

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4164

IN THE MATTER OF:

Served September 13, 1993

Application of TRI Q. THAI, Trading)
as VNUSA, for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-93-22

By application filed July 22, 1993, and amended August 5, 1993, Tri Q. Thai, trading as VNUSA (VNUSA or applicant), seeks a certificate of 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, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Notice of this application was served on July 28, 1993, in Order No. 4144, and VNUSA was directed to publish further notice in a newspaper and file an affidavit of publication. VNUSA complied. The application is unopposed.

SUMMARY OF EVIDENCE

VNUSA's application includes information regarding, among other things, its facilities, proposed tariff, finances, and regulatory compliance record.

VNUSA proposes to commence operations with one 7-passenger van. Applicant's proposed tariff contains an hourly charter rate and an airport transfer rate.

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

Applicant filed a balance sheet as of July 21, 1993, showing current assets of \$22,000; net fixed assets of \$13,000; other assets of \$318,000; liabilities of \$140,500; and equity of \$212,500. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income of \$9,680; other operating income of \$95; operating expenses of \$14,461; and a net loss of \$4,686.

It is certified that neither VNUSA nor any person controlling, controlled by, or under common control with VNUSA has any control relationship with a carrier other than VNUSA.

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.

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

THEREFORE, IT IS ORDERED:

1. That Tri Q. Thai, trading as VNUSA, 532 Ridgewell Way, Silver Spring, MD 20902-1573, is hereby conditionally granted, contingent upon timely compliance with the requirements 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, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

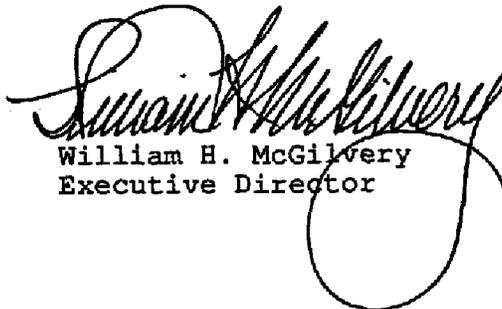
2. That Tri Q. Thai, trading as VNUSA, is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment 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; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 234 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. 234 shall be issued to Tri Q. Thai, trading as VNUSA.

4. That unless Tri Q. Thai, trading as VNUSA, complies with the requirements of this order within 30 days from the date of its 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