

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4313

IN THE MATTER OF:

Served June 9, 1994

Application of J's CHARTER)
SERVICE, INC., for a Certificate)
of Authority -- Irregular Route)
Operations)

Case No. AP-94-14

By application filed March 31, 1994, J's Charter Service, Inc. (J's 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 April 1, 1994, in Order No. 4272, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication and amended Exhibits D-G. The application is unopposed.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, applicant's corporate status, facilities, proposed tariff, finances, and regulatory compliance record.

Applicant proposes commencing operations with two 47-passenger motor coaches owned by applicant. Applicant's proposed tariff contains hourly charter rates with minimum charges.

Applicant is under common control with Jones Transportation Services, Inc. (JTS), Carrier No. 116. JTS's tariff contains charter rates, plus per capita rates for Medicaid and non-Medicaid transportation. JTS is authorized to operate only vehicles seating 15 persons or less, including the driver. J's proposes to share office space and parking facilities with JTS.

Applicant filed a balance sheet as of December 31, 1993, showing current assets of \$16,523; net fixed assets of \$146,408; liabilities of \$142,822; and equity of \$20,109. Applicant's operating statement for the 12 months ended December 31, 1993, shows revenues of \$46,336; operating costs of \$39,238; depreciation expense of \$16,268; and a net loss of \$9,170. Applicant's projected operating statement for the 12 months ending December 31, 1994, shows revenues of \$81,750; operating costs of \$69,950; depreciation expense of \$16,268; and a net loss of \$4,468.

Applicant certifies it 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.

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.

This case also is governed by Title II, Article XII, Section 3(a)(iii), which provides that a "carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to . . . acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means." Section 3(c) provides that the Commission shall authorize the transaction if it finds that acquisition of control is in the public interest.

Based on the evidence in this record, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission also finds that the proposed transportation is consistent with the public interest. Finally, the Commission finds that the proposed acquisition of control is in the public interest.¹

Each carrier is admonished to keep its assets, books and operations completely separate from the other's.² Sharing of office space and parking facilities will be allowed, but this should not be construed as permission to share revenue vehicles or operating authority.³

THEREFORE, IT IS ORDERED:

1. That J's Charter Service, Inc., 3355 Benning Road, N.E., Washington, DC 20019, 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.

¹ See In re D. Jenkins Bus Serv., Inc., No. AP-93-11, Order No. 4098 (May 10, 1993) (insurance premium savings from bifurcation of fleet meets public interest test).

² Id.

³ Id.

2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (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. 256 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. 256 shall be issued to applicant.

4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

5. That unless applicant 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