

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1438

IN THE MATTER OF:

Application of BANNISTER	)	Served June 13, 1975
ENTERPRISES, INC., for Temporary	)	Application No. 865
Authority to Perform Charter	)	Docket No. 288
Operations Pursuant to Contract	)	

By Application No. 865, filed June 9, 1975, Bannister Enterprises, Inc. (Bannister) seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact. Bannister proposes to perform a charter operation pursuant to a contract with the Government of the District of Columbia (District of Columbia). The authority sought would be to transport passengers designated by an agency of the District of Columbia over irregular routes between points in the Metropolitan District.

The contract between Bannister and the District of Columbia is for a one-year period. The service to be provided would be pursuant to the requests of the agencies of the District of Columbia. The transportation would be provided in either 44-passenger or 51-passenger buses. The services to be performed are specified in the contract along with the rate for each specified service. The rate would vary between \$30 and \$70, according to the service and the size of the vehicle.

Under Title II, Article XII, Section 4(d)(3) of the Compact, the Commission must base any decision to grant temporary authority upon the findings that there is an immediate and urgent need to a point or points within a territory and that there is no carrier service capable of meeting such need. So finding, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority.

Bannister filed as support for its temporary authority application a letter from the District of Columbia's assistant director for materiel management. The letter, dated June 2, 1975, indicates that the period of the contract is June 1, 1975, through May 31, 1976. The letter also indicates that approval of the application would be in the best interests of the District of Columbia.

Bannister has stated in its application that there is no other carrier service available to perform the contract. The District of Columbia contract has been awarded to Bannister.

The application contains no indication of the number of vehicles currently owned or the number of operators employed by Bannister. The Commission's records do not contain a listing of the equipment owned or operated by Bannister. The record contains no information evidencing the ability of Bannister to perform the proposed service. A hearing shall be scheduled, on less than twenty-five (25) days notice, to develop a record with respect to Bannister's fitness and ability to perform. Bannister will be required to submit and be prepared to support with competent witnesses the following:

- (A) A detailed balance sheet of applicant as of April 30, 1975, including a list of all equipment owned or leased;
- (B) A detailed income statement of applicant for the 12-month period ended April 30, 1975; and
- (C) A statement projecting revenues and revenue deductions, including taxes, allocated between the contract with the District of Columbia and other operations, for a one-year period, together with supporting details, including the ratio between revenue deductions and revenues.

Bannister 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 Wednesday, June 25, 1975. Bannister also shall be directed to publish notice of the application and hearing in a newspaper of general circulation in the Metropolitan District.

THEREFORE, IT IS ORDERED:

1. That Application No. 865 of Bannister Enterprises, Inc., be, and it is hereby, scheduled for public hearing to commence Friday, June 27, 1975, at 10:00 a.m., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

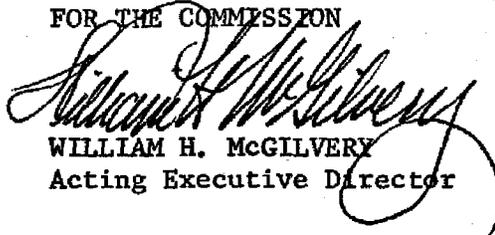
2. That Bannister Enterprises, Inc., publish notice in the form prescribed by the staff of the Commission of such application and hearing in a newspaper of general circulation in the Metropolitan District no later than Saturday, June 21, 1975, and to present at the hearing, a certificate of publication from the selected newspaper.

3. That six (6) copies, the original to be submitted at the hearing, of the statements and exhibits required hereinbefore be filed by Bannister Enterprises, Inc., with the Commission and one copy served on each party of record on or before Wednesday, June 25, 1975.

4. 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 Wednesday, June 25, 1975, and shall mail a copy of such protest or notice to counsel of record for Bannister Enterprises, Inc., William W. Becker, Esquire, Becker, Channell, Becker & Feldman, 1819 H Street, N. W., Washington, D. C.

5. That Bannister Enterprises, Inc., be, and it is hereby, assessed \$500 pursuant to the provisions of the Compact, Title II, Article XII, Section 19 and directed to deposit said amount in the name and to the credit of the Washington Metropolitan Area Transit Commission in the American Security and Trust Company, 1612 K Street, N. W., Washington, D. C., on or before Monday, June 23, 1975.

FOR THE COMMISSION



WILLIAM H. MCGILVERY  
Acting Executive Director

