

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,389

IN THE MATTER OF:

Served May 4, 2010

Application of CSL LLC to Change) Case No. AP-2010-056
Trade Name on Certificate No. 1240)
from DOUBLE DECKER TOURS to CITY)
SIGHTSEEING DOUBLE DECKER TOURS)

CSL LLC has filed an application to change the trade name appearing on Certificate of Authority No. 1240 from "Double Decker Tours" to "City Sightseeing Double Decker Tours" pursuant to Title II of the Compact, Article XI, Section 10(b). The application is supported by proof of registration of the new trade name with the District of Columbia Department of Consumer and Regulatory Affairs.

The Commission approved the issuance of Certificate No. 1240 over the objection of City Sightseeing Washington DC Inc., WMATC Carrier No. 931, in June 2006.¹ CSL's legal name at the time was City Sightseeing Buses LLC. City Sightseeing Washington DC protested on the ground that issuing a certificate of authority in applicant's then legal name would unduly confuse the public given that protestant was already authorized to operate in the Metropolitan District under a substantially similar name. Before the Commission could rule on the merits of the protest, CSL changed its legal name to CSL LLC. The Commission found that this resolved the public interest issue raised by the protest and approved issuance of Certificate No. 1240 in the name of CSL LLC.² The Commission later approved CSL's application to add the trade name Double Decker Tours in 2007.³

The Commission's mandate includes protecting the public from unfair competition.⁴ The use of a name that is similar to that of a competitor, which has the capacity to confuse or deceive the public, may be prohibited by the Commission as a method of unfair competition.⁵ The appropriate remedy for potential name confusion is ordering an applicant to propose a different name for use in the Metropolitan District.⁶

¹ *In re City Sightseeing Buses LLC*, No. AP-06-013, Order No. 9651 (June 15, 2006).

² *Id.*

³ *In re City Sightseeing Buses LLC*, No. AP-07-116, Order No. 10,586 (June 29, 2007).

⁴ *In re D C Tours Inc*, No. AP-02-113, Order No. 7047 (Feb. 25, 2003).

⁵ *Id.*

⁶ *Id.*

Because the proposed trade name is substantially similar to the name protested by City Sightseeing Washington DC Inc. in 2006 and raises anew the public interest issue that CSL averted in 2006 by changing its legal name, applicant shall be required to publish notice of this application so that the public and City Sightseeing Washington DC Inc., and any other interested persons, may have an opportunity to file comments or protest the application. A copy of this order shall be served on City Sightseeing Washington DC Inc.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than May 18, 2010, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than June 1, 2010, an affidavit that notice has been published as required in the preceding paragraph.

3. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing is June 1, 2010, and that copies must be served on applicant's Overseas Manager, Darren Birch, 6318 Chillum Place, N.W., Washington, DC 20011-1404.

4. That Commission staff shall serve a copy of this order on City Sightseeing Washington DC Inc no later than May 18, 2010.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND CHRISTIE:



William S. Morrow, Jr.
Executive Director