

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5088

IN THE MATTER OF:

Served May 15, 1997

Application of BEST)	Case No. AP-97-18
TRANSPORTATION SERVICES,)	
INCORPORATED, Trading as BTS)	
AIRPORT EXPRESS, for a)	
Certificate of Authority --)	
Irregular Route Operations)	

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Applicant proposes commencing operations with two vans. Applicant's proposed tariff contains rates for transportation to and from National and Dulles Airports.

Applicant filed a balance sheet as of December 31, 1996, showing assets of \$26,963; liabilities of \$64,683 (including \$31,134 due to shareholder); and negative equity of \$37,720. Applicant's projected operating statement for the first twelve months of WMATC operations shows operating income of \$140,504; expenses of \$148,666; and a net loss of \$8,162.

Applicant certifies it has access to, is familiar with, and will comply with the Compact and the Commission's rules and regulations thereunder.

An applicant must show the present ability to sustain operations during its first year under WMATC authority.¹ Although applicant's liabilities exceed its assets and although applicant is projecting a net loss during the first year of operations under WMATC authority, much of the debt is owed to applicant's sole shareholder; applicant is an ongoing entity operating under authority from the Maryland Public Service Commission (MDPSC); and applicant's projected operating statement indicates positive cash flow during the first

¹ In re O. Oluokun, Inc., t/a Montgomery County Limo & Montgomery County Shuttle, No. AP-96-15, Order No. 4852 (May 21, 1996).

twelve months of WMATC operations. We have found other carriers fit under similar circumstances.²

Based on the evidence in this record, the Commission finds that the proposed transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

THEREFORE, IT IS ORDERED:

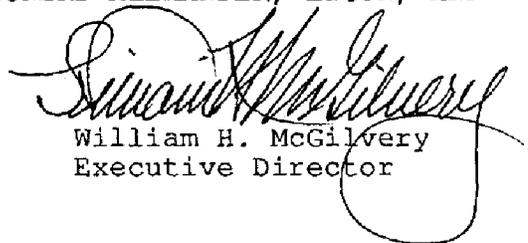
1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 392 shall be issued to Best Transportation Services, Inc., trading as BTS Airport Express, 2407 Eccleston Street, Silver Spring, MD 20902.

2. 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.

3. That applicant is hereby directed to file the following documents within thirty days: (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.

4. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:


William H. McGilvery
Executive Director

² See e.g., Order No. 4852 (positive cash flow; MDPSC authority); In re A.C. Limo. Serv., Inc., No. AP-95-23, Order No. 4606 (May 31, 1995) (substantial debt held by shareholders; MDPSC authority); In re Chesapeake Trails Bus Co., No. AP-95-13, Order No. 4571 (Apr. 12, 1995) (same); In re Clyde's Charter Bus Serv., Inc., dba Gunther Charters, No. AP-92-13, Order No. 3979 (July 23, 1992) (substantial first-year depreciation; MDPSC authority).