

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1580

IN THE MATTER OF:

Served July 13, 1976

Application of GREYHOUND AIRPORT)
SERVICE, INC., for Approval of Supple-))
ment No. 1 to WMATC Tariff No. 15)

Application No. 950

Docket No. 336

By Application No. 950, filed July 6, 1976, Greyhound Airport Service, Inc. (Greyhound) seeks approval of Supplement No. 1 to its current WMATC Tariff No. 15. Greyhound's current tariff was issued June 24, 1976, and became effective June 29, 1976, pursuant to Commission Order No. 1573, served June 23, 1976. Supplement No. 1 seeks to establish fares for service between Dulles International Airport (Dulles), on the one hand, and on the other, four specified hotels in the District of Columbia. These hotels are the Burlington Hotel, Vermont Avenue at Thomas Circle, N. W., the Hyatt Regency Washington, 400 New Jersey Avenue, N. W., L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, S. W., and the Quality Inn-Capitol Hill, 415 New Jersey Avenue, N. W. The proposed per capita fare is \$4.25 for a one-way trip.

Greyhound submits as support for its requested approval of Supplement No. 1 that it has the right to provide service to and from each of the specified hotels and that the per capita one-way fares to be established are identical with the per capita one-way fares recently prescribed by the Commission with respect to service between Dulles, on the one hand, and on the other, specified hotels listed in Section II, Item IV, of its current WMATC Tariff No. 15. Greyhound also submits that the Commission has determined that the per capita one-way fares to be established are just and reasonable. Greyhound requests that the Commission authorize and permit the per capita one-way fares to become effective immediately or upon less than the statutory 30-day notice period.

Title II, Article XII, Section 6(a)(1) of the Compact sets forth the following guidelines with respect to the suspension of a proposed tariff.

"In determining whether any proposed change shall be suspended, the Commission shall give consideration to, among other things, the financial condition of the carrier, its revenue requirements, and whether the carrier is being operated economically and efficiently."
(Emphasis added.)

With respect to Greyhound's Supplement No. 1, the Commission also shall give consideration to the factors specified in Title II, Article XII, Section 6(a)(3) of the Compact.

"In the exercise of its power to prescribe just and reasonable fares and regulations and practices relating thereto, the Commission shall give due consideration, among other factors, to the inherent advantages of transportation by such carriers; to the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and to the needs of revenues sufficient to enable such carriers, under honest, economical and efficient management, to provide such service." (Emphasis added.)

Although this provision of the Compact directly applies to the Commission's power to prescribe just and reasonable fares, it sets forth a statutory mandate to the Commission to consider specified factors whenever a carrier requests approval of a tariff specifying fares applicable to passenger transportation for hire subject to the Compact.

In Order No. 1573, the Commission did not consider per capita one-way fares for passenger transportation for hire between Dulles and the four specified hotels set forth in Supplement No. 1. Greyhound's Application No. 932 did not request approval of fares applicable to such transportation and Greyhound's prior tariff did not specify fares applicable to such transportation. The Commission has not determined that the per capita one-way fares proposed to be established by Supplement No. 1 are just and reasonable. In addition, the Commission has issued to Executive Limousine Service, Inc. (Executive) Certificate of Public Convenience and Necessity No. 18. That Certificate authorizes, inter alia, the transportation of passengers together with their baggage, over irregular routes, in special operations, between Dulles and the four hotels specified in Greyhound's Supplement No. 1 to its WMATC Tariff No. 15. Executive has filed and the Commission has approved a tariff specifying fares applicable to such transportation service. Executive's WMATC Tariff No. 3 and supplement thereto sets forth a \$4 per capita one-way fare.

The Commission shall suspend, under the provisions of Title II, Article XII, Section 6(a)(1) of the Compact, Greyhound's proposed Supplement No. 1 to WMATC Tariff No. 15. The record in Application No. 932, Docket No. 325, which formed the basis for the findings in Order No. 1573, does not support findings that the per capita one-way fares set forth in Greyhound's Supplement No. 1 are just and reasonable, that Greyhound's financial condition would support the additional expenditures required to transport passengers between

Dulles and the four specified hotels, that the revenue to be generated would be compensatory, and that the entire transportation operation would continue to be economic and efficient. In addition, the record in that proceeding does not support findings that there would be inherent advantages to such transportation and that the public would be receiving adequate and efficient service at the lowest cost consistent with the furnishing of such service. Accordingly, the Commission shall schedule a hearing in order to develop an appropriate record upon which to base findings pertaining to factors required to be considered by the Compact.

The suspension of Greyhound's Supplement No. 1 to WMATC Tariff No. 15 renders moot the request for immediate approval of fares specified therein and an effective date less than thirty days after the date on which the tariff supplement was filed. See Compact, Title II, Article XII, Section 5(e). Accordingly, the Commission shall neither consider the request nor enter any formal order with respect to it.

THEREFORE, IT IS ORDERED:

1. That Supplement No. 1 to WMATC Tariff No. 15 of Greyhound Airport Service, Inc., be, and it is hereby, suspended effective August 1, 1976, for a period of 90 days, through October 29, 1976, unless otherwise ordered.

2. That Application No. 950 of Greyhound Airport Service, Inc., be, and it is hereby, scheduled for public hearing to commence Monday, July 26, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C.

3. That Greyhound Airport Service, Inc., post notice of Application No. 950 and the public hearing scheduled hereinbefore in all of its vehicles for a period of five (5) consecutive days no later than Monday, July 19, 1976, such notice to be in the form prescribed by the staff of the Commission, and present at the public hearing a certification of posting.

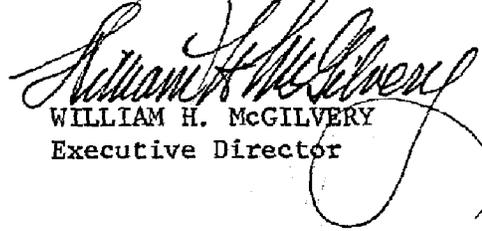
4. That Greyhound Airport Service, Inc., publish notice in the form prescribed by the staff of the Commission of Application No. 950 and the public hearing scheduled hereinbefore in a newspaper of general circulation in the Metropolitan District no later than Friday, July 16, 1976, and present at the hearing a certificate of publication from the selected newspaper.

5. That any person desiring to protest or otherwise to be heard on this matter shall notify the Commission, in writing, on or before Wednesday, July 21, 1976, and mail a copy of such notification to counsel of record for Greyhound Airport Service, Inc., L. C. Major, Esquire, Suite 400 Overlook Office Building, 6121 Lincolnia Road, Alexandria, Virginia 22312.

6. That Greyhound Airport Service, Inc., be, and it is hereby, assessed \$300 pursuant to the provisions of the Compact, Title II, Article XII, Section 19, and directed to deliver said amount to the office of the

Commission, Room 316, 1625 I Street, N. W., Washington, D. C. 20006,
on or before July 21, 1976.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director

WILLIAM R. STRATTON, Vice Chairman, concurs.

It bears emphasis that the action taken in this order is in all respects routine. If any carrier had filed a tariff for these same hotel-to-Dulles Airport operations, we would, in the exercise of our accustomed administrative routine, have suspended it in order to provide an opportunity for the Commission to consider the factors enumerated in the Compact, Title II, Article XII, Sections 6(a)(1) and 6(a)(3) and to permit the carrier already providing service to contest the matter. Greyhound's supplemental tariff filing is unsupported by documentation as to financial condition, revenue requirements and economical and efficient operation. Hence, suspension for review is in order in this case. In due time, after hearing, the Commission will issue its order on Greyhound's supplemental filing, which might be denied or granted or granted with modifications.

No matter what the Commission may eventually do with this case, the "supremacy" issue among the FAA, the WMATC and the several carriers amenable to their authority which is before the U. S. District Court in Civil Action No. 76-1210 still remains, and I hope it will proceed to a final decision.