

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4643

IN THE MATTER OF:

Served August 11, 1995

Application to Transfer)
Assets from TRI STATE CASINO)
TOURS, INC., WMATC No. 143, and)
D.A.Y. ENTERPRISES, INC., WMATC)
No. 166, to NEW WORLD TOURS,)
INC., and for Temporary Approval)

Case No. AP-95-36

By application filed July 27, 1995, Tri State Casino Tours, Inc., WMATC Carrier No. 143 (Tri State), D.A.Y. Enterprises, Inc., WMATC Carrier No. 166 (DAY), (collectively transferors), and New World Tours, Inc., a Virginia corporation (New World or transferee), (collectively applicants), seek Commission approval of New World's purchase of a substantial portion of the assets and/or stock of Tri State and DAY, including Certificates of Authority Nos. 143 and 166. New World also seeks temporary approval to operate those assets pending approval of the transfer.

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

Transferee is a passenger carrier operating under federal and state authority. The shareholders, directors and officers who control transferee also control transferors.

Transferee proposes conducting operations with seventeen motorcoaches and one minibus. Transferee's proposed tariff contains hourly charter rates with minimum charges.

The application requests information on transferee's control relationships with all other carriers. Transferee's response only describes transferee's control relationships with WMATC carriers. Transferee will be directed to file a statement indicating whether and to what extent transferee has any control relationships with any carriers other than WMATC carriers.

Transferee also will be directed to file a statement indicating which certificate it chooses to hold if the application is approved -- Certificate No. 143 or Certificate No. 166.

Under Article XI, Section 11(a), and Article XII, Section 3(a) (ii), (iii) of the Compact, the Commission may approve the transfer of assets and/or stock from Tri State and DAY to New World, including Certificates of Authority Nos. 143 and 166, if the Commission finds said transfer to be in the public interest. The public interest analysis focuses on the transferee's fitness, the resulting competitive balance, the benefits to the riding public, and

the interests of affected employees.¹ Temporary approval under Article XII, Section 3(d), requires a finding of transferee's fitness and usually entails an assessment of potential injury to the property being transferred, or potential interference with its usefulness, which might arise from denial of temporary approval.²

The application does not address these criteria, except transferee's fitness. Applicants will be directed to file two statements -- one addressing the expected impact of the transfer on the competitive balance, benefits to the riding public, and interests of affected employees, and one addressing the potential injury to the property being transferred, or potential interference with its usefulness, which might arise from denial of temporary approval.

Pursuant to Commission Rule No. 6, this order and fulfillment of its requirements will provide notice of the application.

THEREFORE, IT IS ORDERED:

1. That applicants shall publish once in a newspaper of general circulation in the Metropolitan District, no later than August 25, 1995, notice in the form prescribed by the staff of the Commission.

2. That applicants shall file with the Commission, no later than September 15, 1995, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That transferee shall file with the Commission, no later than August 25, 1995, an original and four copies of a statement indicating whether and to what extent transferee has any control relationships with any carriers other than WMATC carriers.

4. That transferee shall file with the Commission, no later than August 25, 1995, an original and four copies of a statement indicating which certificate it chooses to hold if the application is approved -- Certificate No. 143 or Certificate No. 166.

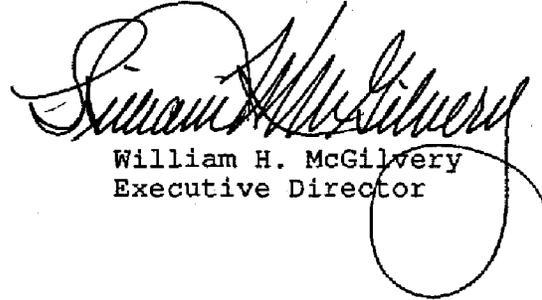
5. That applicants shall file with the Commission, no later than August 25, 1995, an original and four copies of two statements -- one addressing the expected impact of the transfer on the competitive balance, benefits to the riding public, and interests of affected employees, and one addressing the potential injury to the property being transferred, or potential interference with its usefulness, which might arise from denial of temporary approval.

¹ In re Franklin Charter Bus, Inc., & Franklin Motorcoach, Inc., No. AP-95-02, Order No. 4474 (Jan. 11, 1995).

² Id.

6. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing is September 15, 1995, and that copies must be served on applicants' attorney, Calvin F. Major, Esquire, 1313 East Main Street, Suite 339, Richmond, VA 23219.

FOR THE COMMISSION:

A handwritten signature in cursive script, appearing to read "William H. McGilvery". The signature is written in black ink and is positioned above the printed name and title.

William H. McGilvery
Executive Director