

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3919

IN THE MATTER OF:

Served April 10, 1992

Application of APCOA, INC., for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-92-06

By application filed February 21, 1992, APCOA, Inc. (APCOA or applicant), seeks a Certificate of Authority to transport passengers in irregular route operations between points in the Metropolitan District.

Notice of this application was served on February 26, 1992, in Order No. 3893, and APCOA was directed to publish further notice in a newspaper and file an affidavit of publication. APCOA complied. The application is unopposed.

SUMMARY OF EVIDENCE

APCOA proposes to initiate operations using two owned vehicles, each having a manufacturer-designed seating capacity of 21 passengers. APCOA proposes to transport patrons of the John F. Kennedy Center for the Performing Arts (Kennedy Center) between the Kennedy Center and a satellite parking facility. This transportation service would be available at no additional charge to patrons who pay for satellite parking. In return for providing this service, APCOA would receive a flat fee, plus expenses, pursuant to a contract with the Kennedy Center.

APCOA's application, which is incorporated herein by reference, includes information regarding, among other things, its corporate status, facilities, vehicle maintenance arrangements, driver training practices, proposed tariff, finances, and regulatory compliance record.

Applicant's vice president certifies on APCOA's behalf that it has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and the United States Department of Transportation regulations relating to transportation of passengers for hire.

Applicant filed a balance sheet as of December 31, 1991, showing total assets of \$68,668,000, total liabilities of \$62,998,000 and total equity of \$5,670,000. Applicant's consolidated statement of operations for the year ended December 31, 1991, shows gross revenue of \$139,070,000, gross profit of \$13,926,000 and operating income after general and administrative expenses of \$3,510,000. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income of \$117,477, total operating expenses of \$104,517 and net income of \$12,960.

The application indicates that AP Holdings, Inc., is APCOA's sole shareholder. It is certified that neither APCOA nor any person controlling, controlled by, or under common control with APCOA has any relationship with a carrier other than APCOA.

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 evidence in this record, the Commission finds APCOA to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. It is further found that the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

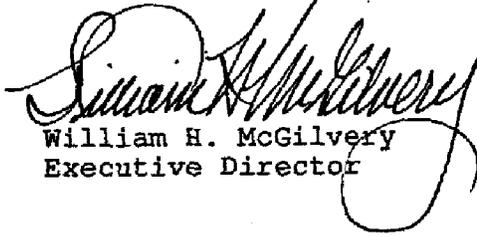
1. That APCOA, Inc., 25550 Chagrin Boulevard, Cleveland, OH 44122, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers in irregular route operations between points in the Metropolitan District.

2. That APCOA, Inc., is hereby directed to file the following documents with the Commission within 30 days of the date of this order or such additional time as the Commission may direct or allow: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) four copies of a tariff or tariffs in accordance with Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; and (e) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 203 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 203 shall be issued to APCOA, Inc.

4. That unless APCOA, Inc., complies with the requirements of this order within 30 days from the date of issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

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



William H. McGilvery
Executive Director