

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3785

IN THE MATTER OF:

Served July 2, 1991

Application of ADV INTERNATIONAL)
CORPORATION Trading as MORAN)
LIMOUSINE SERVICE for a Certificate)
of Authority -- Irregular Route)
Operations)

Case No. AP-91-14

By application filed March 1, 1991, supplemented March 4, 1991, and amended March 5, 1991, ADV International Corporation trading as Moran Limousine Service (ADV or applicant), a District of Columbia corporation, seeks a Certificate of Authority to transport passengers, together with mail, express, and baggage in the same vehicles with passengers, in irregular route operations between points in the Metropolitan District.

By Order No. 3640, served March 26, 1991, notice of this application was given, and applicant was directed to publish notice in a newspaper no later than April 9, 1991. Order No. 3640 directed applicant to file an affidavit of publication no later than March 25, 1991. ADV was directed also to post notice of the application continuously and conspicuously in its revenue vehicles from April 9 through April 26, 1991. Applicant complied with these directions, and no protests or comments have been filed in this case. No person has requested a hearing in this matter. Therefore, the matter is now ripe for decision.

ADV proposes to transport passengers, together with mail, express, and baggage in the same vehicles as passengers, for hire over irregular routes between points in the Metropolitan District. The transportation would include service under contract with Potomac River Front Limited Partnership (the Partnership). Service for the Partnership consists of scheduled shuttle service for tenants of Washington Harbor, a mixed-use project located at 3000 and 3050 K Street, N.W., Washington, DC, between Washington Harbour, on the one hand, and on the other, Farragut Square and Foggy Bottom, both located in Washington, DC. ADV is currently conducting this service pursuant to temporary authority granted by Order No. 3638, served March 25, 1991. The contract for transportation requires three vehicles, each having a manufacturer's designed seating capacity in excess of 16 passengers. Applicant has these vehicles available and appears to have made arrangements for garaging, maintenance, repairs, and provision of backup service.

Applicant has not been assigned a safety rating by the United States Department of Transportation (USDOT). However, applicant's president certifies on ADV's behalf that it has access to and is

familiar with all USDOT regulations relating to safe operation of commercial vehicles and safe transportation of passengers for hire and will comply with those regulations. Applicant's president further certifies on ADV's behalf that ADV has access to and is familiar with the Compact and the Commission's rules and regulations, that it will comply with them, and that there are no proceedings, either completed or pending, in which ADV has been found unfit or in which its fitness is under investigation.

With its application ADV filed a balance sheet as of December 31, 1990, showing current assets of \$105,243; fixed assets, after allowance for depreciation, of \$186,638; and other assets of \$3,832. Current liabilities of \$179,101; long-term liabilities of \$202,412; and equity of (\$85,800) 1/ are shown. For the 12 months ended December 31, 1990, ADV had total revenue of \$966,868 and total pre-tax operating expenses of \$941,342; resulting in net operating income of \$25,526, an operating ratio of 97. For the first 12 months of WMATC operations 2/ applicant projects operating income of \$1,350,000, of which \$200,000 would be from WMATC operations. Operating expenses, including depreciation and taxes, of \$1,255,675, are projected, resulting in an operating ration of 93.

In support of the application, ADV's president states that by providing service for all tenants of Washington Harbour, ADV will eliminate some of the traffic congestion in the "K Street corridor."

DISCUSSION AND CONCLUSIONS

This case is governed by the Compact, Title II, Article XI, Section 7(a) which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that-

(i) the applicant is fit, willing, and able to perform that transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

(ii) that the transportation is consistent with the public interest.

Based on the record in this case, the Commission finds applicant to be fit operationally, financially, and as to compliance. The Commission further finds that the proposed transportation is consistent with the public interest. Consequently, ADV's application will be granted.

1/ Equity consists of \$8,000 common stock; \$121,501 deficit to retained earnings; \$4,000 treasury stock; and \$25,526 year to date income.

2/ Some of this service will be performed pursuant to temporary authority as discussed above.

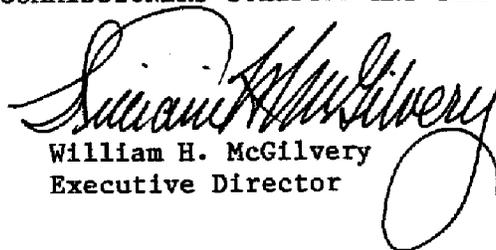
THEREFORE, IT IS ORDERED:

1. That ADV International Corporation trading as Moran Limousine Service is hereby conditionally granted, contingent upon timely compliance with the terms of this order, authority to transport passengers, together with mail, express, and baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District.

2. That ADV International Corporation trading as Moran Limousine Service is hereby directed, within 30 days of the date of this order or such additional time as the Commission may direct or allow, to have on file with the Commission the following: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) five copies of its tariff in accordance with Commission Regulation No. 55; (c) an equipment list stating the make, model, serial number, vehicle number, license plate number (with jurisdiction), and seating capacity of each vehicle to be used in certificated operations in the Metropolitan District; (d) for each vehicle to be used in certificate operations in the Metropolitan District, evidence of ownership or, if appropriate, a lease as required by Commission Regulation No. 62; (e) its official business address as discussed in Commission Regulation No. 68; (f) a list of the names and business addresses of its five principal stockholders, shareholders, or other owners (whichever applicable) and their respective holdings (if holdings are in name of nominees, state names of real owners); and (g) an affidavit of identification of vehicles pursuant to Commission Regulation No. 61 for which purpose WMATC No. 183 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the materials required by the Commission, Certificate of Authority No. 183 shall be issued to ADV International Corporation trading as Moran Limousine Service in the form and as worded in the Appendix to this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS SCHIFTER AND SHANNON:


William H. McGilvery
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CERTIFICATE OF AUTHORITY

NO. 183

ADV International Corporation
Trading as
Moran Limousine Service

By Order No. 3785 of the Washington Metropolitan Area Transit Commission issued July 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, together with mail, express, and baggage in the same vehicles with passengers, between points in the Washington Metropolitan Area Transit District;

RESTRICTED TO 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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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.