

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1444

IN THE MATTER OF:

Served July 23, 1975

Application of EXECUTIVE)
LIMOUSINE SERVICE, INC., for)
Certificate of Public Convenience)
and Necessity)

Application No. 871

Docket No. 289

By Application No. 871, filed July 17, 1975, Executive Limousine Service, Inc. (Executive) seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to transport passengers, together with mail, express, baggage and newspapers, over irregular routes, in special operations, between Dulles International Airport (Dulles), Chantilly, Virginia, on the one hand, and on the other, the Mayflower Hotel, 1127 Connecticut Avenue, N. W., Washington, D. C., the Shoreham Americana, 2500 Calvert Street, N. W., Washington, D. C., and the Sheraton Park Hotel, 2660 Woodley Road, N. W., Washington, D. C. The per capita fare would be the same between Dulles and each specified hotel. The rate structure proposed would be \$4 full fare, \$2.50 fare for airport or airline employee, and \$3 fare for cancelled, diverted or scrip passenger.

Executive proposes to provide the service on a scheduled basis. The service would be performed in either 45-passenger motor coaches or 14-passenger or 8-passenger limousines. Executive did not submit with the application the proposed time schedule or the basis for using equipment ranging in capacity from 8 to 45 passengers.

Executive currently holds Certificate of Public Convenience and Necessity No. 18. That Certificate authorizes the performance of special operations, over irregular routes, limited to limousine service, between Dulles, on the one hand, and on the other, the Burlington Hotel, Vermont Avenue at Thomas Circle, N. W., Washington, D. C., and between Dulles, on the one hand, and on the other, the Quality Inn-Capitol Hill, 415 New Jersey Avenue, N. W., Washington, D. C., with an intermediate stop at L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, S. W., Washington, D. C. That Certificate also authorizes the performance of separate charter operations pursuant to contract with specified airlines between Dulles or Washington National Airport, Gravelly Point, Virginia, on the one hand, and on the other, points within the District of Columbia or Maryland which are located within the Metropolitan District.

Executive states in its application that the proposed service may be competitive with Greyhound Airport Service, Inc. (Greyhound). The service rendered by Greyhound pursuant to Certificate of Public Convenience and Necessity No. 7 is defined in its WMATC Tariff No. 13. Greyhound's tariff provides for motor coach service from Dulles to the Mayflower Hotel and the Sheraton Park Hotel at the per capita fare of \$3.75.

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. Executive shall be assessed an amount preliminarily estimated to be sufficient to cover the expenses which the Compact, Title II, Article XII, Section 19(a) requires the carrier to bear.

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

- (A) A proposed schedule setting forth the proposed time schedule for the proposed service.
- (B) A detailed balance sheet of Executive as of June 30, 1975.
- (C) A detailed income statement of Executive for the 12-month period ended June 30, 1975.
- (D) A statement projecting revenues and revenue deductions, including taxes, for a one-year period, together with supporting details, including the ratio between revenue deductions and revenues.

Executive 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 August 21, 1975. Executive shall be prepared to present evidence that public convenience and necessity require the proposed service. Should Executive elect to submit prepared testimony at the hearing, then six (6) copies of said testimony also should be filed with the Commission and one copy served on each party of record on or before August 21, 1975.

THEREFORE, IT IS ORDERED:

1. That Application No. 871 of Executive Limousine Service, Inc., be, and it is hereby, scheduled for public hearing to commence Tuesday, August 26, 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 Executive Limousine Service, Inc., publish in a newspaper of general circulation in the Metropolitan District and post in each vehicle that it operates a notice in the form prescribed by the staff of the Commission of such application and hearing no later than Thursday, July 31, 1975, and present at the hearing a certificate of publication from the selected newspaper and a certification of posting.

3. That six (6) copies, the original to be submitted at the hearing, of the statements and exhibits required hereinbefore be filed by Executive Limousine Service, Inc., with the Commission and one copy served on each party of record on or before Thursday, August 21, 1975.

4. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Tuesday, August 19, 1975, and shall mail a copy of such protest or notice to counsel of record for Executive Limousine Service, Inc., Maxwell A. Howell, Esquire, Suite 1100 Investment Building, 1511 K Street, N. W., Washington, D. C. 20005.

5. That Executive Limousine Service, 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 Friday, August 22, 1975.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Acting Executive Director

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