

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3068

IN THE MATTER OF:

Served September 16, 1987

Application of AMERICAN COACH )  
LINES, INC., for a Certificate of )  
Public Convenience and Necessity, )  
Charter Operations )  
Case No. AP-87-20

American Coach Lines, Inc., a District of Columbia corporation ("applicant"), holds WMATC Certificate of Public Convenience and Necessity No. 1 authorizing certain charter and special operations as described therein.

By application filed July 31, 1987, applicant seeks to broaden its certificated charter authority to authorize all charter operations between points in the Metropolitan District, except transportation solely within the Commonwealth of Virginia. See Compact, Title II, Article XII, Section 1(b).

This application comes before us pursuant to the Compact, Title II, Article XII, Section 4(b) which states, in pertinent part:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds, after hearing held upon reasonable notice, that applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations and requirements of the Commission thereunder . . . .

Under normal circumstances an application such as this one would be scheduled for public hearing to make the determinations required by the Compact, including those quoted above. However, with regard to this applicant, public hearings have recently been concluded in Case Nos. FC-86-01 and MP-87-08, complaint and investigation proceedings involving this applicant.

At the public hearing in those cases applicant itself introduced evidence (Exhibits 19 and 20) establishing that American Coach Lines, Inc., a Maryland corporation, has been merged into applicant herein, American Coach Lines, Inc., a District of Columbia corporation. We take official notice of these exhibits.

The Compact, Title II, Article XII, Section 12(a)(1) provides:

12. (a) It shall be unlawful, without approval of the Commission in accordance with this section --

(1) for two or more carriers, any one of which operates in the Metropolitan District, to consolidate or merge their properties or franchises, or any part thereof, into one person for the ownership, management, or operation of properties theretofore under separate ownership, management, or operation;

Section 12(c) further provides:

(c) It shall be unlawful to continue to maintain or exercise any ownership, management, operation or control accomplished or effectuated in violation of subsection (a) of this section.

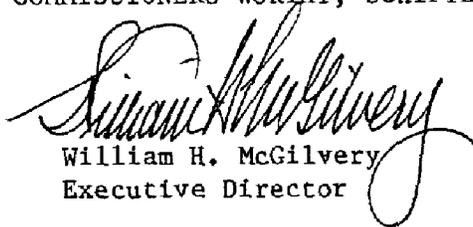
We also take official notice of the fact that applicant has neither sought nor received Commission approval of this merger.

Accordingly, applicant is in continuing violation of Sections 12(a) and (c). Therefore, in the present circumstances, it is not possible to find applicant fit within the meaning of Section 4(b) and there is no point in pursuing this application any further.

We intend to resolve the matter of this continuing violation in the context of Case Nos. FC-86-01 and MP-87-08.

THEREFORE, IT IS ORDERED that the application of American Coach Lines, Inc., in this Case No. AP-87-20 is hereby denied.

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

  
William H. McGilvery  
Executive Director