

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3372

IN THE MATTER OF:

Served July 7, 1989

Application of EXECUTIVE MOBILE )  
SERVICES, INC., for a Certificate )  
Authorizing Charter Operations )

Case No. AP-89-35

By application filed June 22, 1989, Executive Mobile Services, Inc. (EMS or applicant), a Virginia corporation, seeks a certificate of public convenience and necessity to transport passengers in for-hire charter operations described in the application as follows:

For a van with maximum capacity of 14 persons for on-call service in the Washington, D.C. area, including points (1) in Virginia to and from points in the District of Columbia and Virginia and (2) in Virginia to and from points in Maryland and Virginia and (3) in the District of Columbia.

As described, the proposed service does not include intrastate Maryland operations. While the proposal does include intrastate Virginia operations, such operations are excepted from this Commission's jurisdiction by the Compact, Title II, Article XII, Section 1(b) and, to this extent, the application is hereby dismissed. Accordingly, applicant's proposal is interpreted and restated as follows:

CHARTER OPERATIONS, transporting passengers between points in the Metropolitan District, except transportation solely within Maryland and solely within Virginia; RESTRICTED to transportation in vehicles with a manufacturer's designed seating capacity of 15 persons or less, including the driver.

EMS' proposed tariff shows group charter rates of \$250 an hour with a three-hour minimum of \$750. Applicant's equipment list shows one 14-passenger vehicle. Also in support of its application EMS submitted a balance sheet as of May 31, 1989, and a projected operating statement for the year ending September 30, 1990.

Pursuant to Title II, Article XII, Section 4(b) of the Compact, this application will be scheduled for public hearing to determine if the 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 applicants are required to bear pursuant to the Compact, Title II, Article XII, Section 19.

THEREFORE, IT IS ORDERED:

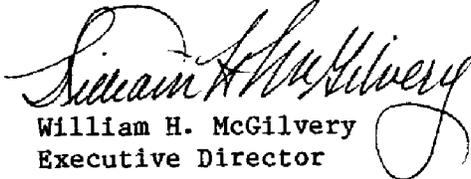
1. That a public hearing in Case No. AP-89-35 is hereby scheduled to commence Thursday, September 14, 1989, at 9:30 a.m. in the Hearing Room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

2. That Executive Mobile Services, 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 Monday, August 14, 1989, and shall present at the hearing an affidavit of publication.

3. That any person desiring to protest this application shall file a protest 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, September 1, 1989, and shall simultaneously serve a copy of such protest or notice on applicant's counsel, Joseph A. Cerroni, Jr., Esquire, 6400-C Seven Corners Place, Falls Church, VA 22044.

4. That Executive Mobile Services, Inc., is hereby assessed \$400 pursuant to the Compact, Title II, Article XII, Section 19, and is directed to deliver said amount to the office of the Commission no later than Friday, September 1, 1989.

FOR THE COMMISSION:

  
William H. McGilvery  
Executive Director