

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3357

IN THE MATTER OF:

Served June 16, 1989

Application of DUKE ENTERPRISES,)
INC., for a Certificate of Public)
Convenience and Necessity to)
Perform Charter Operations)

Case No. AP-89-25

By application filed May 6, 1989, Duke Enterprises, Inc. (applicant), a Maryland corporation, seeks a certificate of public convenience and necessity to transport passengers, together with baggage in the same vehicle as passengers, in for-hire charter operations between points in the Metropolitan District. To the extent the application could be construed to include transportation solely within the Commonwealth of Virginia, it hereby dismissed pursuant to the Compact, Title II, Article XII, Section 1(b).

Applicant submitted an Interstate Commerce Commission tariff and supplement showing charter and other rates. Because this was the only indication of rates contained in the application, it is presumed that the charter rates are those proposed in this application. These rates are \$1.70 per vehicle mile subject to minimum charges of (1) \$25 per vehicle hour, (2) \$75 per vehicle day, or (3) \$250 per vehicle on overnight trips. Also stated are the following provisions:

\$75 per vehicle per day (8 hours) any time in excess of 8 hours will be charged at \$25 per hour per vehicle.

\$9 per hour per driver.

The addition of the hourly driver charge to the hourly vehicle charge appears to render an hourly rate of \$34 an hour for charter service.

Applicant's equipment list shows two buses, one manufactured in 1969 seating 49 passengers, and the other a 1972 seating 45 passengers. Applicant also submitted a balance sheet as of April 15, 1989, and an operating statement for 1988. The balance sheet is defective on its face, containing inadequate data and failing to balance, and the required projection of revenues and expenses to be generated by the proposed operations was not submitted. Applicant will be directed to cure these defects.

Pursuant to Title II, Article XII, Section 4(b) of the Compact, this application will be scheduled for public hearing to determine if applicant is fit, willing, and able to perform the proposed service properly and comply with the Compact and the Commission's rules and

regulations and to determine whether the public convenience and necessity require the proposed service. Applicant will be assessed an amount preliminarily estimated to cover the hearing expenses applicant is required to bear pursuant to the Compact, Title II, Article XII, Section 19.

THEREFORE, IT IS ORDERED:

1. That a public hearing in Case No. AP-89-25 is hereby scheduled to commence Thursday, July 27, 1989, at 9:30 a.m. in the Hearing Room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

2. That Duke Enterprises, Inc., shall publish once in a newspaper of general circulation in the Metropolitan District notice of this application and the hearing thereon in the form prescribed by the staff of the Commission, no later than Wednesday, June 28, 1989, and shall present at the hearing an affidavit of publication.

3. That any person desiring to protest this application shall do so in accordance with Commission Rule No. 14, or any person desiring to be heard on this matter shall so notify the Commission, in writing, no later than Friday, July 14, 1989, and shall simultaneously serve a copy of such protest or notice on Duke Enterprises, Inc., 15406 Holly Grove Road, Silver Spring, MD 20904.

4. That Duke Enterprises, Inc., is hereby assessed \$500 pursuant to the Compact, Title II, Article XII, Section 19, and is directed to deliver said amount to the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Friday, July 14, 1989.

5. That Duke Enterprises, Inc., is hereby directed to file with the Commission no later than Friday, July 14, 1989, an original and four copies of (a) an accurate and complete current balance sheet, and (b) a projection of revenues and expenses to be generated by the proposed operations for the future annual period.

FOR THE COMMISSION:


William H. McGilvery
Executive Director