

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3277

IN THE MATTER OF:

Served January 18, 1989

Application of THE AIRPORT)
CONNECTION, INC., for Temporary)
Authority)

Case No. AP-88-56

By application filed November 22, 1988, and amended January 11, 1989, The Airport Connection, Inc. (TAC), seeks temporary authority to transport passengers, together with their baggage in the same vehicle with passengers, in charter operations between Washington National Airport, Arlington County, Virginia, and Dulles International Airport, Loudoun County, Virginia, on the one hand, and, on the other, points in the Metropolitan District, restricted to transportation of passengers and aircraft crews having a prior or subsequent movement by air, and further restricted against transportation solely within the Commonwealth of Virginia.

TAC holds WMATC Certificate No. 111 which authorizes the following transportation:

IRREGULAR ROUTES

PART A

SPECIAL OPERATIONS

Transporting passengers and their baggage, in the same vehicle with passengers, between Washington National Airport, Gravelly Point, Va., and Dulles International Airport, Herndon, Va., on the one hand, and, on the other, points in the Metropolitan District.

PART B

CHARTER OPERATIONS

Transporting passengers together with their baggage in the same vehicle with passengers, as follows:

(1) between Washington National Airport, Gravelly Point, Va., and Dulles International Airport, Herndon, Va., on the one hand, and, on the other, points in Montgomery County, Md.

RESTRICTED in B(1) above to the transportation of passengers and aircraft crews having a prior or subsequent movement by air; and

(2) between points in the Metropolitan District, excluding Montgomery County, Md., on the one hand, and, on the other, points in the Metropolitan District, excluding Montgomery County, Md.

RESTRICTED in A and B above against transportation solely within the Commonwealth of Virginia.

TAC has agreed to transfer PART B of its WMATC Certificate No. 111, i.e., its charter authority, to Airport Baggage Carriers, Inc. (ABC). The agreement is part of a transaction being structured under the supervision of the United States Bankruptcy Court for the District of Maryland. That Court has approved a Stipulation and Consent Order which provides as follows:

Airport Baggage Carriers, Inc. will apply to transfer to itself the charter authority now held by The Airport Connection, Inc. and/or apply for new charter authority. Airport Transit, Inc. will apply for new authority and/or to transfer to itself the requisite airport related authorities now held by The Airport Connection, Inc. and/or for new authority to service the Washington Metropolitan Airports contract. Both parties will support the transfer of authorities or the applications for new authorities by the other. 1/

An application to transfer from TAC to ABC that portion of WMATC Certificate No. 111 pertaining to charter operations has been filed, 2/ hearings have been held on the matter, and a briefing date set. It is, therefore, appropriate to give notice of TAC's application at this time. Should the application to transfer be denied, this application could be considered moot. However, should the application to transfer be granted, TAC would hold no charter authority from this Commission. TAC asserts that, at that moment, TAC would need charter authority to fulfill certain contract obligations towards the Metropolitan Washington Airports Authority (MWAA).

With its application TAC submitted a balance sheet as of June 30, 1988, which showed current assets of \$928,888, fixed assets after allowance for accumulated depreciation of \$1,648,653, and other assets of (\$12,172). TAC lists current liabilities of \$1,698,520, long-term liabilities of \$905,706, and equity of (\$38,858). For the year ended June 30, 1988, TAC lists operating revenue of \$5,263,078 and operating expenses of \$408,166.

1/ Case No. AP-88-27, Application of The Airport Connection, Inc., to Transfer a Portion of Certificate of Public Convenience and Necessity No. 111 to Airport Baggage Carriers, Inc., Exhibit 1.

2/ Case No. AP-88-27, Supra.

The service for which TAC seeks temporary authority would be provided using eighteen 12-passenger vans and nine 46-passenger coaches. TAC's tariff would remain unchanged from its WMATC Tariff No. 9 except that the tariff would be issued by Mr. Ron Cook, TAC's Managing Agent. 3/4/

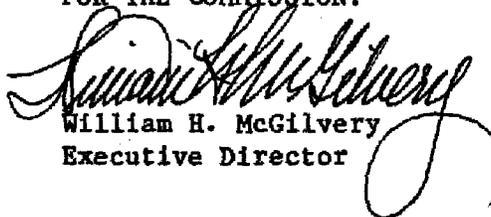
The application is supported by affidavit of Richard A. Griesbach, MWAA's business manager. Mr. Griesbach attests that:

TAC, as part of its contract with MWAA, must handle numerous diversion of passengers and crews that are created by changes in airline schedules. For TAC to perform its duties under the contract with MWAA and to provide continuity of diversion service, it is imperative that the Commission grant the application for temporary charter rights to TAC. . . .

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 January 27, 1989, and shall simultaneously serve a copy of such protest on applicant's attorney, William F. King, Esquire, 4660 Kenmore Avenue, #1018 Alexandria, VA 22304.

FOR THE COMMISSION:


William H. McGilvery
Executive Director

3/ Mr. Cook is the controlling shareholder of Airport Transit, Inc. (ATI), the corporation appointed by the Stipulation and Consent Order as general manager of TAC's non-charter operations. Under a Stock Purchase Agreement approved by the Stipulation and Consent Order, ATI has acquired all outstanding shares of TAC.

4/ A request for approval of additional rates is pending. See Case No. AP-88-63, Application of The Airport Connection, Inc., for New Rates.

