

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2469

IN THE MATTERS OF:

Served September 14, 1983

Application of JAMES M. SMITH,)
INC., for Special Authorization to)
Perform Charter Operations Pursuant)
to Contract -- DOE)

Case No. CP-83-13

By application filed September 13, 1983, James M. Smith, Inc., seeks authorization to conduct charter operations pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1, transporting United States Department of Energy employees and other persons travelling on official business for DOE, in 21-passenger buses, between the Forrestal Building, Washington, D. C., and DOE facilities near Germantown, Md. The service would be performed under a contract between Smith and DOE which is to commence on October 1, 1983, and extend through September 30, 1984, with a one-year option period.

The contract requires 18 one-way trips a day for 252 days a year. The per-trip price would be \$23 for the base year and \$24 for the option year to produce respective gross revenues of \$104,328 and \$108,764. Smith proposes to lease or purchase appropriate equipment upon approval of this application. Submission of an equipment list and evidence of appropriate licensing and inspections thus would be a condition precedent to the issuance of any authorization to Smith.

Applicant states that it is familiar (and will comply) with the terms of the Compact and the Commission's rules, regulations and requirements thereunder. An experienced passenger carrier in the Metropolitan District, Smith represents that it has not been found unfit by any regulatory agency and is not a respondent in any pending fitness investigation.

Smith's balance sheet, dated March 31, 1983, shows current assets of \$61,290, total assets of \$161,679, current liabilities of \$54,346, long-term liabilities of \$60,211 and stockholder's equity of \$47,122. For the 12-month period ended March 31, 1983, Smith had contract revenue of \$397,380, total expenses (including interest) of

\$393,500 and net income, after gain from the sale of fixed assets and provision for income taxes, of \$6,020. No projection of revenues and revenue deductions attributable to the DOE contract was submitted. A certificate of insurance (expiration date September 1, 1984) is on file with the Commission.

An affidavit from DOE states that Department intends to award the contract to Smith should this Commission grant authorization for the carrier to provide the service. The transportation is currently rendered by Beltway Limousine Service, Inc., under a contract which expires on September 30, 1983. DOE has made a determination that Smith is responsible and qualified to perform the required services.

Inasmuch as there will be a contract for the transportation of employees and persons travelling on official business for a period exceeding 181 days, this application appears to be amenable to processing under Commission Regulation No. 70. See Order No. 2004, served June 20, 1979, and effective July 21, 1979. Pursuant to Commission Regulation No. 70-06, notice of this application must be published and opportunity given for the filing of protests. Protests, if any, must be written, sworn and notarized, and must contain all evidence and argument upon which the protestant would rely.

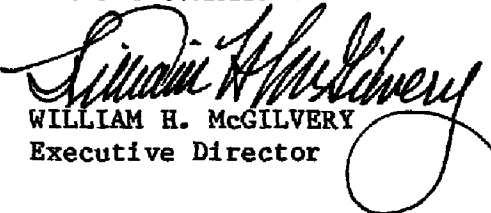
THEREFORE, IT IS ORDERED:

1. That James M. Smith, Inc., publish once, in a newspaper of general circulation in the Metropolitan District, notice of this application in the form prescribed by the staff of the Commission no later than Friday, September 16, 1983.

2. That applicant shall file an affidavit of such publication and a 12-month projection of revenue and expenses attributable to the proposed contract with the Commission no later than Wednesday, September 21, 1983.

3. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Regulation No. 70-06 at the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than Monday, September 26, 1983, and shall simultaneously serve a copy of such protest on counsel for applicant, William H. Shawn, Esquire, 1730 M Street, N. W., Suite 501, Washington, DC 20036.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director