

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2056

IN THE MATTER OF:

Served October 31, 1979

Special Application of CALL-A-)
MESSENGER, INC., for Authorization)
to Perform Charter Operations)
Pursuant to Contract with Pan)
American World Airways, Inc.)

Case No. CP-79-04

By application filed September 25, 1979, as amended October 22, 1979, Call-A-Messenger, Inc., seeks authorization to operate pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under contract with Pan American World Airways, Inc., transporting Pan Am flight officers and attendants (a) between Dulles International Airport, Herndon, Va., and Washington National Airport, Gravelly Point, Va., on the one hand, and, on the other, points in the District of Columbia, and (b) between Dulles International Airport and Washington National Airport. Applicant also seeks authority to transport mail, express, and baggage in the same vehicle with passengers. Notice of the application was published on October 2, 1979.

Order No. 2040, served September 27, 1979, generally described the evidence submitted with the application, and that order is incorporated by reference herein. As originally filed, the application called for service between the two airports, on the one hand, and, on the other, points in the Metropolitan District. Proposed rates referred only to transportation between the airports and between each airport and "downtown." For purposes of Order No. 2040 the Commission assumed that "downtown" meant all points in the Metropolitan District, in accordance with authority sought in the application. By memorandum agreement dated October 11, 1979, and filed October 22, 1979, the parties narrowed the scope of "downtown" to "any point within the city limits of Washington, D. C." Inasmuch as the amendment to the application is restrictive in nature, it is accepted and the authority sought has been revised to reflect the supplemental memorandum agreement.

The Commission required Call-A-Messenger to supplement its initial application by (a) explaining the scope of authority to "downtown," as discussed above, (b) complying with Regulation No. 69 concerning the leasing of equipment, (c) providing an operating statement, (d) describing how the proposed service was rendered in the past, and (e) indicating the suitability of equipment to the proposed operation. Applicant filed the necessary information October 22, 1979, including the memorandum agreement, copies of a contract of lease */ and an operating statement for the eleven months ended August 31, 1979, indicating a net operating loss of \$14,419. In addition, applicant states that it entered into a contract with Pan Am in June 1979 because the airlines was experiencing problems with its primary carrier. Applicant asserts that it was under the impression that certification of operations for a different airlines did not preclude the provision of service for Pan Am. Upon learning of this impropriety, applicant ceased serving Pan Am. As for equipment suitability, statements from Call-A-Messenger and Pan Am indicate that the vehicles to be used satisfy the terms of the contract.

Protests to the application were due on October 15, 1979, and were to contain all evidence and argument on which a protestant intended to rely. No protests or inquiries were received by the Commission.

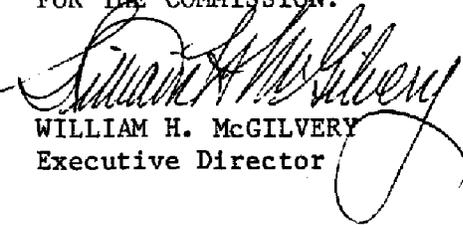
Commission Regulation No. 70, which governs the processing of this application, provides that the application shall be granted if it is determined that the applicant is fit, willing and able properly to perform the proposed service and to conform to the provisions of the Compact and the rules, regulations and orders of the Commission thereunder and if it is determined that the proposed operation conforms to the provisions of Regulation No. 70. The issue of whether the public convenience and necessity require such service has been determined in Case No. MP-79-04. See Order No. 2004, served June 20, 1979. Inasmuch as the contract is for a minimum of 181 days, is between an employer and a carrier, and calls for the transportation of the contracting employer's employees, the proposal conforms to the provisions of Regulation No. 70. It is also found that Call-A-Messenger is fit, willing, and able to meet the obligations described above. Accordingly, the application will be granted commensurate with the terms of the contract between Call-A-Messenger and Pan Am, contingent upon the filing of appropriate contracts of lease for each vehicle. Inasmuch as Commission Regulation No. 69-05 requires that a copy of the lease be carried on each vehicle subject to the lease, Call-A-Messenger shall be directed to file three copies of a separate

*/ The Commission is directing the resubmission of contracts of lease, pursuant to Regulation No. 69, as discussed below.

contract of lease for each of the involved vehicles within ten days from the date of service of this order. Appropriate authorization attached hereto shall become effective on the eleventh day after the service date of this order unless otherwise ordered by the Commission.

IT IS SO ORDERED.

FOR THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

AUTHORIZATION NO. SP-55-02
TO OPERATE PURSUANT TO
SPECIAL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 1

CALL-A-MESSENGER, INC.
PHOENIX, ARIZONA

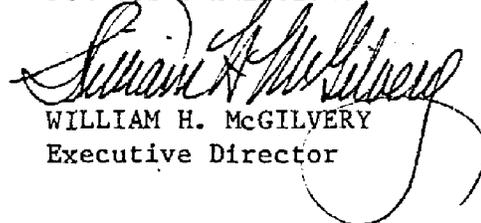
BE IT KNOWN, that pursuant to Special Certificate of Public Convenience and Necessity No. 1 issued by the Washington Metropolitan Area Transit Commission by Order No. 2004, served June 20, 1979, and effective July 23, 1979, and pursuant to Commission Regulation No. 70 and Order No. 2056, served October 31, 1979, approving the issuance of this authorization, the above-named carrier may engage in the transportation of passengers, in charter operations pursuant to contract, between points in the Metropolitan District, as follows:

CHARTER OPERATIONS PURSUANT TO CONTRACT to transport passengers and their baggage, in the same vehicle with passengers, (1) between Dulles International Airport, Herndon, Va., and Washington National Airport, Gravelly Point, Va., on the one hand, and, on the other, points in the District of Columbia, and (2) between Dulles International Airport, Herndon, Va., and Washington National Airport, Gravelly Point, Va., via a route traversing the District of Columbia.

RESTRICTED in (1) and (2) above to the transportation of flight officers and attendants employed by Pan American World Airways, Inc., only.

This authorization is valid until cancelled.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director