

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4596

IN THE MATTER OF:

Served May 16, 1995

Application of NBA CORPORATION, )  
Trading as NBA COACH, for a )  
Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-95-17

By application filed March 17, 1995, NBA Corporation, a Virginia corporation trading as NBA Coach, 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.

Notice of this application was served on March 28, 1995, in Order No. 4547, 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 one motorcoach purchased from Peter Pan Bus Lines, Inc., Carrier No. 232. Under the purchase contract applicant must present the vehicle for inspection by Peter Pan every thirty days, and all maintenance must be performed at Peter Pan's facilities.

Applicant's proposed tariff contains mileage rates and hourly rates for charter service. The proposed tariff also contains flat rates for transfer service between Union Station, National Airport and Dulles Airport, on the one hand, and points in the Metropolitan District, on the other.

Applicant filed a balance sheet as of January 31, 1995, showing assets of \$134,945; liabilities of \$103,120; and equity of \$31,825. Applicant's projected operating statement for the first twelve months of WMATC operations shows income of \$107,675; expenses of \$68,472; and net income of \$39,203.

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.

The vehicle applicant proposes operating is currently leased to Mustang Tours, Inc., Carrier No. 238. The lease contains no expiration date, but either party may unilaterally cancel it upon thirty days notice to the Commission. Alternatively, both parties may mutually terminate it by filing a notice of termination with the Commission at any time. Thus, with respect to the Mustang lease, applicant must file with the Commission a 30-day notice of cancellation or mutual notice of termination before a certificate of authority may be issued.

THEREFORE, IT IS ORDERED:

1. That NBA Corporation, trading as NBA Coach, 5001 Seminary Road, #1003, Alexandria, VA 22311, 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.

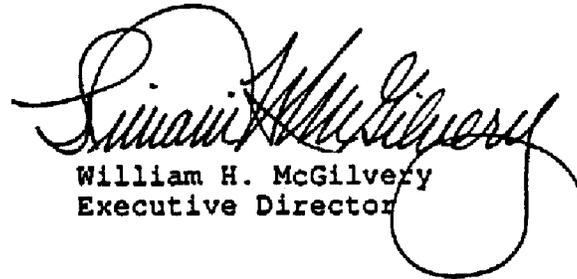
2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list 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; (f) an original and four copies of a 30-day notice of cancellation or mutual notice of termination of the Mustang lease; and (g) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 305 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. 305 shall be issued to applicant; provided that said certificate shall not issue earlier than the effective date of the Mustang lease notice of cancellation/termination.

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. McGilveray  
Executive Director