

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2278

IN THE MATTER OF:

Served November 16, 1981

Application of GEORGE A. COUPE)
and BERNARD RESNICK to Acquire)
Stock Control of EXECUTIVE)
LIMOUSINE SERVICE, INC., and for)
Approval of Temporary Control)

Case No. AP-81-23

By application filed October 16, 1981, George A. Coupe and Bernard Resnick (purchasers) seek approval pursuant to Title II, Article XII, Section 12(b) of the Compact to acquire control of Executive Limousine Service, Inc., through the purchase of all of the outstanding capital stock of Executive. In support of the application, the parties have submitted an executed bilateral contract of sale, a statement of purchaser Coupe's financial condition 1/ and financial statements of Admiral Limousine Service. 2/ As mandated by the Compact, Title II, Article XII, Section 12(b), a public hearing will be scheduled, and pursuant to the provisions of Title II, Article XII, Section 19 of the Compact, Messrs. Coupe and Resnick will be assessed an amount preliminarily estimated to cover the expense of the hearing.

Executive's certificate authorizes transportation by motor vehicle as follows:

IRREGULAR ROUTES:

PART A

SPECIAL OPERATIONS

1. Between Dulles International Airport, Chantilly, Va., on the one hand, and, on the other,

1/ Purchasers state that the financial statements of Mr. Resnick will be filed shortly.

2/ Messrs. Coupe and Resnick are contracting to purchase Executive as individuals. Although they are both partners, operating Admiral Limousine Service, Admiral is not involved in the purchase of Executive.

Burlington Hotel, Vermont Avenue at Thomas Circle, N. W., 3/ Quality Inn-Capitol Hill, 415 New Jersey Avenue, N. W., L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, S. W., and Hyatt Regency Washington, 400 New Jersey Avenue, N. W., all in the District of Columbia.

RESTRICTED to limousine service 4/ and further restricted to the performance of such operations in vehicles with a manufacturer's designed seating capacity of 15 persons or less (including the driver).

2. Between Dulles International Airport, Chantilly, Va., and Washington National Airport, Gravelly Point, Va., on the one hand, and, on the other, hotels and motels in the District of Columbia.

RESTRICTED to the transportation of Trans World Airways aircraft crews and their families and Trans World Airways employees, together with their baggage in the same vehicles with the passengers.

PART B

CHARTER OPERATIONS

Between points in the Metropolitan District.

RESTRICTED to the performance of such operations in vehicles having a manufacturer's designed seating capacity of 15 passengers or less (including the driver).

3/ The Burlington Hotel has been demolished and it may be that this service point should be deleted from any reissued certificate.

4/ This (limousine service) restriction is not consistent with current Commission practices and perhaps should be deleted from any reissued certificate.

CONDITION: Any charter operations from or to Dulles International Airport or Washington National Airport must be related to a prearranged charter movement by the same party between at least two other points in the Metropolitan District.

In addition, Executive holds temporary authority to conduct charter operations transporting aircraft crews of Air France locally, and authorization pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 to conduct transportation under contract with British Airways and Ground Services, Inc.

Purchasers are required to have Commission approval of the transaction pursuant to Title II, Article XII, Section 12(b) because they control a carrier (Admiral) which operates in the Metropolitan District. Title II, Article XII, Section 12(a)(2), under which Commission jurisdiction lies, provides that

{i}t shall be unlawful, without approval of the Commission in accordance with this section . . . for any carrier (Admiral) which operates in the Metropolitan District or any person (purchasers) controlling . . . such a carrier . . . to acquire control, through ownership of its stock or otherwise, of any carrier (Executive) which operates in such Metropolitan District.

There can be no doubt that Admiral is a carrier, defined by Title II, Article XII, Section 2(a) of the Compact as ". . . any person who engages in the transportation for hire by motor vehicle, street railroad or other form or means of conveyance." The question is whether Admiral engages in for-hire transportation in the Metropolitan District. In their application, purchasers state that they ". . . have been engaged in the business for a number of years renting limousines with drivers within the greater Washington area." Despite the fact that Admiral has not been providing service regulated by the Commission, it is clear that it has provided transportation for hire locally and thus is a carrier which operates in the Metropolitan District within the meaning of Title II, Article XII, Section 12(a)(2) of the Compact.

Temporary approval for purchasers to operate Executive is also sought. The Compact, Title II, Article XII, Section 12(d) authorizes the Commission to grant such temporary approval in its discretion and without hearings or other proceedings, for a period not to exceed 180

days, if it shall appear that failure to grant such approval may result in destruction of or injury to the property sought to be acquired or interfere substantially with its future usefulness in the performance of adequate and continuous service to the public.

Purchasers and Executive assert that Executive is not only ". . . unable to fulfill its charter commitments, but it barely can maintain its regular-route service and its airline contract service." Executive further states that operations for the year to date have been very poor, its equipment is deteriorating, and replacement equipment is not available primarily because of high interest rates. Purchasers are willing to supplement existing equipment to meet service demands and to assist in repair and maintenance of existing Executive equipment. Furthermore, the parties state that Executive has a number of outstanding and overdue bills 5/ for which it lacks sufficient ready cash to pay. Purchasers will make available sufficient funds to bring the accounts current, according to the parties.

The Commission concludes that the statutory criteria have been met, and temporary approval will be granted. Purchasers will be directed to file with the Commission an appropriate certificate of insurance reflecting both purchasers and Executive as named insureds.

THEREFORE, IT IS ORDERED:

1. That the application of George A. Coupe and Bernard Resnick in Case No. AP-81-23 to acquire stock control of Executive Limousine Service, Inc., is hereby scheduled for public hearing to commence Tuesday, January 26, 1982, 9:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That Executive Limousine Service, Inc., is hereby made a party to this proceeding.

3. That George A. Coupe and Bernard Resnick post notice of this application and hearing in the form prescribed by the staff of the Commission in each of the vehicles operated pursuant to the temporary approval granted herein no later than Friday, November 20, 1981, said notice to remain continuously and conspicuously posted through the date of the hearing.

4. That George A. Coupe and Bernard Resnick publish once in a newspaper of general circulation within the Metropolitan District,

5/ A list of these bills and their due dates is supplied.

notice of this application and hearing in the form prescribed by the staff of the Commission, no later than Monday, November 23, 1981.

5. That George A. Coupe and Bernard Resnick produce at the hearing affidavits of said publication and posting.

6. That any person desiring to protest shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard in this matter shall so notify the Commission, in writing, no later than Monday, December 21, 1981, and shall mail a copy of such protest or notice to Maxwell A. Howell, Esquire, 1100 Investment Building, 1511 K Street, N. W., Washington, D. C. 20005.

7. That George A. Coupe and Bernard Resnick are hereby assessed \$350 pursuant to the provisions of the Compact, Title II, Article XII, Section 19, and directed to deliver said amount to the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than Wednesday, January 6, 1982.

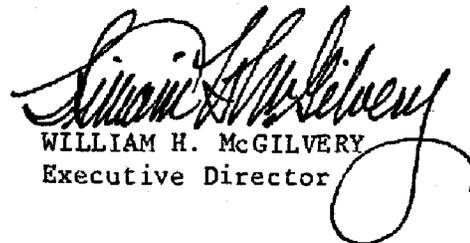
8. That George A. Coupe and Bernard Resnick file with the Commission a statement of projected revenue and revenue deductions for a one-year period, no later than Wednesday, January 6, 1982, and serve a copy on all parties of record as of Monday, December 21, 1981.

9. That Bernard Resnick file with the Commission a statement of his financial condition no later than Wednesday, January 6, 1982.

10. That George A. Coupe and Bernard Resnick are hereby granted temporary approval to control and operate Executive Limousine Service, Inc., through management, said temporary approval to be effective upon acceptance by the Commission of an appropriate certificate of insurance and their WMATC Temporary Approval Tariff No. AP-81-23, to continue in effect for a period of 180 days, unless otherwise ordered by the Commission.

11. That George A. Coupe and Bernard Resnick are hereby directed to comply with the filing requirement of paragraph (10) within 20 days of the service date hereof.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS CLEMENT, SCHIFTER AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director