

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4300

IN THE MATTER OF:

Served May 18, 1994

Application of THE AIRPORT SHUTTLE,)
INC., for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-94-22

By application filed May 17, 1994, The Airport Shuttle, Inc. (TASI 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, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

The application includes information regarding, among other things, applicant's corporate status, facilities, proposed tariff, finances, and regulatory compliance record. The application is available for inspection at the office of the Commission during its regular business hours.

Applicant proposes commencing operations with eight 8-passenger vans and one 15-passenger van.

Applicant's proposed tariff contains a flat rate for "service between Howard County, Anne Arundel County, Prince Georges County, Montgomery County, Maryland and Dulles Airport." Howard County and Anne Arundel County are not within this Commission's jurisdiction. Applicant will be directed to file an amended proposed tariff eliminating any reference to Howard County and Anne Arundel County. In addition, applicant will be directed to define the term "Party" as contained on the last line of its tariff.

Applicant's street address, which also is listed as the street address of its registered agent for service of process, lies outside the Metropolitan District.¹ Applicant will be directed to file a statement designating an agent inside the Metropolitan District for service of process.

Exhibit E, applicant's balance sheet, contains an entry in the amount of \$100,947 on line 8, labeled "Intangibles." This item accounts for over 50 percent of applicant's assets. Additionally,

¹ The Metropolitan District is defined in the Compact, Title I, Article I, to include: DC; Alexandria, Falls Church, Arlington County and Fairfax County in Virginia, and the political subdivisions located within those counties; plus Montgomery County and Prince George's County in Maryland, and the political subdivisions located within those counties.

Exhibit E contains an entry in the amount of \$149,259 on line 12, apparently labeled "Payable Due to Officer." This item accounts for over 50 percent of applicant's liabilities and equity. Applicant will be directed to file a supplement to Exhibit E describing in detail the \$100,947 entry on line 8 of Exhibit E, and identifying the creditor and terms of repayment associated with the \$149,259 entry on line 12 of Exhibit E.

In determining whether to grant or deny an application for a certificate of authority, the Compact at Title II, Article XI, Section 7 requires that the Commission determine whether an applicant is fit, willing, and able to perform the transportation properly and conform to the provisions of the Compact and the Commission's rules, regulations, and requirements and whether the transportation is consistent with the public interest. Pursuant to Commission Rule No. 6, this order and fulfillment of its requirements will provide notice of TASI's application for a certificate of authority.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than May 31, 1994, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than June 21, 1994, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than May 31, 1994, an original and four copies of an amended proposed tariff as indicated in the text of this order.

4. That applicant shall file with the Commission, no later than May 31, 1994, an original and four copies of a statement designating an agent inside the Metropolitan District for service of process.

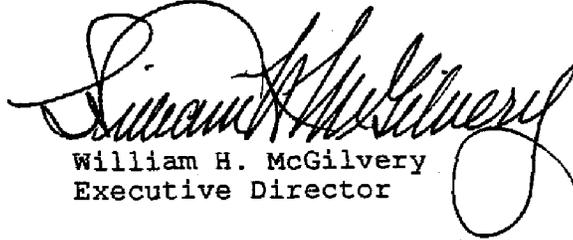
5. That applicant shall file with the Commission, no later than May 31, 1994, an original and four copies of a supplement to Exhibit E describing in detail the \$100,947 entry on line 8 of Exhibit E, and identifying the creditor and terms of repayment associated with the \$149,259 entry on line 12 of Exhibit E.

6. That any person wanting to protest the application, in accordance with Commission Rule No. 13 and Regulation No. 54-04(a), and any person wanting to comment on the application, in accordance with Regulation No. 54-04(a), shall file such protest or comment at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than June 21, 1994, and shall simultaneously serve a copy of such protest or comment on applicant's attorney, Guy B. Maseritz, Esquire, 5040 Rushlight Path, Hobbit's Glen, Columbia, MD 21044.

7. That any person seeking a formal oral hearing on this matter, in accordance with Commission Regulation No. 54-04(b), shall

request one no later than June 21, 1994, and shall simultaneously serve a copy of such request on applicant's attorney, Guy B. Maseritz, Esquire, 5040 Rushlight Path, Hobbit's Glen, Columbia, MD 21044.

FOR THE COMMISSION:



William H. McGilvery
Executive Director