

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3979

IN THE MATTER OF:

Served July 23, 1992

Application of CLYDE'S CHARTER BUS )  
SERVICE, INC., Doing Business as )  
GUNTHER CHARTERS, for a Certificate )  
of Authority -- Irregular Route )  
Operations )

Case No. AP-92-13

By application accepted for filing on May 5, 1992, pursuant to the Commission's letter ruling on applicant's preliminary motion, Clyde's Charter Bus Service, Inc., doing business as Gunther Charters (Gunther or applicant), a Maryland corporation, seeks a certificate of authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District.

Notice of this application was served on May 7, 1992, in Order No. 3934, and Gunther was directed to publish further notice in a newspaper and file an affidavit of publication. Gunther complied. This application is unopposed.

SUMMARY OF EVIDENCE

Gunther's application includes information regarding, among other things, its corporate status, facilities, vehicle maintenance arrangements, driver training practices, proposed tariff, finances, and regulatory compliance record.

Gunther proposes to initiate operations using eight owned vehicles having a manufacturer-designed seating capacity of 43 to 49 passengers each. Applicant's proposed tariff contains hourly rates and transfer rates for charter bus service.

Gunther's USDOT number is 110308. Gunther received a USDOT safety rating of "satisfactory" on July 16, 1990.

The application indicates that Gunther's president and treasurer/secretary are its sole shareholders. It is certified that neither Gunther nor any person controlling, controlled by, or under common control with Gunther has any control relationship with a carrier other than Gunther.

Gunther filed a balance sheet as of December 31, 1991, showing current assets of \$34,858; fixed assets of \$781,876; other assets of \$128,617; current liabilities of \$128,645; long-term liabilities of \$1,212,533, and negative equity of \$267,181. Gunther's income statement for the six months ended December 31, 1991,<sup>1</sup> shows operating revenue of \$639,975; operating expenses of \$703,336; other expenses of

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<sup>1</sup>Applicant also filed an income statement for the year ended June 30, 1991.

\$62,375, and a net loss of \$125,736. Gunther's projected income statement for the seven months ended November 30, 1992, estimates WMATC operating revenue of \$31,200; ICC operating revenue of \$673,000; operating expenses of \$721,170; other expenses of \$45,706, and a net loss of \$62,676.

Gunther's president certifies on its behalf that it has access to, is familiar with, and will comply with the Compact and the Commission's rules and regulations.

#### DISCUSSION AND CONCLUSION

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 [the] 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.

Gunther's current and projected operating losses, along with its negative equity position, have been considered in light of the significant amount of depreciation expense associated with a relatively large number of recently acquired revenue vehicles. The Commission has also considered that applicant has been a going concern for some decades, currently holds authority from the Interstate Commerce Commission and the Maryland Public Service Commission, and has a current satisfactory safety rating from the U.S. Department of Transportation. Based on the evidence in this record, the Commission finds Gunther 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 Clyde's Charter Bus Service, Inc., doing business as Gunther Charters, 7474 Shipley Avenue, Hanover, MD 21076, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District.

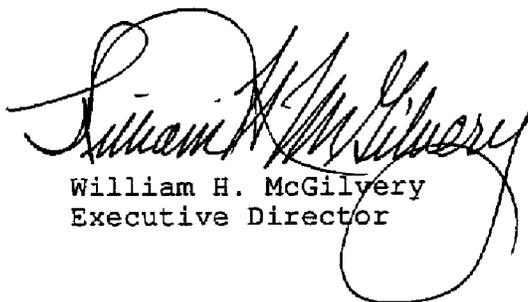
2. That Clyde's Charter Bus Service, Inc., doing business as Gunther Charters, is hereby directed to file the following documents with the Commission within 30 days of the date of this order or such additional time as the Commission may direct or allow: (a) evidence of insurance pursuant to Commission 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. 213 is hereby assigned.

3. That upon applicant's timely compliance with the requirements of the preceding paragraph and the Commission's acceptance of documents filed in response to this order, Certificate of Authority No. 213 shall be issued to Clyde's Charter Bus Service, Inc., doing business as Gunther Charters.

4. That unless Clyde's Charter Bus Service, Inc., doing business as Gunther Charters, 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