

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3258

IN THE MATTER OF:

Served December 2, 1988

Application of PHOENIX TOURS, INC.,)  
for Temporary Authority -- Charter )  
and Special Operations )

Case No. AP-88-46

By application filed November 4, 1988, Phoenix Tours, Inc. (Phoenix or applicant), seeks temporary authority to transport passengers together with mail, express, and baggage in the same vehicle as passengers, between points in the Metropolitan District \*/ in charter and special operations.

Phoenix holds WMATC Certificate No. 110 issued in June 1984 which gives it charter authority to engage in round-trip sightseeing tours and incidental transfer service in 21-passenger vehicles.

Applicant plans to conduct the proposed operations in two 1975 47-passenger vehicles. In charter operations Phoenix intends to charge \$45 per hour, with a five hour minimum for travel within the Beltway. For travel outside the Beltway \$1.95 per live mile, and \$1.10 per dead-head mile would be charged. All trips outside of the Beltway would be charged by the hour or by the mile, whichever is greater; however no hourly charge for trips outside the Beltway is listed. Applicant will be directed to clearly indicate what charge would be applicable. Transfer rates for Washington National Airport would be \$150 and Washington Dulles International Airport transfer rates would be \$180. Twenty-four hour advanced cancellation notice would be required. Applicant plans to offer three tours in its special operations, including a Civil War Tour that consists of a three-hour tour of Civil War sites in Washington, DC, at \$15 per person; a Georgetown Tour that consists on a three-hour riding and walking tour of the Georgetown area at \$15 per person; and a Colonial Development Tour that consists of a three-hour riding and walking tour of colonial sites in Georgetown, Old Town Alexandria, and Mount Vernon, at \$19 per person.

Applicant's balance sheet as of May 31, 1988, shows current assets of \$49,286 with fixed and other assets, after an allowance for depreciation, of \$65,477. Current liabilities are listed at \$30,018

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\*/ 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.

with long-term liabilities of \$70,523 and equity of \$14,222, including \$10,222 in retained earnings. Applicant did not submit a statement of projected revenue and revenue deductions for the proposed operations and will be directed to do so.

Applicant is applying for temporary authority due to increased requests that it has received for coach-sized equipment. In support of its application Phoenix asserts that it has had numerous bad experiences in trying to secure reliable service from existing WMATC coach carriers. It also asserts that it has lost revenue and clients due to inadequate services.

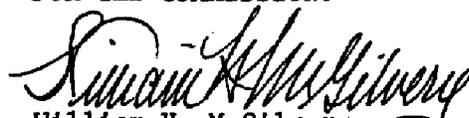
Phoenix submitted 18 notarized letters of support in its application. The letters were from The Madison Hotels; The Willard Inter Continental; Sheraton Washington Hotel; Vista International Hotel; Hyatt Regency; The Mayflower; The Westin Hotel; Lastrada Limousine, Inc.; Washington Court Hotel; Capital Tours, Limited; The Embassy Row Hotel; The Ritz Carlton; Voice of America; Omni Georgetown Hotel; The Grand Hotel; The Hay-Adams Hotel; Radisson Park Terrace Hotel; and The Sheraton Carlton. The letters generally stated that the upcoming season is a particularly busy one for the tourist industry with an increased number of visitors to the city. The affiants attested to the need for service in coach-sized vehicles and that existing services have been unable to meet their needs. The letters also assert that existing services do not offer the subject matter of the tours proposed by the applicant.

As previously mentioned, applicant's proposed tariff is unclear as to how charges would be calculated for trips outside of the Beltway. Applicant also failed to produce all of the financial data required for adequate processing of its application. Phoenix is therefore directed to provide the foregoing during the protest period.

The standards for temporary authority are set forth in the Compact, Title II, Article XII, Section 4(d)(3). The essential elements are (1) an immediate and urgent need for service, (2) no carrier capable of meeting such need, and (3) fitness of the applicant. This order will provide notice of this application, and a brief time will be provided for the filing of protests, if any. No extension of time will be granted.

THEREFORE, IT IS ORDERED that any person desiring to protest this application shall file a protest in accordance with Commission Rule No. 14 at the office of the Commission, 1625 Eye Street, N.W., Suite 316, Washington, DC 20006, no later than Monday, December 12, 1988, and shall simultaneously serve a copy of such protest on applicant's attorney, Stephen M. Salinger, Esquire, 1625 Eye Street, N.W., Suite 1009, Washington, DC 20006.

FOR THE COMMISSION:

  
William H. McGilvery  
Executive Director