

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4823

IN THE MATTER OF:

Served April 30, 1996

Application to Transfer Certificate)
No. 250 from CAVALIER TRANSPORTATION)
CO., INC., Trading as TOURTIME)
AMERICA, LTD., to TOURTIME AMERICA)
MOTORCOACH, LTD.)

Case No. AP-96-21

By application accepted for filing April 24, 1996, Cavalier Transportation Co., Inc., a Virginia corporation trading as Tourtime America, Ltd. (Cavalier or transferor), WMATC Carrier No. 250, and Tourtime America Motorcoach, Ltd., a Virginia corporation (TAML or transferee) (collectively applicants), seek Commission approval of TAML's purchase of substantially all the assets of Cavalier, including Cavalier's WMATC certificate of authority.

The application includes information regarding, among other things, transferee's corporate status, carrier affiliations, facilities, proposed tariff, finances, and regulatory compliance record. Also included is a copy of the Asset Purchase Agreement executed February 22, 1996.

TAML is under common control with: Franklin Motorcoach, Inc., WMATC Carrier No. 6; Gold Line, Inc., WMATC Carrier No. 14; and National Coach Works, Inc., WMATC Carrier No. 26. TAML also is under common control with passenger carriers in Pennsylvania and Florida.

TAML proposes a general tariff containing the same rates and regulations as those in Cavalier's current general tariff.

Under Article XI, Section 11(a), and Article XII, Section 3(a)(ii), of the Compact, the Commission may approve the transfer of assets from Cavalier to TAML, including Certificate of Authority No. 250, 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 Applicants will be directed to file a statement describing the effect of the transfer on competition, the riding public and the interests of affected employees.

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. 4509 (Mar. 1, 1995).

THEREFORE, IT IS ORDERED:

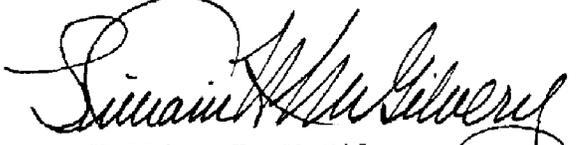
1. That applicants shall publish once in a newspaper of general circulation in the Metropolitan District, no later than May 13, 1996, notice in the form prescribed by the staff of the Commission.

2. That applicants shall file with the Commission, no later than June 3, 1996, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicants shall file with the Commission, no later than May 13, 1996, an original and four copies of a statement describing the effect of the transfer on competition, the riding public and the interests of affected employees.

4. That the deadline for filing protests, comments, applications for intervention and requests for formal hearing is June 3, 1996, 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:



William H. McGilvery
Executive Director