

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1934

IN THE MATTER OF:

Served December 6, 1978

Application of JAMES M. SMITH, INC.,)
for a Certificate Authorizing)
Charter Operations Pursuant to)
Contract with U. S. Navy)

Case No. AP-78-44

On October 19, 1978, James M. Smith, Inc. (Smith), filed the above-captioned application for a certificate of public convenience and necessity to transport persons traveling on official government business, in charter operations pursuant to a contract between Smith and the United States Department of the Navy, between the Arlington Annex, Arlington, Va., and the Wolfe Building, 8621 Georgia Avenue, Silver Spring, Md.

By Order No. 1909, served October 24, 1978, the Commission set this proceeding for public hearing on November 29, 1978. Inasmuch as no person filed a protest to the application, applicant filed a petition to waive the hearing pursuant to Commission Rule 22-01 and requested that a determination be made on existing evidence of record. Order No. 1926, served November 27, 1978, and incorporated by reference herein, cancelled the public hearing. Included with the petition were statements in support of the application executed by applicant's president and by a witness representing the Department of the Navy.

Smith holds Certificate of Public Convenience and Necessity No. 35 authorizing charter operations pursuant to contract with the National Geological Survey Center transporting persons traveling on official government business. It also holds temporary authority to provide service identical to that requested herein pursuant to Order No. 1861, served July 7, 1978, and incorporated by reference herein.

In support of the application the Navy states that Smith was the low bidder on the contract, that none of the bidders (including Smith) held WMATC authority, necessitating the application for temporary authority, and that the only carriers holding appropriate authority, The Gray Line, Inc., and Atwood's Transport Lines, Inc., did not respond to invitations to bid on the contract. Service provided by Smith under the grant of temporary

authority has been satisfactory. Applicant initially used two 53-passenger buses to meet the established shuttle schedule, but through contract revision has added a 15-passenger vehicle to fulfill additional service obligations.

Smith has submitted notarized statements indicating that it published notice of its application and public hearing in a newspaper of general circulation in the Metropolitan District, and that it posted a similar notice in each of its vehicles in operation under the temporary authority. Applicant has also filed a projected annual revenue and revenue deductions statement as directed in Order No. 1909.

The Compact, Title II, Article XII, Section 4(b) provides that a certificate of public convenience and necessity shall be issued by the Commission if it finds ". . . 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."

The Commission finds that the record in this case is sufficient to dispose of the application without an oral hearing. We also find that the above-quoted criteria have been satisfied and that the application should be granted. Clearly the Navy has a need for service as evidenced by the contract, the Navy's witness and operations conducted under temporary authority. The fact that neither of the carriers holding conflicting authority bid on the subject contract, coupled with their failure to protest this application, warrants the finding that they would not be materially adversely affected by a grant of authority herein, Smith operates suitable equipment, is financially fit, and has demonstrated its dependability during the course of operations conducted pursuant to temporary authority.

THEREFORE, IT IS ORDERED:

1. That James M. Smith, Inc., is hereby granted authority to engage in charter operations pursuant to contract with the United States Navy, transporting persons traveling on official government business between the Arlington Annex, Arlington, Va., and the Wolfe Building, 8621 Georgia Avenue, Silver Spring, Md.

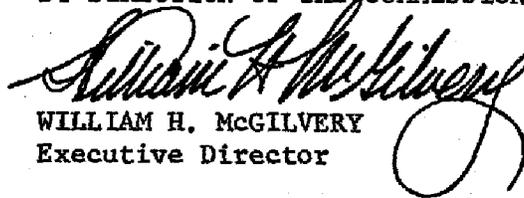
2. That James M. Smith, Inc., is hereby directed to file two copies of an appropriate WMATC Tariff in accordance with the authority granted herein, within 30 days from the date of service hereof, such tariff to be effective upon acceptance by the Executive Director.

3. That upon timely compliance with the requirement of paragraph 2, an appropriately revised Certificate of Public Convenience and Necessity No. 35, shall be reissued to James M. Smith, Inc.

4. That the temporary authority granted in Order No. 1861, to James M. Smith, Inc., shall be cancelled upon the issuance of a revised certificate herein.

5. That in the event James M. Smith, Inc., fails to comply with the directive set forth above within the said 30 days, or such further time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void and the application shall stand denied in its entirety effective upon expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director

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