

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5478

IN THE MATTER OF:

Served December 2, 1998

Application of LAIDLAW INC., to )  
Acquire Control of GREYHOUND LINES, )  
INC., WMATC No. 139 )

Case No. AP-98-53

By application accepted for filing November 25, 1998, Laidlaw Inc., a Canadian corporation, and Greyhound Lines, Inc., WMATC Carrier No. 139, (collectively applicants), seek Commission approval to transfer control of Greyhound to Laidlaw. Laidlaw currently controls Laidlaw Transit, Inc., WMATC Carrier No. 100, and Laidlaw Transit Services, Inc., trading as MetroAccess, WMATC Carrier No. 447.<sup>1</sup>

Applicants have entered into an agreement whereby Laidlaw's wholly-owned subsidiary, Acquisition Corp., will be merged into Greyhound, making Greyhound the surviving corporation and a subsidiary of Laidlaw. After the merger, Greyhound will be operated independently of Carrier No. 100 and Carrier No. 447.

The Compact states that a carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to acquire control of a carrier that operates in the Metropolitan District, through ownership of its stock or other means.<sup>2</sup> Approval may be granted if the Commission finds the acquisition is consistent with the public interest.<sup>3</sup> The public interest analysis focuses on the fitness of the acquiring party, the resulting competitive balance, and the interest of affected employees.<sup>4</sup>

This proceeding is hereby initiated to determine Laidlaw's fitness and whether the proposed transaction is otherwise consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicants shall publish once in a newspaper of general circulation in the Metropolitan District, no later than December 15, 1998, notice in the form prescribed by the staff of the Commission.

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<sup>1</sup> The application of Laidlaw Transit Services, Inc., was conditionally approved in Order No. 5415, served September 25, 1998, but Certificate No. 447 has not yet been issued inasmuch as the conditions of approval have not yet been satisfied.

<sup>2</sup> Compact, tit. II, art. XII, § 3(a)(iii).

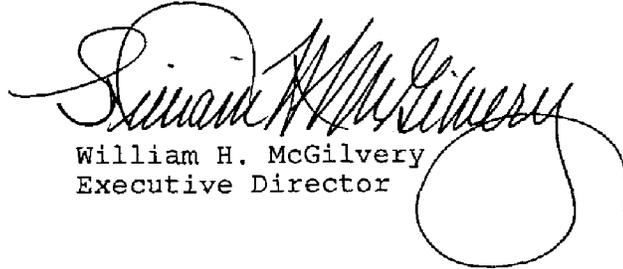
<sup>3</sup> Compact, tit. II, art. XII, § 3(c).

<sup>4</sup> DC Code Ann. § 1-2414 (1992); In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd., & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

2. That applicants shall file with the Commission, no later than January 5, 1999, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is January 5, 1999, and that copies must be served on applicants' attorneys, Raymond A. Jacobsen, Jr., Esquire, and Marcia L. Stuart, Esquire, McDermott, Will & Emery, 600 - 13th Street, N.W., Washington, DC 20005-3096.

FOR THE COMMISSION:



William H. McGilvery  
Executive Director