

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2129

IN THE MATTER OF:

Served July 17, 1980

Application of ANNETTE H. MILLING)
T/A MILLING TOURS to Transfer)
Certificate No. 43 to Philip J.)
Pearson, and for Approval of)
Temporary Control)

Case No. AP-80-17

By application filed May 5, 1980, as supplemented, Annette H. Milling trading as Milling Tours seeks approval pursuant to Title II, Article XII, Section 12(b) of the Compact to transfer by sale her Certificate of Public Convenience and Necessity No. 43, issued March 27, 1977, to Philip J. Pearson.

In support of the application the parties have submitted an executed bilateral contract of sale, 1/ a financial statement for Mr. Pearson and a projected operating statement. As mandated by the Compact, Title II, Article XII, Section 12(b), a public hearing was held on June 25, 1980. No person appeared in opposition.

Mr. Pearson testified to maintenance, safety and operational practices he plans to implement. He stated that his experience in providing service for the previous month pursuant to a grant of temporary approval to operate Certificate No. 43, 2/ indicates that his projected operating statement is a realistic estimate of anticipated revenue and expenses. According to the witness, Mrs. Milling is unable to continue operating because of illness and service has been sporadic in the recent past.

Title II, Article XII, Section 12(b) of the Compact requires that any person seeking to transfer by sale a certificate of public convenience and necessity obtain approval from the Commission. Under

1/ The stated sales price is \$1.

2/ Order No. 2111, served May 21, 1980, and incorporated herein by reference.

this provision of the Compact, the Commission may approve said transfer if it finds that the proposed transfer is consistent with the public interest.

In determining whether this transfer is consistent with the public interest, the Commission considers, among other factors, the fitness of the carrier seeking to obtain the certificate, whether the operating rights sought to be purchased are dormant and whether the riding public would be benefited by a transfer of the certificate.

The Commission finds that the proposed transfer is consistent with the public interest. The operating rights to be sold have not been dormant and the transferee should be able to provide a more responsive service to the public than has been available in the recent past. Transferee operates satisfactory equipment and has evidenced a willingness to comply with the Commission's orders, rules and regulations. Inasmuch as the consideration for the certificate does not increase the purchaser's expenses, the cost involved will not result in any effect on present or future rate requests.

THEREFORE, IT IS ORDERED:

1. That the transfer of Certificate of Public Convenience and Necessity No. 43 from Annette H. Milling trading as Milling Tours to Philip J. Pearson, is hereby approved.

2. That Philip J. Pearson is hereby directed to file with the Commission within 30 days from the date of service hereof (a) a current certificate of insurance in Mr. Pearson's name as required by Commission Regulation No. 62, (b) two copies of his WMATC Tariff No. 1 as required by Commission Regulation No. 55 and (c) a notarized statement of compliance with Commission Regulation No. 68 governing identification on motor vehicles.

3. That upon compliance with the conditions set forth in paragraph (2), and upon acceptance of said tariff by the Executive Director, Certificate of Public Convenience and Necessity No. 43 will be reissued to Philip J. Pearson.

4. That unless compliance is so made within 30 days from the date of service hereof, or such additional time as may be authorized by the Commission, the grant of approval herein will stand denied in its entirety effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS SCHIFTER AND SHANNON:


GREGORY PAUL BARTH
Acting Executive Director