

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1608

IN THE MATTER OF:

Application of CENTRAL DELIVERY )	Served September 17, 1976
SERVICE OF WASHINGTON, INC., )	
for Certificate of Public )	Application No. 935
Convenience and Necessity to )	
Perform Charter Operations )	Docket No. 324
Pursuant to Contract )	

By Application No. 935, dated April 20, 1976, Central Delivery Service of Washington, Inc. (Central) seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to perform charter operations pursuant to contract. Central seeks authority to transport persons travelling on official government business, over irregular routes, among the NRC office in the Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland, the NRC office in the East West Towers, 4350 East West Highway, Bethesda, Maryland, the NRC office in the Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, and the NRC office at 5650 Nicholson Lane, Rockville, Maryland.

Pursuant to Order No. 1542, served April 28, 1976, the Commission granted temporary authority to Central to render the proposed transportation service. See Order No. 1542, page 3. The temporary authorization became effective April 28, 1976, and shall be effective through October 24, 1976. By Order No. 1542 the Commission scheduled Central's Application No. 935 for public hearing, which was held June 14, 1976. No protests to the application were filed and no one appeared at the public hearing in opposition.

The findings to be made by the Commission with respect to applications for certificates of public convenience and necessity are set forth in Title II, Article XII, Section 4(b) of the Compact. The Commission must make two separate findings. First, the applicant must be "fit, willing and able" to perform the proposed transportation properly and to conform to the provisions of the Compact and the rules, regulations and requirements of the Commission thereunder. Second, the proposed transportation "must be or will be required" by the public convenience and necessity.

Central is an operating subsidiary of a management company known as Central Courier Systems, Inc. That management company has several other operating subsidiaries, i.e., Central Delivery Service of Houston, Inc., Central Delivery Service of Kansas City, Inc., Central Delivery of Virginia and Yellow Cab of Montgomery County, Inc. Central's primary business involves the movement of small packages and parcels. The Interstate Commerce Commission has certificated Central to perform the small package and parcel delivery business. In addition, Central currently holds Certificate of Public Convenience and Necessity No. 23 (Certificate No. 23) from this Commission. 1/

Certificate No. 23 authorizes Central to render special operations, over irregular routes, 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

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1/ Certificate No. 23 was issued by Order No. 1432, served May 27, 1975, in the name of Central Delivery Service, Inc. The corporate name of the Certificate holder has been changed. However, the Company's operations have not been altered. The Commission shall reissue Certificate No. 23 in the name of the applicant herein to coincide with the corporate name change.

of Portland Street, and west of 13th Street, S. E., restricted to the performance of such transportation in 8 to 15 passenger vehicles only, including the driver. Certificate No. 23 also authorizes the performance of charter operations pursuant to separate contracts with American Airlines and United Airlines, over irregular routes, between Dulles International Airport, on the one hand, and on the other, the District of Columbia, limited to aircraft crews having a prior or subsequent movement by air. Central stated at the public hearing that it had ceased rendering special operations pursuant to the authority set forth in Certificate No. 23. The special operations were provided as a part of a program instituted by the Council of Governments to determine the market for a dial-a-ride service. The program was no longer funded by the Council of Governments and Central terminated the operation. The Commission shall cancel Central's special operations authority as set forth in Certificate No. 23.

Central's contract with the United States Nuclear Regulatory Commission (NRC) specifies a scheduled shuttle service, over irregular routes, among locations in Montgomery County, Maryland. These locations and the NRC office at each are as follows: 5650 Nicholson Lane - Safety Development Office, 7920 Norfolk Avenue - Administrative Office, 4350 East-West Highway - Division of Inspection and Enforcement, and 7915 Eastern Avenue - Security and Personnel Division. Two classes of personnel could use the service. These would be NRC employees and any authorized personnel. This latter class would be entitled to use the transportation service only with written permission and for the purpose of conducting official government business.

The scheduled shuttle service would be operated Monday through Friday, except federal holidays. Two schedules would be operated daily among the several locations specified hereinbefore. The schedules would be operated between 7:30 A. M., and 6:30 P. M., and involve basically two continuous loops one originating Northbound and one originating Southbound. The scheduled shuttle service would be rendered in 15 passenger vans.

Prior to March 30, 1976, NRC provided a limited shuttle service for its employees. NRC used a government motor pool vehicle and an NRC employee as the driver. That shuttle

service did not adequately serve the needs of the persons moving between the several NRC locations in Montgomery County, Maryland. As a result, NRC solicited bids to render an expanded shuttle service and Central was awarded the contract.

NRC's employees travel between the various facilities as part of their work activities in the ordinary course of a day. These movements usually are required to attend hearings and meetings or to interview applicants for positions at NRC. Because the NRC is geographically dispersed into several buildings at various locations, it is essential that there be a shuttle service to move people to these various offices on a timely basis.

Central submitted a balance sheet as of September 30, 1975, and an income statement for the twelve months ended September 30, 1975. These statements indicate that Central is financially capable of rendering the proposed service. In addition, Central projected revenues and revenue deductions for the shuttle service for the term of the contract. That statement reflects a reasonable return on revenues from the proposed service.

The Commission finds that Central is fit, willing and able to perform the proposed transportation services properly and to conform to the provisions of the Compact and the rules, regulations and requirements of the Commission thereunder. The Commission further finds that the public convenience and necessity requires the transportation of persons travelling on official government business among NRC's offices in Montgomery County, Maryland.

The Commission has the power to attach to the issuance of a certificate and to the exercise of the rights granted thereunder such reasonable terms and conditions as the public convenience may require, subject to specified limitations not herein relevant. See Compact, Title II, Article XII, Section 4(b). The Commission finds that the authority to be granted Central should be restricted to the provisions of the proposed services in vehicles not exceeding 15 passenger designated seating capacity including the driver.

The Compact mandates that each carrier "file with the Commission, and keep open to public inspection, tariffs showing (1) fares it charges for transportation subject to this Act, . . . , and (2) to the extent required by regulations of the Commission, the regulations and practices of such carrier affecting such fares." See Compact, Title II, Article XII, Section 5(a). The Commission has given consideration to, among other things, the financial condition of Central, its revenue requirements in the proposed transportation operation, and whether Central would be operated economically and efficiently. The Commission concludes that the rate set forth in the record is just, reasonable and not unduly preferential or unduly discriminatory either between riders or sections of the Metropolitan District. The Commission shall direct Central to file an appropriate tariff.

The Commission has considered the other matters presented by the record but finds they do not warrant action contrary to that which now is directed.

THEREFORE, IT IS ORDERED:

1. That Application No. 935 of Central Delivery Service of Washington, Inc., be, and it is hereby, granted.
2. That Certificate of Public Convenience and Necessity No. 23 be, and it is hereby, cancelled with respect to the following authority:

IRREGULAR ROUTES:

SPECIAL OPERATIONS:

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.

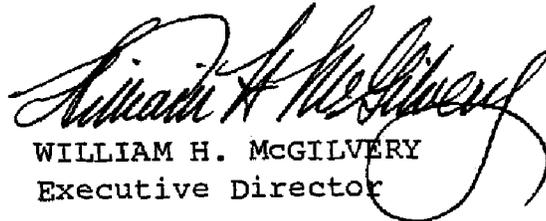
RESTRICTED: to the performance of such transportation in 8 to 15 passenger vehicles only, including the driver.

3. That the name Central Delivery Service, Inc., on Certificate of Public Convenience and Necessity No. 23 be, and it is hereby, changed to Central Delivery Service of Washington, Inc.

4. That Certificate of Public Convenience and Necessity No. 23 be, and it is hereby, reissued as attached hereto and made a part hereof.

5. That Central Delivery Service of Washington, Inc., be, and it is hereby, directed to file two copies of WMATC Tariff No. 5 cancels WMATC Tariff No. 4 and WMATC Tariff No. 3 and supplements thereto in accordance with Certificate of Public Convenience and Necessity No. 23, as reissued hereinbefore, to be effective upon acceptance by the Executive Director.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

No. 23

CENTRAL DELIVERY SERVICE OF  
WASHINGTON, INC.  
SILVER SPRING, MARYLAND

AFTER DUE INVESTIGATION, it appearing that the above named carrier has complied with all applicable provisions of the Washington Metropolitan Area Transit Regulation Compact, and the requirements, rules and regulations prescribed thereunder and therefore is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District, as a carrier and the Commission so finding;

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

IRREGULAR ROUTES:

CHARTER OPERATIONS PURSUANT TO CONTRACT to transport American Airlines aircraft crews having a prior or subsequent movement by air, together with their baggage, between Dulles International Airport, Herndon, Virginia, or Washington National Airport, Gravelly Point, Virginia, on the one hand, and on the other, the District of Columbia.

CHARTER OPERATIONS PURSUANT TO CONTRACT to transport United Airlines aircraft crews having a prior or subsequent movement by air, together with their baggage, between Dulles International Airport, Herndon, Virginia, or Washington National Airport, Gravelly Point, Virginia, on the one hand, and on the other, the District of Columbia.

CHARTER OPERATIONS PURSUANT TO CONTRACT to perform transportation of persons travelling on official government business, among the Nuclear Regulatory Commission office in the Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland, the Nuclear Regulatory Commission office in the East West Towers, 4350 East West Highway, Bethesda, Maryland, the Nuclear Regulatory Commission office in the Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, and the Nuclear Regulatory Office at 5650 Nicholson Lane, Rockville, Maryland.

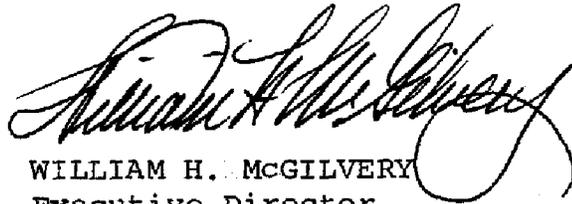
IT IS FURTHER ORDERED that the charter operations pursuant to contract authorized by this certificate of public convenience and necessity shall be limited to the performance of service pursuant to the agreement between Central Delivery Service, Inc., and American Airlines and the agreement between Central Delivery Service, Inc., and United Airlines and the agreement between Central Delivery Service of Washington, Inc., and the United States Nuclear Regulatory Commission provided, however, that written notice must be filed by the carrier with the Commission within five (5) days of any cancellation or termination of the aforementioned agreement, and further provided that any change in or amendment to the aforementioned agreement shall be filed with the Commission for approval at least fifteen (15) days prior to the proposed effective date of such change or amendment, and further provided that any new authority shall be subject to the provisions of the Washington Metropolitan Area Transit Regulation Compact and the Rules and Regulations of the Commission.

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of

the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of the certificate.

The operating authority granted by this certificate is granted pursuant to Order No. 1608 , served Friday, September 17, 1976.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in cursive script, appearing to read "William H. McGilvery".

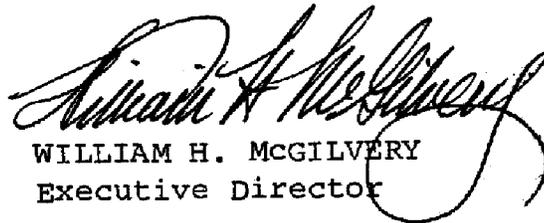
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THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

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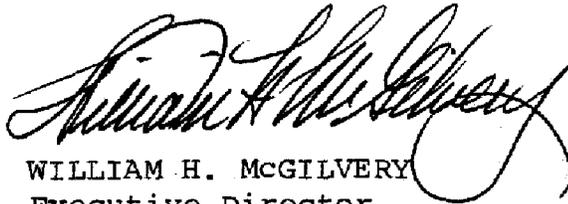
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