

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3845

IN THE MATTER OF:

Served November 13, 1991

Joint Application of ATE MANAGEMENT)  
AND SERVICE COMPANY, INC.; )  
GREYHOUND LINES, INC.; and )  
TRAILWAYS COMMUTER TRANSIT, INC., )  
for Approval Pursuant to the )  
Compact, Title II, Article XII, )  
Section 3 )

Case No. AP-91-37

By joint application filed November 5, 1991, ATE Management and Service Company, Inc. (ATE); Greyhound Lines, Inc. (GLI); and Trailways Commuter Transit, Inc. (TCT) (collectively Applicants), seek approval pursuant to the Compact, Title II, Article XII, Section 3. Section 3 provides as follows:

3. (a) A carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to --

(i) consolidate or merge any part of the ownership, management, or operation of its property or franchise with a carrier that operates in the Metropolitan District;

(ii) purchase, lease, or contract to operate a substantial part of the property or franchise of another carrier that operates in the Metropolitan District; or

(iii) acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means.

(b) Application for Commission approval of a transaction under this Section shall be made in the form and with the information that the regulations of the Commission require.

(c) If the Commission finds, after notice and hearing, that the proposed transaction is consistent with the public interest, the Commission shall pass an order authorizing the transaction.

(d) Pending determination of an application filed under this section, the Commission may grant 'temporary approval' without a hearing or other proceeding up to a maximum of 180 consecutive days if the Commission determines that grant to be consistent with the public interest.

ATE holds Certificate of Authority No. 157. GLI holds Certificate of Authority No. 139. TCT holds Certificate of Authority No. 184. TCT is a wholly-owned subsidiary of GLI.



ATE, GLI and TCT have entered into an Asset Purchase Agreement (Agreement), in which GLI and TCT agreed to sell to ATE certain of their operating contracts, pursuant to which GLI and TCT provide commuter services in the Metropolitan District. ATE also provides contract commuter services in the Metropolitan District. ATE would also acquire vehicles and other assets from GLI and TCT.

The application contains information regarding, among other things, the Applicants' corporate status, the terms of the Agreement, ATE's regulatory compliance record and ATE's financial and operational fitness. The application is supported by several documents, including the Agreement, verified statements from ATE and TCT managers, a copy of a Bankruptcy Court Order approving the Agreement,<sup>1</sup> a list of revenue vehicles and ATE financial statements.

The applicants also have filed a joint application for temporary approval. See Case No. AP-91-38.

Pursuant to Commission Rule No. 6, this order and fulfillment of its requirements will provide notice of the application for approval pursuant to the Compact, Title II, Article XII, Section 3. The application and supporting documentation are available for inspection at the office of the Commission during its regular business hours.

THEREFORE, IT IS ORDERED:

1. That Applicants shall publish once in a newspaper of general circulation in the Metropolitan District notice of this application in the form prescribed by the staff of the Commission, no later than Monday, November 18, 1991.

2. That Applicants shall file with the Commission no later than Thursday, December 5, 1991, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That any person wanting to protest the issuance of approval to Applicants, shall do so in accordance with Commission Rule No. 13 and Regulation No. 54-04(a), and any person wanting to comment on this matter, other than by protest, shall do so in writing, in accordance with Regulation No. 54-04(a), by filing such protest or comment at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Thursday, December 5, 1991, and shall simultaneously serve a copy of such protest or comment on Applicants' representative, William C. Evans, Esquire, Suite 700, 901 - 15th Street, N.W., Washington, DC 20005.

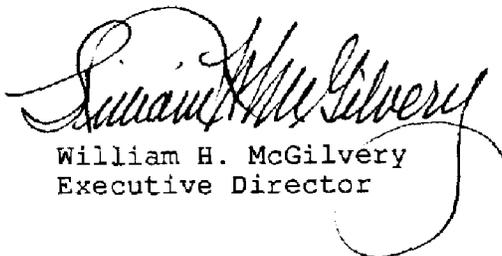
4. That any person seeking a formal oral hearing on this matter shall request one in accordance with Commission Regulation No. 54-04(b) no later than Thursday, December 5, 1991, and shall

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<sup>1</sup>GLI and TCT recently emerged from Chapter 11 proceedings before the United States Bankruptcy Court for the Southern District of Texas, Brownsville Division.

simultaneously serve a copy of such request on Applicants' representative, William C. Evans, Esquire, Suite 700, 901 - 15th Street, N.W., Washington, DC 20005.

FOR THE COMMISSION:

A handwritten signature in cursive script, reading "William H. McGilvery". The signature is written in black ink and is positioned above the printed name and title. The signature is somewhat stylized, with a large initial 'W' and a long, sweeping underline that extends to the right.

William H. McGilvery  
Executive Director