

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2686

IN THE MATTER OF:

Served March 22, 1985

Application of AMERICAN COACH )  
LINES, INC., for Declaratory Order )  
or, in the Alternative, Temporary )  
Authority to Conduct Charter )  
Operations Between Points in the )  
Metropolitan District )

Case No. AP-85-08

By pleading filed February 12, 1985, and perfected March 7, 1985, American Coach Lines, Inc., ("ACL" or "applicant") seeks authority to increase its charter rates for vehicles seating 47-53 passengers from \$40 an hour with guide and \$35 an hour without guide, four hour minimum, to \$45 an hour with guide and \$40 an hour without guide, minimum charge of \$175. In addition, applicant seeks to restructure its tariff by adding a rate of \$150 applicable to airport transfers (an entirely new category) and deleting a rate for vehicles seating 7-14 passengers. In the context of applicant's Petition for Declaratory Order or, in the Alternative, Application for Temporary Authority, Leo Carrol states on applicant's behalf that ACL desires to change its rates as described above. We interpret this to mean that ACL seeks to change its tariff under its existing authority, i.e., under the Commission's interpretation of that authority upon grant or denial of ACL's Petition for Declaratory Order.

For non-regular route carriers, an application to change fares is governed by, inter alia, Commission Regulation No. 56-02, which requires that the proposed tariff be accompanied by detailed reasons for the proposed change. ACL's Petition for Declaratory Order consists primarily of the legal argument on which applicant relies for interpretation of the operating authority contained in WMATC Certificate No. 1. Nowhere in the Petition or related filings is there contained the necessary data and explanation required by Commission Regulation No. 56-02 to support a change of fares. For this reason, we shall reject ACL's proposed tariff as improperly filed insofar as it pertains to applicant's Petition for Declaratory Order. Should ACL desire to increase or restructure its rates for currently authorized service, it must file a separate and properly documented application.

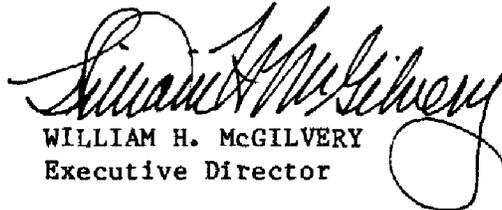
In the alternative, applicant seeks temporary authority to conduct charter operations throughout the Metropolitan District. In his statement, Mr. Carrol notes that, should the Petition for Declaratory Order be denied, ACL seeks the above-described rates to the extent that ACL is granted temporary authority. Temporary authority would represent a grant of new and additional authority for which ACL has no tariff currently on file. Applicant has properly filed a proposed tariff and related financial information for the service for which ACL seeks temporary authority. Nothing more is required. Therefore, applicant's proposed tariff is accepted in the context of ACL's Application for Temporary Authority.

THEREFORE, IT IS ORDERED:

1. That the application of American Coach Lines, Inc., for new, increased, and restructured rates is rejected as improperly filed.

2. That the proposed tariff filed by American Coach Lines, Inc., is hereby accepted insofar as it constitutes a part of applicant's Application for Temporary Authority.

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

  
WILLIAM H. MCGILVERY  
Executive Director