

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3217

IN THE MATTER OF:

Served August 17, 1988

Application of JOSEPH C. SMITH)
Trading as SMITH CHARTER BUS)
SERVICE for Special Authorization)
to Conduct Charter Operations)
Pursuant to Contract with)
Washington Hospital Center)
Corporation)

Case No. CP-88-07

By application filed August 12, 1988, Joseph C. Smith trading as Smith Charter Bus Service (applicant) seeks authority pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 to transport employees of Washington Hospital Center Corporation (Hospital) in charter operations under contract with the Hospital between the Hospital's bus entrance located at 110 Irving Street, N.W., and the Brookland Metro Station on Michigan Avenue, N.E., both points in Washington, DC.

The contract is for a 12-month term to begin August 21, 1988, with the option to negotiate continuation of the contract over a three year period. The agreement requires the performance of scheduled shuttle service between 6:15 a.m. and 7 p.m., Monday through Friday except holidays specified by the Hospital. Two 20-passenger vehicles are required to perform the contract. Service would be at half-hour intervals between 10 a.m. and 3 p.m. and at 15-minute intervals the remainder of the schedule. The contract further requires a uniformed chauffer and provision of back-up service within one hour should there be an equipment failure. Service would be provided at a fixed daily rate of \$485. Applicant plans to dedicate two 1988 23-passenger vehicles and one 1988 13-passenger vehicle to the contract.

Applicant has been assigned Special Authorization Number 134 for the purpose of performing shuttle service for the United States Department of Agriculture (Forest Service). Applicant's resident agent attests that "Smith's Charter Bus Service" is fit to perform the proposed service and that its chief operating officer is familiar with the Commission's rules and regulations and will comply therewith and has not been found unfit by the Maryland Public Service Commission, the Interstate Commerce Commission, or the United States Department of Transportation. Applicant's provision of service to the Hospital will not interfere with his other commitments.

With his application, Mr. Smith submitted a statement of financial condition as of June 30, 1988, showing current assets of \$330,000, fixed assets after allowance for depreciation of \$170,398, current liabilities of \$40,000, long-term liabilities of \$120,000, and

proprietor's equity of \$485,398 (sic). For the 12-months ended July 31, 1989, applicant projects WMATC operating income of \$126,585, other operating income of \$247,344 for total operating income of \$373,929. Total operating expenses for the same period, including taxes and depreciation, are projected at \$262,806 resulting in net operating income of \$111,123 for an operating ratio of 70. Applicant's statement of financial condition does not balance, and no schedule of revenue and revenue deductions for the proposed operations has been provided. Applicant will be directed to provide all financial information required by Commission Regulation No. 70-04 and the application form. Applicant also will be directed to comply with the requirements of Commission Regulation No. 70-04 (8) and (12). Compliance with these items in the application as filed is incomplete.

An affidavit from the Hospital's Assistant Administrator of Hospital and Employee Service accompanied the application. The affidavit indicates that the individuals to be transported are Hospital employees, that similar service was previously performed by a WMATC certificated carrier at a lower rate, and that between 150 and 200 passengers are expected to be transported daily. The affiant further attested that applicant's vehicles and maintenance facilities were inspected and proved to be satisfactory and that the Hospital has determined that applicant is qualified to perform the required service.

It appears that this case is amenable to processing under Commission Regulation No. 70. See Order No. 2004, served June 20, 1979, effective July 21, 1979. Pursuant to Commission Regulation No. 70-06, notice of this application must be published and an opportunity given for filing protests. Protests, if any, must be written, sworn, and notarized, and must contain all evidence and argument upon which protestant would rely.

THEREFORE, IT IS ORDERED:

1. That applicant 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 Saturday, August 20, 1988.

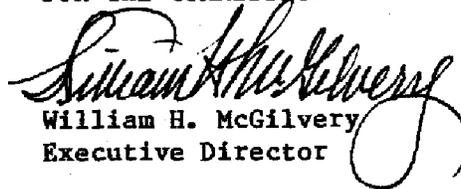
2. That applicant file an affidavit of such publication with the Commission no later than Wednesday, August 31, 1988.

3. That applicant file the following with the Commission no later Wednesday, August 24, 1988: (a) his most recent balance sheet and operating statement and a projection of revenue and revenue deductions (including allocable fixed expenses) to be generated by the proposed operations; (b) a complete list of applicant's revenue vehicles showing make, model, year, serial number, and passenger seating capacity (including driver) of each vehicle, with a designation of which vehicles will be used for rendering the proposed service including evidence showing that all of applicant's revenue vehicles have been licensed, inspected, and approved for transportation-for-hire operations by the District of Columbia, Maryland, or Virginia; and (c) a statement comprised of the following: (i) evidence that applicant is

fit to perform the proposed service; (ii) certification that applicant (or its chief operating officer) is familiar with the terms of the Compact and the Commission's rules, regulations, and requirements, and will comply therewith; and (iii) reference to any proceedings, either completed or pending, in which applicant has been found unfit or in which its fitness is under investigation by this Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the Interstate Commerce Commission, or the United States Department of Transportation.

4. 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 Washington Metropolitan Area Transit Commission, Suite 316, 1625 Eye Street, N.W., Washington, DC 20006, no later than Tuesday, August 30, 1988, and shall simultaneously serve a copy of such protest on Bill Gillison, 4009 21st Place, Temple Hills, MD 20748.

FOR THE COMMISSION:


William H. McGilvery
Executive Director