

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3436

IN THE MATTER OF:

Served November 28, 1989

Application of D.A.Y. ENTERPRISES, )  
INC., for a Certificate of Public )  
Convenience and Necessity -- )  
Charter Operations )

Case No. AP-89-51

By application filed November 14, 1989, D.A.Y. Enterprises, Inc. (D.A.Y. or applicant), seeks a certificate of public convenience and necessity to transport passengers, together with baggage in the same vehicle as passengers, in charter operations between points in the Metropolitan District except transportation solely within the Commonwealth of Virginia.

Initially D.A.Y. would initially conduct operations using a 1987 25-passenger vehicle with AM/FM cassette system, public address system, mobile telephones, and separate cargo compartment. Applicant is investigating the purchase of a 31-passenger minibus.

D.A.Y.'s proposed tariff lists charter rates for the 25-passenger vehicle of \$40 an hour (March through October) and \$38 an hour (November through February); rates proposed for the 31-passenger vehicle are \$42.50 an hour (March through October) and \$40 an hour (November through February). A four-hour minimum would apply to the foregoing rates. In addition to hourly rates, D.A.Y. proposes a rate for transfers between any two points in the Metropolitan District of \$150 with an additional charge for boarding time in excess of 30 minutes. D.A.Y.'s tariff contains a provision applicable to special operations. D.A.Y. will be directed to amend its proposed tariff to comport with this (charter) application.

With its application D.A.Y. submitted a balance sheet as of October 31, 1989, showing current assets of \$12,223, including \$7,889 cash, fixed assets ("operating equipment") of \$37,949 without an allowance for depreciation, and other assets of \$1,002. D.A.Y.'s statement of financial condition lists current liabilities of \$1,358, long-term liabilities of \$19,766, and common stock of \$30,050. For the calendar year 1990, applicant projects income of \$128,000, including \$36,900 from WMATC operations, and expenses of \$114,357 resulting in "projected net income" of \$13,643 or an operating ratio of 89. Expenses are not allocated between WMATC operations and non-WMATC operations.

Pursuant to the Compact, Title II, Article XII, Section 4(b), 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.

THEREFORE, IT IS ORDERED:

1. That a public hearing in Case No. AP-89-51 is hereby scheduled to commence Thursday, January 4, 1990, at 9:30 a.m. in the Hearing Room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

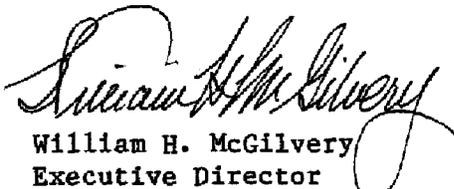
2. That D.A.Y. Enterprises, Inc., shall publish once in a newspaper of general circulation in the Metropolitan District notice of this application and the hearing thereon, in the form prescribed by the staff of the Commission, no later than Friday, December 22, 1989, and shall present at hearing an affidavit 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, December 22, 1989, and shall simultaneously serve a copy of such protest or notice on applicant's counsel, Jeremy Kahn, Esquire, 1726 M Street, N.W., Suite 702, Washington, DC 20036.

4. That D.A.Y. Enterprises, Inc., is hereby assessed \$400 pursuant to Title II, Article XII, Section 19 of the Compact 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, December 22, 1989.

5. That D.A.Y. Enterprises, Inc., is hereby directed to file with the Commission no later than Friday, December 22, 1989, a proposed tariff applicable solely to service within the scope of this application.

FOR THE COMMISSION:

  
William H. McGilvery  
Executive Director