

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3098

IN THE MATTER OF:

Served December 3, 1987

Application of LEE COACHES, INC.,)
for Special Authorization to)
Perform Charter Operations)
Pursuant to Contract with The)
Close-Up Foundation)

Case No. CP-87-13

By application filed November 30, 1987, Lee Coaches, Inc., ("Lee Coaches" or "applicant") seeks authorization to conduct charter operations pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under contract with The Close-Up Foundation transporting high school students and their teachers participating in educational tour programs arranged for and conducted by Close-Up, together with baggage in the same vehicle as passengers, 1/ in charter operations between points in the Metropolitan District. 2/

By its terms the contract extends from January 11, 1987, through July 31, 1988. Applicant operates ten 47-passenger coaches, two of which are leased. All vehicles have been registered and passed inspection in Virginia. One vehicle per day, equipped with a working public address system, is required for service under the contract. Use of leased coaches is prohibited except where approved in writing by Close-Up. 3/ Lee Coaches will be required to submit evidence of which bus it intends to dedicate to the Close-Up contract and written permission from Close-Up to use that vehicle if it is leased. Lee Coaches is a Virginia corporation. Its president certifies that he is familiar with the Compact and the Commission's rules and regulations and will comply therewith. Applicant's president also certifies that he has not been found unfit by any regulatory agency nor is his fitness under any investigation. Pursuant to Commission Regulation No. 70-04(13), applicant's president will be required to submit a similar certification for the corporation.

1/ Although the application does not request authority to transport baggage, the contract expressly requires that luggage be transferred. If the Commission has misstated the authority which Lee Coaches seeks, it should so inform the Commission within ten days of the service date of this Order

2/ To the extent this application proposes transportation between points solely within Virginia, it is hereby dismissed pursuant to the Compact, Title II, Article XII, Section 1(b).

3/ Approval by the Commission is also required pursuant to Commission Regulation No. 69.

Applicant's balance sheet dated December 31, 1986,, shows current assets of \$68,870, fixed assets (less depreciation) of \$118,431, liabilities of \$29,321, and equity other than stated capital of \$157,980. Lee Coaches' income statement for the year ended December 31, 1986, shows non-WMATC operating revenue of \$407,777, operating expenses of \$385,701, and net income from operations, after provision for depreciation expense and income taxes, of \$22,076. Applicant projects revenues of \$30,600 from service provided under the contract, with concomitant operating expenses of \$23,184. Applicant did not provide a schedule of revenue deductions for the proposed service, and it will be directed to provide one.

William A. Eliason, director of operations for Close-Up, submitted a notarized statement dated November 2, 1987, in support of the application. Mr. Eliason, states that Close-Up is a non-profit educational entity, has investigated the qualifications of Lee Coaches, and is satisfied that it will be able to perform the proposed service.

Inasmuch as a contract has been executed for transportation of students and teachers by a school for a period in excess of 181 days, the application appears to be amenable to processing under Commission Regulation No. 70. See Order No. 2004, served June 4, 1979. Consequently, notice of this application must be published and opportunity given for the filing of protests. Protests, if any, must be written, sworn and notarized, and must contain all evidence and argument upon which the protestant would rely.

THEREFORE, IT IS ORDERED:

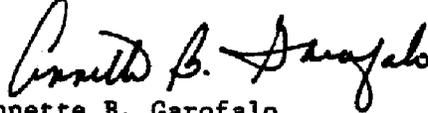
1. That Lee Coaches, Inc., is hereby directed to publish once in a newspaper of general circulation in the Metropolitan District notice of this application in the form prescribed by the staff of the Commission no later than Friday, December 11, 1987.

2. That applicant is hereby directed to file with the Commission no later than Tuesday, December 22, 1987, the following: (1) an affidavit of publication, (2) a contract of lease and written permission from Close-Up to use a leased vehicle in the WMATC operations described in this Order, (3) certification of Lee Coaches' fitness as discussed in this Order and as required by Regulation 70-04(13), and (4) a schedule of revenue deductions pertaining to the proposed service.

3. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Regulation No. 70-06 at the office of the Commission, 1625 I Street, N.W., Suite

316, Washington, D.C. 20006, no later than Monday, December 21, 1987, and shall simultaneously serve a copy of such protest on Judith L. Hendrickson, resident agent for Lee Coaches, Inc., 3714 Rodes Court, Annandale, VA 22203.

FOR THE COMMISSION:

A handwritten signature in cursive script, appearing to read "Annette B. Garofalo".

Annette B. Garofalo
Acting Executive Director

