

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2040

IN THE MATTER OF

Served September 27, 1979

Special Application of CALL-A-)	Case No. CP-79-04
MESSENGER, INC., for Authorization)	
to Perform Charter Operations)	
Pursuant to Contract with Pan)	
American World Airways, Inc.)	

By application filed September 25, 1979, Call-A-Messenger, Inc., seeks authority to conduct charter operations pursuant to contract with Pan American World Airways, Inc., as permitted under Special Certificate of Public Convenience and Necessity No. 1 and Commission Regulation No. 70. The application proposes the transportation of Pan Am flight officers and attendants between Dulles International Airport, Herndon, Va., and Washington National Airport, Gravelly Point, Va., on the one hand, and, on the other, points in the Metropolitan District. 1/

The contract between CAM and Pan Am, dated April 1, 1979, is to be effective for one year and will continue in effect thereafter until terminated by either party upon 30 days' prior written notice. Pan Am, however, may terminate the contract within the first year upon 30 days' written notice. Rates proposed are as follows:

<u>BETWEEN</u>	<u>RATE</u>
National Airport and "Downtown" <u>2/</u>	\$ 4

1/ The contract also refers to service at Baltimore-Washington International Airport and Baltimore, Md., both points located beyond the Metropolitan District. To the extent the application may be construed as seeking authorization for such service, it is hereby dismissed for want of jurisdiction. See Compact, Title II, Article XII, Section 1.

2/ "Downtown" will be conclusively presumed to mean all points in the Metropolitan District (other than the airports) unless the parties to the contract otherwise notify the Commission within the time established therefor by this order.

National Airport and Dulles Airport	\$15.50
Dulles Airport and "Downtown" <u>2/</u>	\$15.50

There is no charge for the first 30 minutes of waiting time. Thereafter, the waiting charge is \$3 per 15 minutes, not to exceed one hour without the approval of Pan Am's crew scheduler. 3/

CAM's balance sheet shows current assets of \$111,842, total assets of \$127,311, current liabilities of \$51,389, long-term liabilities of \$177,117 and negative stockholders' equity of \$101,195. CAM projects that it will receive \$26,000 gross income from Pan Am in a one-year period. Over the same term, expenses (including driver payroll of \$13,000, "operational salaries" of \$3,120, equipment rental of \$2,080 and "management fees" of \$2,080) are estimated to total \$25,558 for a before-tax profit of \$442. Accepting these figures at face value, CAM's operating ratio under this contract would be 98.3. No recent operating statement was submitted.

CAM's fleet consists of a dozen 1979 station wagons each designed to transport six passengers including the driver. All vehicles, presumably, are leased although CAM has no contract of lease on file with the Commission as required by Commission Regulation No. 69. Each vehicle is said to be licensed and inspected by the State of Maryland. CAM currently provides service similar to that proposed herein for United Airlines pursuant to Authorization No. 55-01 to operate pursuant to Special Certificate of Public Convenience and Necessity No. 1. Finally, CAM states that there are no proceedings, either pending or completed, in which it has been found unfit or in which its fitness is under investigation, and that it will comply with the terms of the Compact and the rules, regulations and requirements of the Commission thereunder.

Pan Am's manager of operations at Dulles Airport filed a notarized statement in support of the application. The manager is responsible for obtaining transportation for Pan Am crews between Dulles, Washington National and BWI airports, Andrews Air Force Base and hotels within the Washington, D. C., metropolitan area. Three or four non-scheduled flights arrive at the above-named commercial airports each week for which transportation and hotel accommodations must be arranged on short notice. Crew size for these flights varies from a minimum of eight persons to a maximum of 20 persons. After investigating several limousine services,

3/ The quoted rates are said to be subject to future negotiations. However, we remind the parties that any change in rates requires Commission approval. See Compact, Title II, Article XII, Section 5(e).

it is the opinion of Pan Am's manager that CAM's service would be most acceptable with respect to equipment, flexibility and personnel.

Initially, it is noted that this application calls for the transportation of employees in charter operations pursuant to a contract with their employer, and that processing of the application under Commission Regulation No. 70 appears to be appropriate. Several pertinent questions, however, are left unanswered by applicant's filing. In addition to the meaning of "downtown" and the lack of a recent operating statement, there is no statement by Pan Am's manager as to whether the subject transportation has been rendered in the past, and, if so, by what means of transportation. ^{4/} Moreover, applicant apparently operates no vehicle capable of seating more than six passengers despite the facts (a) that at least eight crew members plus a driver will be transported on each trip and (b) that paragraph 8 of the CAM -- Pan Am contract requires vehicles equivalent to or better than 9-passenger station wagons. Also, as noted above, applicant is in apparent noncompliance with Commission Regulation No. 69 regarding leasing of equipment. Accordingly, applicant will be directed to supplement its application or risk the denial thereof.

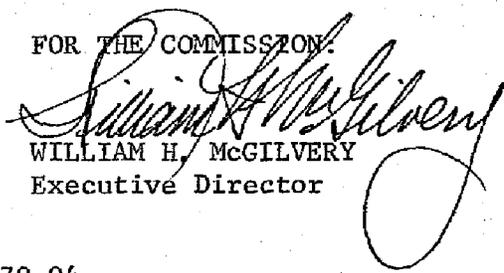
THEREFORE, IT IS ORDERED:

1. That Call-A-Messenger, Inc., publish once, in a newspaper of general circulation in the Metropolitan District, notice of this application in the form prescribed by the staff of the Commission no later than Thursday, October 4, 1979.

2. That applicant shall file an affidavit of such publication together with the supplemental material described above with the Commission no later than Tuesday, October 9, 1979.

3. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Regulation No. 70-06 at the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than Monday, October 15, 1979, and shall simultaneously serve a copy of such protest on counsel for applicant, L. C. Major, Jr., Esquire, Major, Sage and King, Suite 400, 6121 Lincolnia Road, Alexandria, Va. 22312.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

^{4/} See Commission Regulation No. 70-04.

