

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6715

IN THE MATTER OF:

Served June 24, 2002

Application of EXECUTIVE COACH,)
LTD., WMATC No. 177, to Merge)
With EXECUTIVE SEDAN MANAGEMENT)
SERVICES, INC., Trading as)
WASHINGTON CAR & DRIVER, WMATC)
No. 265, and for Temporary Approval)

Case No. AP-2002-75

By application accepted for filing June 12, 2002, Executive Coach, Ltd., WMATC Carrier No. 177, seeks Commission approval to merge with Executive Sedan Management Services, Inc., trading as Washington Car & Driver, WMATC No. 265. Applicant's president also is the president of Executive Sedan Management Services, Inc.¹

Applicant further requests that the Commission grant temporary approval of applicant's use of Carrier No. 265's assets until such time as Certificate No. 177 is reissued.

Applicant proposes operating ten vehicles. Applicant's proposed tariff includes per capita fares and hourly charter rates, with minimum charges.

Under Article XI, Section 11(a), and Article XII, Section 3, Subsections (a)(ii) and (c), of the Compact, the Commission may approve the merger of a carrier with a WMATC carrier if the Commission finds the merger to be in the public interest. The public interest analysis focuses on the applicant's fitness, the resulting competitive balance and the interests of affected employees.²

Pending determination of an application filed under Article XII, Section 3, the Commission may grant temporary approval under Section 3(d) without a hearing or other proceeding up to a maximum of 180 consecutive days if the Commission determines that grant to be consistent with the public interest. The public interest analysis under Section 3(d) includes an assessment of whether denial of temporary approval would cause a diminution in the value or utility of the subject assets.³

¹ In re Executive Sedan Mgmt. Servs., Inc., t/a Washington Car & Driver, No. AP-94-26, Order No. 4354 (Aug. 1, 1994).

² Act of Sept. 15, 1960, Pub. L. No. 86-794, § 3, 74 Stat. 1031, 1050 (1960) (codified at DC Code Ann. § 1-2414); In re Laidlaw Transit, Inc., & National School Bus Serv., Inc., No. AP-97-08, Order No. 5050 (Mar. 26, 1997); 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).

³ In re Old Town Trolley Tours of Wash., Inc., & D.C. Ducks, Inc., No. AP-96-44, Order No. 4932 (Sept. 17, 1996)

This proceeding is hereby initiated to determine whether the proposed merger and temporary approval are consistent with the public interest.

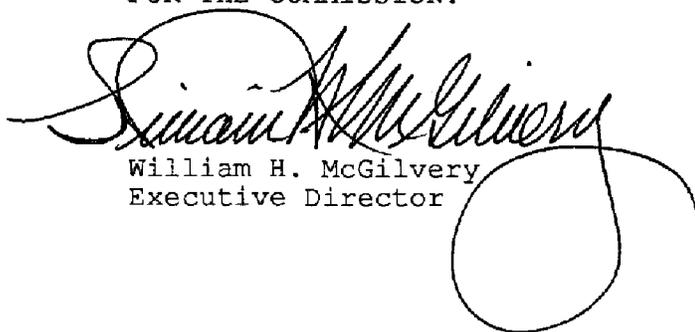
THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than July 9, 2002, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than July 30, 2002, 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 July 30, 2002, and that copies must be served on applicant's representative, Alan B. Moldawer, Esquire, 451 Hungerford Drive, #200, Rockville, MD 20850.

FOR THE COMMISSION:



William H. McGilvery
Executive Director