allowed to seek concurrence from Sister RTA Palakkad

Item No.139

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode

Item No.140

Secretary is allowed to seek concurrence from Sister RTA Kozhikkode

Item No.141

Secretary is allowed to seek concurrence from Sister RTA Palakkad

Item No.142

Secretary is allowed to seek concurrence from Sister RTA Thrissur

Item No.143

Heard. Delay condoned. Renewal of Regular Permit Granted

Item No.144

Secretary is allowed to seek concurrence from sister RTA Kozhikkode

Item No.145

Secretary is allowed to seek concurrence from sister RTA Thrissur

Item No.146

Secretary is allowed to seek concurrence from sister RTA Thrissur

Item No.147

Secretary is allowed to seek concurrence from sister RTA Kozhikkode, Thrissur and Ernakulam

Item No.148

Secretary is allowed to seek concurrence from sister RTA Palakkad

Item No.149

Heard. Secretary is allowed to seek concurrence from sister RTA Thrissur and Palakkad

Item No.150

Heard. Secretary is allowed to seek concurrence from sister RTA Kozhikkode

Item No.151

Heard. Secretary is allowed to seek concurrence from sister RTA Kozhikkode

Item No.152

Heard. Delay condoned Secretary is allowed to seek concurrence from sister RTA Kozhikkode

Item No.153

Heard. Secretary is allowed to seek concurrence from sister RTA Palakkad

Item No.154

Heard. Secretary is allowed to seek concurrence from sister RTA Palakkad

Item No.155

Heard. Secretary is allowed to seek concurrence from sister RTA Palakkad

Item No.156

Heard. Secretary is allowed to seek concurrence from sister RTA Palakkad

Item No.157

Heard. Secretary is allowed to seek concurrence from sister RTA Thrissur

Item No.158

Heard. Secretary is allowed to seek concurrence from sister RTA Palakkad and Kozhikkode

Item No.159

Heard. Secretary is allowed to seek concurrence from sister RTA Kozhikkode

Item No.160

Heard. Renewal of regular stage carriage permit granted

Item No.161

Heard. Delay condoned. Renewal of permit granted

Item No.162

Heard. Delay condoned. Renewal of permit granted

Item No.163

- Heard. Delay condoned. 1. Renewal of permit granted
2. Temporary permit for 4 months granted U/S 87 (1) d

Item No.164

Heard. Allowed to construct a new Bus Stand at Tanur in which the land proposed by the Panchayath

Item No.165

Rejected the application for administrative sanction of Bus Stand at Amarambalam since there is no sufficient space to turn the stage carriages in side the proposed stand.

Item No.166

Allowed a Bus Stop in front of Venniyur Mattil Health Centre.

Item No.167

Heard. Adjourned for a detailed enquiry

Item No.168

1. Perused the Direction of Chairman RTA dated 13.07.2010
2. Allowed a Bus Stop at GHSS gate Pullangode

Item No.169

Adjourned for a detailed enquiry

Item No.170

Heard. Adjourned. Secretary is directed to conduct a detailed enquiry and report

Item No.171

- 1) Every renewal of permit is to be treated as a fresh permit and all the Rules and Regulations adopted for a Fresh Permit is also applicable in the case of renewal of permit also. It is the duty of the Secretary to ascertain whether the route is intra/inter district, the length of the route, the

overlapping in the notified route etc. Hence the enquiry through the field officer is essential and request of so and so cannot be considered.

- 2) As per Judgment No. OP No. 182/1998 dtd 6.10.1998 the Secretary, Regional Transport Authority has no jurisdiction to get concurrence from the sister RTA (Mohammed V/s RTA) 1998(2) KLT 1060. Under the above circumstances, the request cannot be considered by this Authority.

Item No.172

Heard. Exonerated from all charges, since the enquiry officer reported that the vehicle was operating with mechanical defects at the time of incident.

Item No.173

Since the conductor of the stage carriage was not held a valid Conductors License, The Permit Holder is responsible for the conduct of the crews of every transport vehicles U/R 153 of KMV Rules. This authority finds it as a case fit for appropriate punishment. Hence compounded an amount of Rs. 3500/- or suspend the permit for 10 days.

Item No.174

Perused. Complaints of misbehavior by the crews of stage carriages is in increase. The Permit Holder is responsible for the conduct of the crews of every transport vehicles U/R 153 of KMV Rules. This authority finds it as a case fit for appropriate punishment. Hence compounded Rs.3000/-

Item No.175

RTA Malappuram dated 18.10.2004 in Item No. 114 on the request of sri. K. Hussain S/o Moideen, Mattathur, Padinharekkara decided that 'touching of all long distance services at Kottakkal Bus Stand will cause inconvenience to the long distance passengers' and rejected. Hence it is not mandatory to enter the long route stage carriages to Kottakkal Bus Stand and exonerated from all charges against s/c KL 10Q 9020.

Item No.176

Secretary is directed to issue a Shaw cause notice to the Registered Owner and place before RTA with remarks

Item No.177

Heard. Adjourned for detailed enquiry

Item No.178

Heard. The applicant is an existing Auto Rickshaw permit holder. The application is for the changing the halting place to Tirur Municipality. As per the report of JRTO Tirur, the municipality is already oversaturated with Auto Rickshaws. RTA dated 21.10.2004, decided that the objective of RTA is to restrict the number of Auto Rickshaws in municipalities and town areas as it is already oversaturated. In view of the fact that parking facilities in urban areas are limited, it is impractical to add to the pool of Auto Rickshaws. However Auto Rickshaws allowed in the district by Government Sponsored Self Employment Schemes in which the concerned financial institutions had sanctioned the loan before 31.03.2004 is exempted. From 01.04.2004, no Auto Rickshaw permits shall be issued in Municipal areas and Nilambur, Kottakkal and Kondotty towns except for exemption made above. This Auto Rickshaw is purchased after 01.04.2004. The RTA on 07.04.2010 directed not to entertain application for Auto Rickshaw permits with halting place in Municipal areas. Therefore the application for change of halting place is rejected.

Item No.179

Heard. The applicant is an existing Auto Rickshaw permit holder. The application is for the changing the halting place to Tirur Municipality. As per the report of JRTO Tirur, the municipality is already oversaturated with Auto Rickshaws. RTA dated 21.10.2004, decided that the objective of RTA is to restrict the number of Auto Rickshaws in municipalities and town areas as it is already oversaturated. In view of the fact that parking facilities in urban areas are limited, it is impractical to add to the pool of Auto Rickshaws. However Auto Rickshaws allowed in the district by Government Sponsored Self Employment Schemes in which the concerned financial institutions had sanctioned the loan before 31.03.2004 is exempted. From 01.04.2004, no Auto Rickshaw permits shall be issued in Municipal areas and Nilambur, Kottakkal and Kondotty towns except for exemption made above. This Auto Rickshaw is purchased after 01.04.2004. The RTA on 07.04.2010 directed not to entertain application for Auto Rickshaw permits with halting place in Municipal areas. Therefore the application for change of halting place is rejected.

Item No.180

Heard. The applicant is an existing Auto Rickshaw permit holder. The application is for the changing the halting place to Tirur Municipality. As per the report of JRTO Tirur, the municipality is already oversaturated with Auto Rickshaws. RTA dated 21.10.2004, decided that the objective of RTA is to restrict the number of Auto Rickshaws in municipalities and town areas as it is already oversaturated. In view of the fact that parking facilities in urban areas are limited, it is impractical to add to the pool of Auto Rickshaws. However Auto Rickshaws allowed in the district by Government Sponsored Self Employment Schemes in

which the concerned financial institutions had sanctioned the loan before 31.03.2004 is exempted. From 01.04.2004, no Auto Rickshaw permits shall be issued in Municipal areas and Nilambur, Kottakkal and Kondotty towns except for exemption made above. This Auto Rickshaw is purchased after 01.04.2004. The RTA on 07.04.2010 directed not to entertain application for Auto Rickshaw permits with halting place in Municipal areas. Therefore the application for change of halting place is rejected.

Item No.181

1. Perused the Judgment in WP(C) No. 23619/2010 dated 24.09.2010 of Hon. High Court of Kerala

2. Heard. The applicant is an existing Auto Rickshaw permit holder. The application is for the changing the halting place to Kottakkal. As per the report of enquiry officer, the Kottakkal town is already oversaturated with Auto Rickshaws. RTA dated 21.10.2004, decided that the objective of RTA is to restrict the number of Auto Rickshaws in municipalities and town areas as it is already oversaturated. In view of the fact that parking facilities in urban areas are limited, it is impractical to add to the pool of Auto Rickshaws. However Auto Rickshaws allowed in the district by Government Sponsored Self Employment Schemes in which the concerned financial institutions had sanctioned the loan before 31.03.2004 is exempted. From 01.04.2004, no Auto Rickshaw permits shall be issued in Municipal areas and Nilambur, Kottakkal and Kondotty towns except for exemption made above. This Auto Rickshaw is purchased after 01.04.2004. The RTA on 07.04.2010 directed not to entertain application for Auto Rickshaw permits with halting place in Municipal areas. Therefore the application for change of halting place is rejected.

Item No.182

Heard. The applicant is an existing Auto Rickshaw permit holder. The application is for the changing the halting place to Malappuram Municipality. As per the report of enquiry officer, the municipality is already oversaturated with Auto Rickshaws. RTA dated 21.10.2004, decided that the objective of RTA is to restrict the number of Auto Rickshaws in municipalities and town areas as it is already oversaturated. In view of the fact that parking facilities in urban areas are limited, it is impractical to add to the pool of Auto Rickshaws. However Auto Rickshaws allowed in the district by Government Sponsored Self Employment Schemes in which the concerned financial institutions had sanctioned the loan before 31.03.2004 is exempted. From 01.04.2004, no Auto Rickshaw permits shall be issued in Municipal areas and Nilambur, Kottakkal and Kondotty towns except for exemption made above. This Auto Rickshaw is purchased after 01.04.2004. The RTA on 07.04.2010 directed not to entertain application for Auto Rickshaw permits with halting place in Municipal areas. Therefore the application for change of halting place is rejected.

Item No.183

1. Perused the Judgment in MVARP No. 279/2009 dated 16.01.2010 of Hon. STAT Ernakulam

2. Granted concurrence for variation of regular permit without prejudice to the right of the primary authority to decide the class of service.

Item No.184

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.185

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.186

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.187

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.188

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.189

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.190

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.191

Granted concurrence for fresh regular permit without prejudice to the right of primary authority to decide the class of service. of the

Item No.192

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.193

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.194

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.195

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.196

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.197

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.198

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Item No.199

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Item No.200

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Item No.201

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Item No.202

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Item No.203

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Item No.204

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Item No.205

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Item No.206

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.207

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Item No.208

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Item No.209

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Item No.210

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.211

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.212

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.213

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the

Item No.214

Granted concurrence for renewal for regular permit without prejudice to the right of primary authority to decide the class of service. the