

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 1392

IN THE MATTER OF:

|                           |                        |
|---------------------------|------------------------|
| Application of CENTRAL )  | Served January 3, 1975 |
| DELIVERY SERVICE, INC., ) |                        |
| for a Certificate of )    | Application No. 854    |
| Public Convenience and )  | Docket No. 281         |
| Necessity )               |                        |

By Application No. 854, filed December 31, 1974, Central Delivery Service, Inc. (Central) seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact. Central seeks authority to transport passengers within the District of Columbia, between the Atlantic Terminal, located between Martin Luther King, Jr. Avenue and South Capitol Street, in the District of Columbia, on the one hand, and on the other, points in that part of the District of Columbia, east of Interstate Highway 295, south of Portland Street, and west of 13th Street, S.E.

The authority embraced by the certificate of public convenience and necessity sought by Central is similar to the temporary authority granted by the Commission to Central in Order No. 1353, served October 8, 1974. Of course, the temporary authority creates no presumption that corresponding permanent authority will be granted. See Compact, Title II, Article XII, Section 4(d)(3).

Central submitted as part of its application a proposed tariff. The tariff states a per capita one-way fare of twenty-five cents. A similar tariff was recently considered

by the Commission in Order No. 1391, served January 2, 1975. That tariff applied only to the services performed under the temporary authority granted to Central by the Commission. Accordingly, that tariff will be effective only through Tuesday, April 9, 1975, unless otherwise provided by order of the Commission.

Central's proposed operations would be performed in vehicles with a capacity of 8 to 15 passengers including the driver. The service would be provided weekdays except national holidays.

Title II, Article XII, Section 4(b) of the Compact provides as follows:

When an application is made under this section for a certificate..., the Commission shall issue a certificate to any qualified applicant therefor, ..., if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied. (Emphasis added)

Pursuant to this mandate, the Commission shall schedule a hearing to develop an appropriate record.

The reason for the hearing is to fully develop the basis for any findings as to Central's fitness to perform the proposed transportation service and the existing requirements of the public convenience and necessity for the proposed transportation service. The Commission shall require Central to submit and be prepared to support with competent witnesses the following exhibits:

- (A) A detailed income statement of applicant for the 12-month period ending December 31, 1974, including the ratio between revenue deductions and revenues;

- (B) A statement of the revenues and revenue deductions resulting from its current transportation services performed pursuant to Order No. 1353, served October 8, 1974;
- (C) A statement of the services performed, the passenger count, and the labor and vehicle hours expended each day in performing its current transportation services pursuant to Order No. 1353, served October 8, 1974; and
- (D) A statement projecting the revenues and revenue deductions, including taxes, for a one-year period, together with supporting details, including the ratio between revenue deductions and revenues.

Central shall be directed to file six(6) copies of the statements and/or exhibits required hereinbefore with the Commission and serve one copy on each party of record on or before Friday, February 7, 1975. Central shall be prepared to present evidence that public convenience and necessity require the proposed services.

**THEREFORE, IT IS ORDERED:**

1. That Application No. 854 of Central Delivery Service, Inc., be, and it is hereby, scheduled for public hearing to commence Thursday, February 13, 1975, at 10:00 a.m., in the Hearing Room of the Commission, Room 314, 1625 I Street, N.W., Washington, D.C. 20006.

2. That Central Delivery Service, Inc., post notice in the form prescribed by the staff of the Commission of such application and hearing in all of its vehicles operated pursuant to Order No. 1353, no later than Saturday, January 18, 1975.

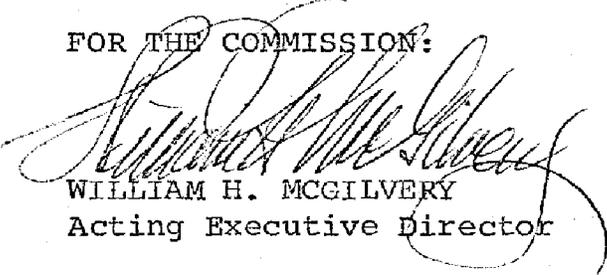
3. That Central Deliver Service, Inc., publish notice in the form prescribed by the staff of the Commission of such application and hearing in a newspaper of general circulation in the Metropolitan District no later than Saturday,

January 18, 1975, and present at the hearing, a certificate of publication from the selected newspaper.

4. That six(6) copies, the original to be submitted at the hearing, of the statements and exhibits required hereinbefore be filed by Central Delivery Service, Inc., with the Commission and one copy served on each party of record on or before Friday, February 7, 1975.

5. That any person desiring to protest shall file a protest or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Monday, February 3, 1975, and shall mail a copy of such protest or such notice to counsel of record for Central Delivery Service, Inc., S. Harrison Kahn, Esquire, Suite 733 Investment Building, Washington, D.C. 20005.

FOR THE COMMISSION:



WILLIAM H. MCGILVERY  
Acting Executive Director