

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2144

IN THE MATTER OF:

Served September 26, 1980

Application of METROPOLITAN)
DRIVER SERVICE, INC., for)
Temporary Authority to Trans-)
port Passengers in Their Own)
Vehicles)

Case No. AP-80-20

By Order No. 2134, served August 1, 1980, the Commission denied the above-captioned application inasmuch as applicant had failed to establish that there exists an immediate and urgent need for its service as required by Title II, Article XII, Section 4(d)(3) of the Compact. In fact, there was no public support for the application, and Airport Limo Inc., had filed a protest against the application. A position statement was also filed by the Federal Aviation Administration.

On August 27, 1980, applicant filed an application for reconsideration accompanied by letters from VIP Travel-Shady Grove, Travel Whirl of Md., Inc., Gaithersburg Travel and The Business Review, none of which are notarized as required by Commission Rule No. 4-06. The application for reconsideration contains no certificate of service as required by Commission Rule No. 4-07. Accordingly, the Commission will not interpret the lack of response to the application for reconsideration as meaning that either Airport Limo or F.A.A. have abandoned their interests in this proceeding.

VIP Travel asserts that there is no limousine service to Dulles International Airport in the early morning and believes that there exists a need for additional transportation facilities in the Gaithersburg, Md., area. Travel Whirl states that it has two clients that would like to use applicant's service in the near future. Gaithersburg Travel feels that certain persons would find applicant's service to be advantageous. The Business Review would use applicant's service "when the need does arise".

Taken collectively, these statements fail to show that there exists any "immediate and urgent need" within the meaning of the Compact's requirements for a grant of temporary authority. Moreover, there is no showing that the services of existing carriers have been tried and found wanting. Hence, no basis exists for granting temporary authority. Our denial of this application, however, is without prejudice to applicant's right to file and prosecute an application for a certificate of public convenience and necessity.

THEREFORE, IT IS ORDERED that the above-referenced application for reconsideration is hereby denied.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS SCHIFTER AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director