

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3053

IN THE MATTER OF:

Served August 3, 1987

Application of PHILIP J. PEARSON)
Trading as MILLING TOURS to)
Transfer Certificate No. 43 to)
KEITH JONES)

Case No. AP-87-17

By application filed July 13, 1987, Philip J. Pearson, a sole proprietor, trading as Milling Tours ("transferor"), seeks Commission approval to transfer by sale its Certificate of Public Convenience and Necessity No. 43 to Keith Jones ("transferee").

Certificate No. 43 contains the following authority:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, transporting passengers in sightseeing tours:

- (1) From motels and motor inns located at points on that part of U.S. Highway 1 south of junction U.S. Highway 1 and Interstate Highway 95*/ at or near Arlington, Va., and north of junction U.S. Highway 1 and Interstate Highway 95 at or near Woodbridge, Va., to points in the District of Columbia, and the City of Alexandria and Counties of Arlington and Fairfax, Va., and return.
- (2) From Holiday Inn, junction Interstate Highway 95*/ and Glebe Road, Arlington County, Va.; and Virginia Motel, 700 North Washington Street, Alexandria, Va.; to points in the District of Columbia and the City of Alexandria and Counties of Arlington and Fairfax, Va.; and return.

RESTRICTION: Restricted in (1) and (2) above to transportation performed in van-type vehicles and further restricted against transportation solely within the Commonwealth of Virginia.

*/ Interstate 95 inside the Capital Beltway has been renumbered Interstate 395, and any reissued certificate would be revised to reflect this change.

The application includes a bilateral contract executed June 30, 1987, whereby transferor agrees to sell Certificate No. 43 and a 15-passenger van to transferee for \$8,500. The agreement is contingent upon approval of the transfer by the Commission.

Transferee submitted a statement of net worth reflecting total assets of \$308,950 including cash in the amount of \$27,000. Liabilities are listed at \$81,600 yielding a net worth of \$227,350. An operating statement was filed which lists approximate expenses from August 15, 1987, through December 31, 1987. Transferee expects to earn a profit of \$6,500 before taxes from WMATC operations. Transferee is currently employed in the transportation field and has been a licensed tour guide for the past 20 years.

Transferee has not specified whether he plans to operate as a sole proprietor, a partnership or corporation. Evidence in the record suggests that transferee plans to operate under a trade name but the Commission has not received a formal statement from the transferee. Transferee will be required to address these issues.

This matter comes before us pursuant to Title II, Article XII, Section 4(h) of the Compact which provides that:

No certificate under this section may be transferred unless such transfer is approved by the Commission as being consistent with the public interest.

The matter will, therefore, be set for hearing. Publication of notice of this application will be required, and a date will be established for the filing of protests. In the absence of protests, a waiver of public hearing may be requested, if co-applicants seek a Commission determination on the basis of the pleadings.

Finally, the Commission contemplates that in the event this application is granted the certificate restrictions will be reworded as follows to promote clarity and consistency:

RESTRICTED:

(a) to transportation in vehicles with a manufacturer's designed seating capacity of 15 passengers or less, including the driver; and

(b) against transportation solely within the Commonwealth of Virginia.

An opportunity will be provided for comment on this change.

THEREFORE, IT IS ORDERED:

1. That this application is hereby scheduled for public hearing to commence Thursday, September 10, 1987, at 9:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N.W., Washington, D.C. 20006.

2. That Keith Jones is hereby made a co-applicant and a party to this proceeding.

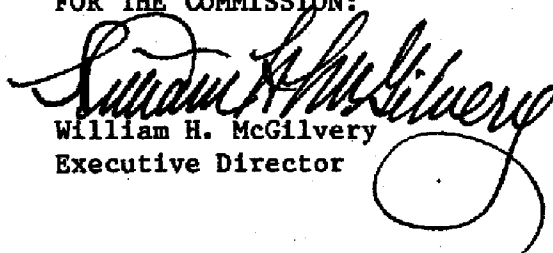
3. That co-applicants are hereby directed to publish once in a newspaper of general circulation in the Metropolitan District, and post in the vehicles, notice of this application and hearing in the form prescribed by the Commission's staff no later than Monday, August 10, 1987, and to file with the Commission an affidavit of such publication from the selected newspaper and an affidavit of posting.

4. That any person desiring to protest this application or comment on the proposed certificate revisions shall file a protest or comment in accordance with Commission Rule No. 14, or any person desiring to be heard on this matter shall so notify the Commission, in writing, no later than Monday, August 31, 1987, and shall simultaneously serve a copy of such protest or notice on Philip J. Pearson, 748 Owens Street, Rockville, Md. 208050, and Keith Jones, 11200 Lenox Drive, Upper Marlboro, Md. 20772.

5. That co-applicants are hereby assessed \$300, pursuant to Title II, Article XII, Section 19 of the Compact, and are directed to deliver that sum to the office of the Commission, Suite 316, 1625 I Street, N.W., Washington, D.C. 20006, no later than Monday, August 31, 1987.

6. That Keith Jones is hereby directed to file no later than Monday, August 31, 1987, an original and four copies of the following: (1) a proposed tariff, (2) an equipment list indicating make, model and license number of each vehicle to be operated in the Metropolitan District, (3) evidence that he plans to operate as a sole proprietor or any applicable partnership agreement or articles of incorporation, and (4) evidence, if any, that he plans to operate under a specified trade name.

FOR THE COMMISSION:


William H. McGilvery
Executive Director