

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6878

IN THE MATTER OF:

Served October 30, 2002

Application of JET TOURS USA, INC.,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2002-94

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 current 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.

The fitness inquiry focuses on an applicant's financial fitness, operational fitness, and regulatory compliance fitness.¹ To establish financial fitness, an applicant must show the present ability to sustain operations during the first year under WMATC authority.² To establish operational fitness, an applicant must demonstrate the willingness and ability to provide safe and adequate service.³ To establish regulatory compliance fitness, an applicant must become familiar with and evidence a willingness to comply with the Compact and Commission regulations.⁴

Applicant proposes commencing operations with one van. Applicant's proposed tariff contains individual and group rates for transportation to and from Ronald Reagan Washington National Airport, Washington-Dulles International Airport and Union Station, with and without sightseeing, as well as group sightseeing rates.

¹ In re Adventures By Dawn L.L.C., No. AP-00-89, Order No. 6087 (Jan. 16, 2001).

² Id.

³ Id.

⁴ Id.

Applicant filed a balance sheet as of March 31, 2002, showing assets of \$215,220; liabilities of \$189,155; and equity of \$26,065. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC revenue of \$154,788; other revenue of \$1,290,044; expenses of \$1,420,425; and net income of \$24,407.

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

We find that applicant has established financial fitness and operational fitness but not regulatory compliance fitness.

Applicant held WMATC Certificate of Authority No. 315 from October 17, 1995, to February 21, 2002, when it was revoked in Order No. 6551 for applicant's willful failure to comply with the insurance provisions of the Compact and regulations thereunder.⁵ Order No. 6551 directed applicant to surrender Certificate No. 315 to the Commission and file a notarized affidavit verifying removal of the markings placed on its vehicle(s) pursuant to Commission Regulation No. 61.

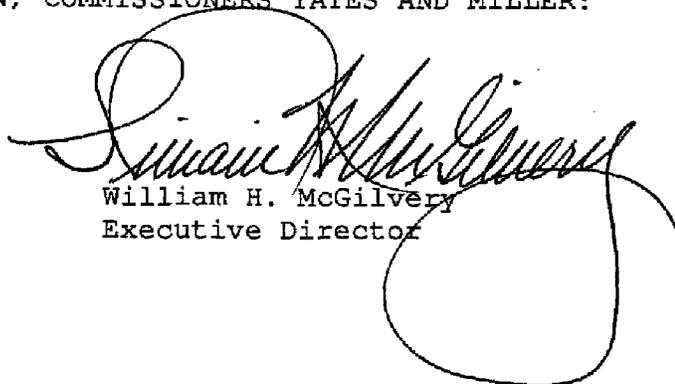
Applicant filed a notarized statement on June 25, 2002, explaining that Certificate No. 315 is not in its possession, that the last known location of Certificate No. 315 is applicant's Washington office and that applicant has not had access to that office since last January. The statement, however, fails to verify removal of the markings placed on applicant's vehicle(s) pursuant to Commission Regulation No. 61. In addition, neither the application nor the statement explains why applicant's current vehicle list contains only one of the two vehicles applicant reported in its WMATC annual reports for 2000 and 2001, the latter report having been filed just this past February.

Unless and until applicant submits an affidavit under oath verifying removal of the markings placed on applicant's vehicle(s) pursuant to Commission Regulation No. 61, indicating the date said markings were removed, and accounting for the whereabouts of both vehicles reported in applicant's WMATC annual reports for 2000 and 2001, we cannot say that applicant is fit as to regulatory compliance.

⁵ In re Jet Tours USA, Inc., No. MP-02-06, Order No. 6551 (Feb. 21, 2002).

THEREFORE, IT IS ORDERED that the application of Jet Tours USA, Inc., for a certificate of authority, irregular route operations, is hereby denied without prejudice.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND MILLER:



William H. McGilvery
Executive Director

