

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4044

IN THE MATTER OF:

Served January 26, 1993

Application of MTS-MOULING )  
TRANSPORTATION SYSTEMS, INC., )  
for a Certificate of Authority )  
-- Regular Route Operations )

Case No. AP-92-30

By application accepted for filing November 2, 1992, MTS-Mouling Transportation Systems, Inc. (MTS or applicant), a Maryland corporation, seeks a certificate of authority to transport passengers, together with baggage in the same vehicles as passengers, in regular route operations between points in the Metropolitan District.

The Prince George's County Government (Prince George's) timely filed a protest on December 17, 1992, alleging that applicant's proposed service would compete with existing regular-route service performed by, or under contract with, Prince George's, the Washington Metropolitan Area Transit Authority (Metro), and the Maryland Mass Transit Administration (MTA), in violation of the Compact, Title II, Article XI, Section 9(c).

MTS timely filed a reply on December 21, 1992, arguing that -- while portions of MTS's routes would overlap portions of Prince George's, Metro's, and MTA's routes -- MTS would not be competing for the same customers.

This is a case of first impression. The Compact section invoked by Prince George's was newly added in 1991. It prohibits a carrier subject to the Compact from providing transportation on an individual fare-paying basis in competition with existing, scheduled, regular-route, passenger transportation service performed by or under contract with the federal government, a signatory or political subdivision thereof, or Metro.

To ensure a complete record, the Commission will schedule a hearing to adduce additional evidence concerning MTS's proposed transportation and the service it allegedly would compete with.

The hearing also will provide applicant an opportunity to make an additional showing on the issues of fitness and consistency with the public interest. The Commission finds the record incomplete in this regard. Prior to the hearing, applicant will be required to file a projected cash flow statement for the first year of operations, including an estimate of start-up costs. In addition, applicant shall file a business plan covering, at a minimum, ridership projections, staffing plans, marketing plans, vehicle acquisition plans, office and garage facilities acquisition plans, and insurance acquisition plans. In short, the business plan must demonstrate in detail how MTS proposes to get this business up and running, within its available resources, if a certificate of authority is granted.

Applicant will be assessed an amount preliminarily estimated to cover the costs of the hearing pursuant to the Compact, Title II, Article XIV.

THEREFORE, IT IS ORDERED:

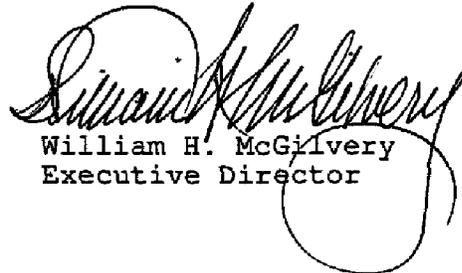
1. That a public hearing in Case No. AP-92-30 is hereby scheduled to commence Thursday, March 4, 1993, at 10:00 a.m. in the Hearing Room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

2. That the parties to this proceeding shall appear at the hearing through one or more representatives competent to provide testimony, documentary evidence, and/or legal argument as their interests may appear.

3. That MTS-Mouling Transportation Systems, Inc., shall file with the Commission, no later than Wednesday, February 17, 1993, an original and four copies of a projected cash flow statement and business plan as described above, and shall simultaneously serve one copy of each on protestant, according to the name and address on the protest.

4. That MTS-Mouling Transportation Systems, Inc., is hereby assessed \$750 pursuant to the Compact, Title II, Article XIV, and is directed to deliver that amount to the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Wednesday, February 17, 1993.

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



William H. McGiverny  
Executive Director