

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7630

IN THE MATTER OF:

Served December 19, 2003

Application of BLS LIMO GROUP,)
INC., to Acquire Certificate)
No. 185 from BETHANY LIMOUSINE &)
BUSES, INC.)

Case No. AP-2003-160

By application accepted for filing November 20, 2003, applicant, BLS Limo Group, Inc., a District of Columbia corporation, seeks Commission approval to acquire Certificate No. 185 from Bethany Limousine & Buses, Inc.

Bethany Limousine & Buses, Inc., held WMATC Certificate of Authority No. 185 from March 2, 1999, to November 13, 2003, when it was revoked in Order No. 7534 for Bethany's willful failure to comply with: (1) Article XI, Section 7(g), of the Compact and Commission Regulation No. 58, governing insurance; (2) Article IV, Section 4(a), of the Compact, Regulation No. 67 and Order No. 3601, governing annual fees; and (3) Article XII, Section 1(a), of the Compact, Regulation No. 60-01 as amended by Order No. 4174, and Commission letter dated January 15, 2003, governing annual reports.¹

Applicant's proposed tariff contains an hourly charter rate, with a minimum charge. Applicant proposes commencing operations with one minibus leased to applicant since October 2002. Applicant will be directed to explain what commercial use applicant has made of its minibus since then.

The application states that applicant has no control relationship with any WMATC carrier, but Commission records indicate a preexisting relationship between applicant and Bethany Limousine & Buses, Inc. On August 22, 2002, the late-filed 2001 WMATC annual report for Bethany Limousine & Buses, Inc., arrived in an envelope with a return address of "BLS Limo Group, Inc., 2120 West Virginia Avenue, N.E., Washington, DC 20002." On May 7, 2003, a photograph of a bus marked "BLS LIMO" "202-857-0440" appeared in the Washington Post in an article describing a fatal accident. According to Commission records, 202-857-0440 is the last known telephone number for Bethany Limousine & Buses, Inc., and the police accident identifies the owner of the bus as Bethany Limousine & Buses, Inc. Applicant will be directed to identify its officers, directors and shareholders and explain these events and its relationship with Bethany Limousine & Buses, Inc.

Under Article XI, Section 11(a), of the Compact, a person may not transfer a certificate of authority unless the Commission approves

¹ In re Bethany Limousine & Buses, Inc., No. MP-03-102, Order No. 7534 (Nov. 13, 2003).

the transfer as consistent with the public interest. The public interest analysis focuses on the acquiring party's fitness, the resulting competitive balance and the interests of affected employees.²

This proceeding is hereby initiated to determine applicant'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 January 7, 2004, notice in the form prescribed by the staff of the Commission.

2. That applicants shall file with the Commission, no later than January 28, 2004, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

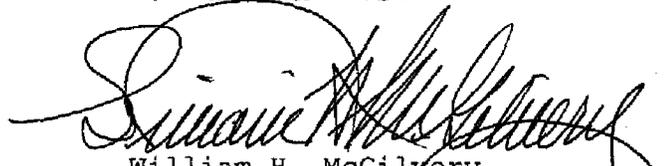
3. That applicants shall file with the Commission, no later than January 7, 2004, an original and four copies of a statement explaining what commercial use applicant has made of its minibus since leasing it in October 2002.

4. That applicant shall file with the Commission, no later than January 7, 2004, an original and four copies of a list of applicant's shareholders with the number of shares held by each, a list of applicant's directors, and a list of applicant's officers and their respective titles.

5. That applicant shall file with the Commission, no later than January 7, 2004, an original and four copies of a statement fully explaining applicant's relationship with Bethany Limousine & Buses, Inc., including why the Commission received the 2001 annual report for Bethany Limousine & Buses, Inc., in an envelope with a return address of "BLS Limo Group, Inc., 2120 West Virginia Avenue, N.E., Washington, DC 20002" and why a bus marked "BLS LIMO" was identified in a recent police report as owned by Bethany Limousine & Buses, Inc.

6. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is January 28, 2004, and that copies must be served on applicant's representative, James T. Bacon, Esq., 11350 Random Hills Road, #700, Fairfax, VA 22030.

FOR THE COMMISSION:



William H. McGilvrey
Executive Director

² Act of Sept. 15, 1960, Pub. L. No. 86-794, § 3, 74 Stat. 1081, 1050 (1960) (codified at D.C. CODE ANN. § 9-1103.01 (2003)); 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).