

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2782

IN THE MATTER OF:

Served November 4, 1985

Application of JOHN W. BROWN to)
Transfer Certificate No. 45 to)
J&B TRANSPORTATION CO., INC.)

Case No. AP-85-28

By Order No. 2769, served September 25, 1985, and incorporated by reference herein, the above-captioned application was scheduled for public hearing. That order also required transferor John W. Brown to publish notice of the application and hearing in a newspaper, post notice in his vehicles, pay an assessment for the cost of the hearing, and file the articles of incorporation for transferee J&B Transportation Co., Inc.

On October 16, 1985, transferor filed an affidavit that the public notice had been posted in his vehicles on October 1, 1985, and published in a newspaper on October 3, 1985. Since Order No. 2769 required posting and publication no later than October 2, 1985, transferor filed a motion asking the Commission to accept publication on October 3 as being in substantial compliance. The motion indicated the parties to the transfer have no objection to extending the protest period an additional day to preserve the same period of notice. We here note that no protests to this application, timely or otherwise, have been filed. Accordingly, the motion will be granted.

The motion further indicates that the transferor and transferee waive the right to public hearing and move the Commission to cancel the public hearing, to relieve transferor from the obligation to pay the assessment directed by Order No. 2769, and to decide this application on the basis of the written record. In support of its motion the parties state that there are no protests and that a public hearing would serve no purpose.

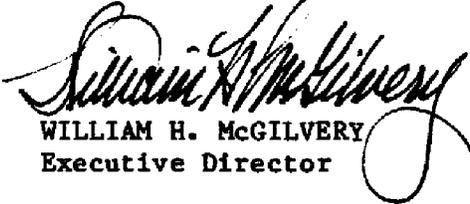
By Order No. 2774, served October 17, 1985, the Commission's Executive Director cancelled the public hearing and referred the motion to the Commission along with the record in this matter. We have reviewed the record and we find it complete and sufficient to form the basis for decision on this application. Accordingly, the motion will be granted.

We turn now to the merits of the application. This matter is before us under Title II, Article XII, Section 4(h) of the Compact, which requires that such transfer be approved by the Commission as being consistent with the public interest.

Transferor is a sole proprietor; transferee is a District of Columbia corporation wholly controlled by Mr. Brown and his family. In this situation certain elements of a transfer application such as dormancy of rights, operational fitness, compliance fitness, and change of competitive balance are hardly at issue. In any event, we resolve these favorably. We further find that the financial position of the transferee is adequate and that evidence of transferee's financial responsibility is on file in the form of a certificate of insurance sufficient to satisfy our current requirements. The transfer agreement calls for a token consideration of ten dollars, a sum that will have no influence on rates. We find that the requested transfer of Certificate of Public Convenience and Necessity No. 45 is consistent with the public interest. Based upon consideration of the record, this application will be granted. Certificate No. 45 shall be reissued to transferee J&B Transportation Company, Inc.

IT IS SO ORDERED.

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


WILLIAM H. MCGILVERY
Executive Director