

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3666

IN THE MATTER OF:

Served April 2, 1991

Application of EXECUTIVE COACH, )  
LTD., for a Certificate of )  
Authority -- Irregular Route )  
Operations )

Case No. AP-91-12

By application filed February 8, 1991, completed February 28, 1991, Executive Coach, Ltd. (ECL or applicant), a Maryland corporation, seeks a Certificate of Authority to transport passengers in irregular route operations between points in the Metropolitan District. Applicant is a wholly-owned subsidiary of Barwood, Inc., a taxicab company operating principally between points in Montgomery County, MD. The transportation proposed by ECL would include shuttle service under contract with White Flint North Limited Partnership. That shuttle service was initiated pursuant to temporary authority granted by Order No. 3572, served October 4, 1990, in Case No. AP-90-44.

By Order No. 3617, served March 1, 1991, in Case No. AP-91-12, the Commission directed applicant to publish in a newspaper and post in its vehicles notice of this application. ECL filed an affidavit attesting to publication and posting as required. Order No. 3617 and the notice that was published and posted provided for the filing of protests, comments, or requests for oral hearing on or before April 1, 1991. None were filed.

In determining whether to grant or deny an application for a Certificate of Authority, the Compact at Title II, Article XI, Section 7 requires that the Commission determine whether an applicant is fit, willing, and able to perform the transportation properly and conform to the provisions of the Compact and the Commission's rules, regulations, and requirements and that the transportation is consistent with the public interest. Based on the record before it in this case, the Commission so finds. In addition, the Commission notes that applicant has demonstrated its fitness during the course of operations conducted under temporary authority.

The fact that the applicant in this case is a wholly-owned subsidiary of another carrier (Barwood, Inc.) raises the issue of control pursuant to the Compact, Title II, Article XII, Section 3. In this connection the application states:

The business operations of Executive Coach, Ltd. are separate and distinct from Barwood, Inc. The two companies share physical facilities and file consolidated tax returns, however, there is no commingling of corporate assets. Executive Coach,

Ltd. maintains separate financial and accounting records . . . . Although Executive Coach, Ltd. is a wholly-owned subsidiary of Barwood, Inc., Executive Coach, Ltd. neither receives nor pays to Barwood, Inc. any profits, dividends, or other type of income or subsidy.

Upon consideration of the record in this case, the Commission approves the control relationship as being consistent with the public interest.

Executive Coach, Ltd., has filed with the Commission (a) five copies of its Contract Tariff No. CT-1 covering its contract operation with White Flint North Limited Partnership; (b) five copies of a General Tariff No. GT-1; (c) an equipment list showing make, year, model, serial number, manufacturer's designed seating capacity (including driver), and license plate number (with jurisdiction) for each vehicle to be used in revenue operations; (d) a lease in accordance with Commission Regulation 62 for each vehicle to be used in revenue operations; (e) an affidavit of identification of vehicles pursuant to Commission Regulation 61; and (f) appropriate evidence of insurance in accordance with Commission Regulation 58.

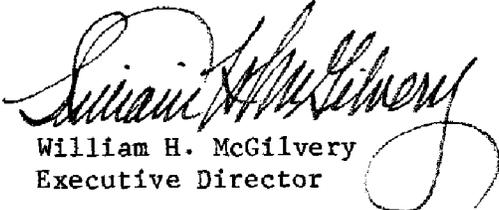
THEREFORE, IT IS ORDERED:

1. That Executive Coach, Ltd., is hereby granted authority to transport passengers in irregular route operations between points in the Metropolitan District, as described in Certificate of Authority No. 177.

2. That Certificate of Authority No. 177 will be issued to Executive Coach, Ltd., in the form and as worded in Appendix to this order.

3. That Certificate of Authority No. 177 cancels and supersedes the temporary authority granted by Order No. 3572, served October 4, 1990, in Case No. AP-90-44.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:

  
William H. McGilvery  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CERTIFICATE OF AUTHORITY

NO. 177

Executive Coach, Ltd.  
4925 Nicholson Court  
Kensington, Maryland 20895

By Order No. 3666 of the Washington Metropolitan Area Transit Commission issued April 2, 1991;

WHEREAS, the above-named carrier is entitled to receive authority to transport passengers within the Washington Metropolitan Area Transit District;

THIS CERTIFICATE OF AUTHORITY is hereby issued to the said carrier as evidence of the authority to engage in the for-hire transportation of passengers by motor vehicle; subject, however, to such terms conditions and limitations as are now, or may hereafter be, attached to the exercise of the privilege granted to the said carrier:

IRREGULAR ROUTES, transporting passengers between points in the Washington Metropolitan Area Transit District;

RESTRICTED TO (1) operations conducted according to the said carrier's applicable tariff on file with the Commission; and

RESTRICTED AGAINST (1) transportation solely within the Commonwealth of Virginia and (2) any passenger transportation for hire on an individual fare paying basis in competition with any existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the Federal Government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority.

THIS CERTIFICATE OF AUTHORITY DOES NOT AUTHORIZE ANY TRANSPORTATION BY ANY PERSON OTHER THAN THE CARRIER NAMED HEREON.

THIS CERTIFICATE OF AUTHORITY IS NOT VALID UNLESS THE CARRIER NAMED HEREON IS IN COMPLIANCE WITH THE INSURANCE REQUIREMENTS OF THE COMMISSION.

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Executive Coach, Ltd.  
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IT IS A FURTHER CONDITION of this certificate of authority that the carrier named hereon shall (a) provide safe and adequate transportation service, equipment, and facilities; and (b) observe and enforce Commission regulations.