

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3248

IN THE MATTER OF:

Served November 3, 1988

Application of DYNAMIC CONCEPTS, )  
INC., for Special Authorization to )  
Perform Charter Operations Pursuant )  
to Contract -- U.S. Department of )  
Commerce - NOAA )

Case No. CP-88-09

By application filed October 31, 1988, Dynamic Concepts, Inc. (applicant or DCI), seeks authorization to conduct charter operations pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under a contract with the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) transporting government employees and persons traveling on official business with NOAA together with mail, express, and baggage in scheduled operations between points in the Metropolitan District. 1/

The contract, which, by its terms cannot commence prior to the proper licensing of DCI, is based upon NOAA's requirements for the period November 1, 1988, through September 30, 1988, with three one-year options to renew through September 30, 1992. Service under the contract is primarily dedicated to the pick-up and delivery of mail and packages, however, two of the contract's four required routes involve passenger transportation. Route 1 requires passenger pick-ups at the Washington Science Center, 6010 Executive Blvd., Rockville, MD; and the Washington Science Center 6015 Executive Blvd.; Rockville, MD. Route 3 also requires passenger pick-up service at the Washington Science Center located at 6015 Executive Blvd., Rockville, MD. Both routes include stops for mail pick-up and delivery. While the contract is specific as to passenger pick-up points it fails to outline passenger drop-off points. Applicant will be directed to provide such information. Service points may be changed periodically during the contract period. See accompanying appendix for description of service points.

The agreement requires the performance of daily passenger shuttle service each government work day between the hours of 8:15 a.m. and 4:45 p.m. DCI is required to provide two vans with a seating capacity of not less than 10 passengers and must be equipped with a

---

1/ To the extent that this application could be interpreted to include transportation solely within the Commonwealth of Virginia, it is hereby dismissed pursuant to Title II, Article XII, Section 1(b) of the Compact.

two-way radio. Inoperable vehicles must be repaired or replaced within one hour of the break down. DCI is also required to maintain and keep the vehicles in good condition. With its application, DCI lists two 1988, 15-passenger vehicles for use in the proposed operations.

DCI is a District of Columbia corporation and currently holds operating authority from this Commission. Applicant plans continued compliance with the Compact and the rules and regulations of this Commission. DCI has not been found unfit by any regulatory agency and is not presently undergoing any fitness investigation.

DCI's balance sheet dated June 30, 1988, shows current assets of \$911,674 (including \$52,281 in cash), with fixed and other assets minus depreciation of \$167,592. Current liabilities of \$862,316, long-term liabilities of \$18,676, and equity of \$198,274 were also listed. A review of the contract reveals that revenues generated from providing passenger service on routes 1 and 3 of the contract would be \$96,746.74; 2/ no statement of revenue deductions was provided.

The contracting officer for NOAA submitted a notarized letter which states that approximately 8,580 persons would be transported during the basic contract period. The letter also reveals that the qualifications of the applicant have been investigated and DCI has been determined able to perform the services required under the contract.

Inasmuch as there is a contract with the government for the transportation of government employees and persons traveling on official business with the government for a period in excess of 181 days, this application appears to be amenable to processing under Commission Regulation No. 70. See Order No. 2004, served June 20, 1979, and effective July 21, 1979. Pursuant to Commission Regulation No. 70-06, 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 Dynamic Concepts, Inc., 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 Tuesday, November 8, 1988.

2. That Dynamic Concepts, Inc., file with the Commission no later than Friday, November 18, 1988, the following: (a) an affidavit

---

2/ The base figures for contract revenues generated by passenger service were reduced when DCI was unable to perform service under the contract on October 1, 1988. The adjusted contract revenues were based on an expected start date of November 1, 1988. DCI was unable to meet the November 1, 1988, date so it is conceivable that further downward adjustments to contract price may be made.

of publication of notice; (b) leases covering any vehicles not owned by applicant pursuant to Commission Regulation No. 69; (c) certificates of registration and inspection pertaining to all vehicles to be used in the proposed service; (d) a statement of revenue deductions for the applicable proposed operations; and (e) a list of passenger drop off points.

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 Washington Metropolitan Area Transit Commission, Suite 316, 1625 Eye Street, N.W., Washington, DC 20006, no later than Friday, November 18, 1988, and shall simultaneously serve a copy of such protest on applicant's attorney, Edward Hayes, Jr., Esq., Baker & Hostetler, 1050 Connecticut Ave., N.W., Washington, DC 20036.

FOR THE COMMISSION:

  
William H. McGilvery  
Executive Director

ADDRESSES OR BUILDINGS SERVICED

1. Agriculture - S. Building, 14th and Independence Avenue, S.W., Washington, DC
2. Federal Bldg. 3 - Suitland and Silver Hill Roads, Suitland, MD
3. Federal Bldg. 4 - Suitland and Silver Hill Roads, Suitland, MD
4. Gramax - 8060-13th Street, Silver Spring, MD
5. Herbert C. Hoover - 14th and Constitution Avenue, N.W., Washington, DC
6. North Bethesda Office Center - NBOC-1, 11420 Rockville Pike, Rockville, MD
7. North Bethesda Office Center - NBOC-1, 11426 Rockville Pike, Rockville, MD
8. Riverdale - 6501 Lafayette Avenue, Riverdale, MD
9. Rockwall Bldg. - 11400 Rockville Pike, Rockville, MD
10. Silver Spring Metro 1 - 1335 East West Highway, Silver Spring, MD
11. Suitland House - Suitland and Silver Hill Roads, Suitland, MD
12. Suitland Professional Center - 5001 Silver Hill Road, Suitland, MD
13. Universal South Bldg. - 1825 Connecticut Avenue, N.W., Washington, DC
14. Washington Science Center - WSC-1, 6001 Executive Boulevard, Rockville, MD
15. Washington Science Center - WSC-2, 6015 Executive Boulevard, Rockville, MD
16. Washington Science Center - WSC-4, 6009 Executive Boulevard, Rockville, MD
17. Washington Science Center - WSC-5, 6010 Executive Boulevard, Rockville, MD
18. Wilkins Avenue - 12227 Wilkins Avenue, Rockville, MD
19. World Weather Bldg. - WWB, 5200 Auth Road, Camp Springs, MD