

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4573

IN THE MATTER OF:

Served April 12, 1995

Application of HMC ACQUISITION)
PROPERTIES, INC., Trading as)
WESTFIELDS INTERNATIONAL CONFERENCE)
CENTER BY MARRIOTT, for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-95-07

By application accepted for filing January 24, 1995, HMC Acquisition Properties, Inc., a Delaware corporation trading as Westfields International Conference Center by Marriott, 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.

Notice of this application was served on January 31, 1995, in Order No. 4484, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication. Applicant complied. 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 eight 8-passenger vehicles, which were acquired from Conference Center Interests, Inc., trading as Westfields International Conference Center (CCI), as part of an agreement transferring ownership of the Conference Center from CCI to applicant.

Applicant's proposed tariff contains one-way per capita rates for service between the Conference Center in Chantilly, VA, on the one hand, and points in DC, Montgomery County and Prince George's County, on the other. CCI offered a similar service prior to termination of its Certificate No. 163.¹

Applicant filed a balance sheet as of December 30, 1994, showing assets of \$3,492,919; liabilities of \$2,736,523; and equity of \$756,396. Applicant's operating statement for the four months ended

¹ Certificate No. 163 was voluntarily terminated. In re Conference Center Interests, Inc., t/a Westfields Int'l Conference Center, No. MP-95-08, Order No. 4516 (Mar. 9, 1995).

December 30, 1994, shows revenue of \$8,531,901; deductions of \$8,530,760; and net income of \$1,141. Applicant's projected operating statement for 1995 shows revenue of \$24,625,000; deductions of \$19,854,000; and net income of \$4,771,000.

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. Applicant further certifies that neither applicant nor any person controlling, controlled by, or under common control with applicant has any control relationship with a carrier other than applicant.

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 applicant 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. Because of the wholesale transfer of assets from CCI to applicant and unchanged character of operations, Certificate of Authority No. 163 shall be reissued to applicant.²

THEREFORE, IT IS ORDERED:

1. That HMC Acquisition Properties, Inc., trading as Westfields International Conference Center by Marriott, 14750 Conference Center Drive, Chantilly, VA 22021, 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, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

² See In re Ironsides Transport, Inc., No. AP-94-01, Order No. 4257 (Mar. 17, 1994) (certificate reissued to new applicant because of wholesale transfer of assets, continuity of management and unchanged character of operations).

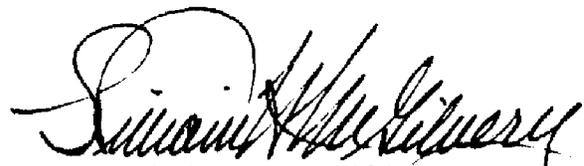
2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list 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. 163 is hereby reassigned.

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. 163 shall be reissued 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 ALEXANDER, LIGON, AND SHANNON:



William H. McGilvery
Executive Director

