

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2324

IN THE MATTER OF:

Served March 16, 1982

Application of NIPPON TRANS-)
PORTATION SERVICE, INC., for a)
Certificate of Public Convenience)
and Necessity to Engage in Charter)
Operations)

Case No. AP-82-03

By application filed March 8, 1982, Nippon Transportation Service, Inc., seeks a certificate of public convenience and necessity to transport passengers, in charter operations, between points in the Metropolitan District, restricted to service provided in vehicles with a seating capacity of between 16 and 21 passengers. 1/ Nippon proposes to provide charter service ". . . including such operations as sightseeing, convention, transportation, hotel transfer, business and embassy meetings, social functions, etc., for Japanese-speaking clients. 2/

Applicant's tariff does not appear to be in conformance with the request for service. Nippon seeks to provide service in mini-buses, yet its tariff includes provisions for groups of up to 46 passengers. A revised tariff filing will be directed. Additionally, reference is made to Baltimore-Washington International Airport in the tariff. That location is not within the Commission's jurisdiction, and to the extent service from or to that airport is sought, the application is hereby dismissed.

1/ The application cites "mini-bus" service which is understood to embrace vehicles seating 16 to 21 passengers.

2/ This language cannot be interpreted as a proposed restriction of the authority sought. Applicant does not seek authority to transport mail, express and baggage.

Applicant's balance sheet (undated) shows current assets of \$60,000, total assets of \$80,818 and total liabilities of \$16,410. No figures are given for capital stock or earned surplus. No income statement was included. Included among Nippon's assets are two limousines and a Lincoln Sedan. It proposes to purchase a 20-passenger mini-bus for future operations.

Pursuant to Title II, Article XII, Section 4(b) of the Compact, this matter must be set for a public hearing. At said hearing Nippon will be expected to establish that it is fit, willing and able properly to provide the proposed service and to conform to the provisions of the Compact and the rules, regulations and orders of the Commission thereunder. In addition, applicant must establish that the proposed service is required by the public convenience and necessity.

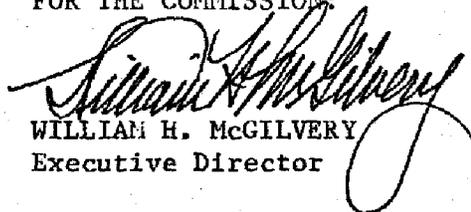
Nippon will be assessed an amount preliminarily estimated to cover the expenses which Title II, Article XII, Section 19 of the Compact require an applicant to bear, and will be directed to file certain supplemental materials.

THEREFORE, IT IS ORDERED:

1. That the above-entitled proceeding is hereby scheduled for public hearing to commence at 9:30 a.m., Wednesday, April 21, 1982, in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.
2. That applicant publish once in a newspaper of general circulation in the Metropolitan District notice of this application and hearing, in the form prescribed by the staff of the Commission, no later than Monday, March 22, 1982.
3. That applicant produce at the public hearing an affidavit of said publication.
4. That any person desiring to protest the application shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission in writing, not later than Monday, April 12, 1982, and shall mail a copy of such protest or notification to counsel for applicant, Ben Paul Noble, Esquire, Noble & Roberts, 4801 Massachusetts Avenue, N. W., Suite 400, Washington, D. C. 20016.
5. That applicant is hereby assessed \$600 pursuant to Title II, Article XII, Section 19 of the Compact 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 12 noon, Wednesday, April 14, 1982.

6. That applicant file with the Commission six copies each of a projected annual revenue and revenue deductions operating statement, its most recent actual operating statement and a new proposed tariff consistent with Commission Regulation No. 55, all no later than 12 noon, Wednesday, April 14, 1982, serve one copy of each on each party of record as of Monday, April 12, 1982, and produce the originals at the public hearing.

FOR THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director

