

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1285

IN THE MATTER OF:

Application of Executive Limou-) Served: November 19, 1973
sine Service, Inc., for Tempor-)
ary Authority to Operate Between) Application No. 804
Dulles International Airport and)
Washington, D. C.) Docket No. 255

On June 8, 1973, Executive Limousine Service, Inc. (Executive) filed an application for temporary authority to operate a limousine service for passengers and their baggage between Dulles International Airport (Dulles), Chantilly, Virginia, on the one hand, and on the other, the Burlington Hotel and the Quality Inn-Capitol Hill, Washington, D. C. Greyhound Airport Service, Inc. (Greyhound), under Certificate of Public Convenience and Necessity No. 7, has authority to provide economy airport service between Dulles on the one hand, and on the other, certain specified pickup or discharge points in the District of Columbia, including the Burlington Hotel. By Order No. 1259, served June 18, 1973, we joined Greyhound as a party to this proceeding and ordered Greyhound to show cause, if any there be, why Application No. 804 of Executive should not be granted.

In our Order No. 1270, we denied Executive's application for temporary authority to operate between the Burlington Hotel and Dulles subject to the condition that, in the event Greyhound did not furnish economy airport service on a reservation basis in accordance with its currently effective tariff,^{1/} then Executive

^{1/} Supplement No. 1 to WMATC Tariff No. 12 was filed by Greyhound on August 10, 1973. This tariff supplement sought to eliminate "Economy Airport Service" between Dulles on the one hand, and

could renew its application. In order to receive additional evidence bearing on the immediate and urgent need for service between Dulles and Quality Inn-Capitol Hill, we deferred further consideration of Executive's application for temporary authority.^{2/} In addition we directed and ordered Greyhound to observe the individual fares and the regulations and practices relating thereto set forth in its currently effective WMATC Tariff No. 12. On August 10, 1973, Greyhound filed a petition for reconsideration of Order No. 1270.

Pursuant to our Order No. 1270, as modified by Order No. 1271, Executive filed supplemental pleadings, including letters in support of the application for temporary authority to operate between Dulles and Quality Inn-Capitol Hill. In its supplemental pleading, Executive seeks to amend the proposed operation by including an intermediate stop at L'Enfant Plaza Hotel.^{3/} Letters in support of the application were submitted by Mr. Prescott H. Pardoe, President and General Manager of Quality Inn-Capitol Hill, Mr. W. Keith Barker, Vice-President of National

(continued from Page 1)

1/ on the other, certain specified pickup or discharge points in the District of Columbia, one of which was the Burlington Hotel. By Order No. 1276, served September 7, 1973, we authorized Greyhound to file an appropriate tariff for the sole purpose of including two additional hotels in Zone D-4 as proposed and required Greyhound to submit a detailed statement of the reasons for the proposed changes in the tariff. Pursuant to a letter filed September 24, 1973, in which Greyhound sought to withdraw its tariff supplement, we issued Order No. 1281, served November 6, 1973, dismissing its tariff supplement Application No. 812.

2/ By Order No. 1271, served August 3, 1973, we extended the time for filing supplemental pleadings and statements to and including August 10, 1973.

3/ Executive has not amended its permanent authority Application No. 805 to include the intermediate stop at L'Enfant Plaza Hotel.

Aero Associates, Inc., and Mr. J. B. Stirling, President of Cavalier Airways, Inc. In addition, we have received letters of recommendation from William L. Scott, United States Senator from Virginia, and from Joel T. Broyhill, United States Representative of the 10th District of Virginia.

According to Mr. Pardoe, their guests who travel to Washington for the specific purpose of meeting with one or another of the numerous Congressional committees, subcommittees and their staffs use the facilities of Dulles and would use the proposed service to travel between Dulles and the Quality Inn-Capitol Hill. In that the service would be demanded during the period that Congress is in session, Mr. Pardoe requested favorable consideration of the application so that Executive could institute service on or before Labor Day. Mr. Barker stated that interest of his firm in this matter stems from having clientele who frequently require transportation between Dulles and the Capitol Hill area and find it inconvenient to make transfers at 12th & K or National Airport. The transportation presently available at Dulles has not been and is not considered to be adequate by Mr. Barker. According to Mr. Stirling, his firm has had requests by its clients to arrange transportation to the Capitol Hill area upon many occasions. Mr. Stirling stated that, as it now exists, the cost of such transportation by private limousine or taxi cab, the only practical available service, is not economical or convenient and that the lack thereof has been on occasion a deterrent to the use of Dulles by the firm's clients. The proposed service by Executive would be referred to by them when a client sought direct service to and from the Capitol Hill area.

In response to our Order No. 1270, the Federal Aviation Administration (FAA) submitted a statement of its position with respect to Executive's application for temporary authority. FAA confined itself to a statement of its positions regarding the authority of the Federal Government as represented by the FAA to control the operations of ground transportation companies on Dulles. FAA contends, inter alia, that it has the authority to determine the persons who can conduct business as concessionaires on Washington National Airport and Dulles and the terms by which they will operate on the airports. FAA does not believe that it can be forced to allow a scheduled motor carrier to conduct business on the airports simply because the carrier has

obtained a certificate of public convenience and necessity for its ground transportation contractor. In fact, FAA made it a requirement of its new request for proposals for ground transportation that the concessionaire obtain an operating certificate and approval of its rates from us.

The Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for the provision of service for which there is an immediate and urgent need. See Compact, Article XII, Section 4(d)(3). The supplemental pleadings and statements in support of the application do not fully satisfy the criteria for granting temporary authority, particularly, as they fail to show that no carrier service is capable of meeting the alleged immediate and urgent need. Accordingly, we shall schedule a hearing before a presiding officer for the purpose of developing a record upon which we can properly dispose of Executive's application for temporary authority to operate a limousine service for passengers and their baggage between Dulles and the Quality Inn-Capitol Hill with an intermediate stop at L'Enfant Plaza Hotel.

Our Order No. 1270, in addition to denying temporary authority to Executive to operate a limousine service between Dulles on the one hand, and on the other, the Burlington Hotel, directed and ordered Greyhound to comply with the terms of its effective tariff. The petition for reconsideration filed by Greyhound was denied by operation of law on September 10, 1973. See Compact, Article XII, Section 16 and Rule of Practice and Procedure 28-03. The time for filing an appeal has expired. See Compact, Article XII, Section 17. Accordingly, we shall order Greyhound to appear at the hearing scheduled herein for the purpose of determining whether Greyhound, a certificate holder over some of whose routes Executive proposes to operate, has remedied the inadequacy in service occasioned by its admitted failure to observe the individual fares and the regulations and practices relating thereto with respect to economy airport service between the Burlington Hotel (and the other hotels specified in the carrier's currently effective tariff for such service on a reservation basis), on the one hand, and on the other, Dulles as set forth in its currently effective tariff. See Compact, Article XII, Section 4(g).

Any person who wishes to be heard on the proposed application

should be prepared with his presentation on the day of hearing. In order that all parties will have an opportunity to be aware of what evidence the other parties intend to submit on these issues and thus be able to fully cross-examine, we will require that all direct evidence in the nature of prepared testimony and exhibits shall be submitted on or before Thursday, December 6, 1973, in such a manner that six (6) copies shall be filed with the Commission and one copy served on each party of record.

THEREFORE, IT IS ORDERED:

1. That Application No. 804 of Executive Limousine Service, Inc., be, and it is hereby, scheduled for public hearing before a presiding officer to commence Tuesday, December 11, 1973, at 10:00 A.M., in the Hearing Room of the Commission, Room 314, 1625 Eye Street, N. W., Washington, D. C. 20006.

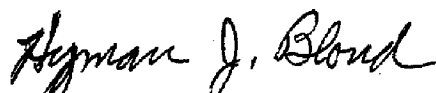
2. That Greyhound Airport Service, Inc., appear at the public hearing herein scheduled and show cause, if any there be, why the aforesaid application of Executive Limousine Service, Inc., should not be granted.

3. That applicant publish notice, in the form prescribed by the staff of the Commission, of the application and of the aforementioned hearing in a newspaper of general circulation in the Metropolitan District no later than Friday, November 30, 1973.

4. That the evidence of the parties in the nature of prepared testimony and exhibits shall be submitted in such manner that six (6) copies shall be filed with the Commission and one copy served on each party of record on or before Thursday, December 6, 1973.

5. That any person desiring to be heard on these matters shall notify the Commission, in writing, on or before Thursday, December 6, 1973, and mail a copy of such notification to the counsel of record for Executive Limousine Service, Inc., Maxwell A. Howell, Esq., 1100 Investment Building, 1511 K Street, N.W., Washington, D.C., 20005 and the counsel of record for Greyhound Airport Service, Inc., L.C. Major, Esq., Suite 301 Tavern Square, 421 King Street, Alexandria, Va.

BY THE DIRECTION OF THE COMMISSION:



HYMAN J. BLOND
Executive Director