

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4655

IN THE MATTER OF:

Served August 30, 1995

Application to Transfer Assets from)
REGENCY SERVICES, INC., WMATC)
No. 260, to CAREY LIMOUSINE D.C.,)
INC., WMATC No. 69, and for)
Temporary Approval)

Case No. AP-95-36

By application filed August 25, 1995, Regency Services, Inc., WMATC Carrier No. 260 (Regency or transferor), and Carey Limousine D.C., Inc., WMATC Carrier No. 69 (Carey or transferee), (collectively applicants), seek Commission approval of Carey's purchase of a substantial portion of the assets of Regency, excluding Certificate of Authority No. 260. Carey also seeks temporary approval to operate those assets pending approval of the transfer.

Transferee proposes conducting operations with three minibuses, one limousine and one sedan. Transferee will continue operations under its current tariff.

Under the purchase agreement, Regency retains title to all of its vehicles. Regency's president/sole shareholder retains all of her stock in Regency. Regency's president/sole shareholder will be directed to file a statement under oath describing the current disposition of Regency's vehicles and stating whether Regency will survive the transfer of assets if approved.

Under Article XII, Section 3(a)(ii), of the Compact, the Commission may approve the transfer of assets from Regency to Carey 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

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

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

² Id.

THEREFORE, IT IS ORDERED:

1. That applicants shall publish once in a newspaper of general circulation in the Metropolitan District, no later than September 11, 1995, notice in the form prescribed by the staff of the Commission.

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

3. That Regency's president/sole shareholder shall file with the Commission, no later than September 11, 1995, an original and four copies of a statement under oath describing the current disposition of Regency's vehicles and stating whether Regency will survive the transfer of assets if approved.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing is September 11, 1995, and that copies must be served on Carey's Executive Vice President, John M. Thompson, P.O. Box 2567, Arlington, VA 22202.

FOR THE COMMISSION:



William H. McGilvery
Executive Director