

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3367

IN THE MATTER OF:

Served June 27, 1989

Application of ALL ABOUT TOWN, INC.,)
for Temporary Authority -- Charter)
and Special Operations)

Case No. AP-89-13

Application of ALL ABOUT TOWN, INC.,)
for a Certificate of Public)
Convenience and Necessity -- Charter)
and Special Operations)

Case No. AP-89-14

By application filed March 20, 1989, in Case No. AP-89-14, All About Town, Inc. (AAT or applicant), seeks a certificate of public convenience and necessity authorizing the transportation of passengers, together with their baggage in the same vehicles as passengers, in charter and special operations between points in the Metropolitan District, except transportation solely within the Commonwealth of Virginia. 1/

Applicant, a Maryland corporation, holds Certificate of Public Convenience and Necessity No. 131 issued by this Commission. Certificate No. 131 is an attachment to this order and authorizes the operations therein specified.

The tariff for group-fare, charter operations includes hourly rates of \$45 to \$70, with a minimum of four to eight hours, 2/ depending upon the month in which the service is provided. The tariff also includes a \$10 an hour surcharge during "Inauguration and Holidays." There is a 10 to 25 percent discount for multiple movements under certain circumstances, and hourly rates are described as "non-commissionable."

One-way group charter transfer rates are:

Union Station	\$150
National Airport	\$150
Dulles Airport	\$175
BWI Airport	\$205

1/ See Compact, Title II, Article XII, Section 1(b).

2/ An additional minimum one hour "may" be charged if the pick-up point is more than one mile from "the terminal." The location of the terminal is not specified. AAT will be required to modify its tariff to specify with certainty whether such a charge applies and, if so, the location of the terminal.

BWI Airport is outside the Metropolitan District and beyond the scope of this application. Transfer rates are subject to an "Additional surcharge of \$50 during June, July, August, Inauguration, Holidays, or pick-ups more than one mile from terminal." The tariff also provides that "One-way transfers not named above will be charged at rate closest to same distance" and that "One-way transfers are non-commissionable."

The tariff for individual-fare, special operations includes eight sightseeing tours priced from \$14 to \$50 per person. Children 11 years and under would be half-price. The tariff also shows discounts for travel agents, groups, school groups, hotels, and other accounts. Discounts range from 10 to 30 percent depending upon the category.

The application contains an equipment list showing seven coaches manufactured from 1973 to 1979 and one 1961 GMC transit bus said to be leased to Blue Lines, Inc. The application also includes AAT's articles of incorporation, a balance sheet as of December 31, 1988, an operating statement for the year ended December 31, 1988, and a projection of operating revenues and expenses for the proposed operations.

Pursuant to Title II, Article XII, Section 4(b) of the Compact, the application will be scheduled for public hearing to determine if applicant is fit, willing, and able to perform the proposed service properly and comply with the Compact and the Commission's rules and regulations and to determine whether the public convenience and necessity require the proposed service. Applicant will be assessed an amount preliminarily estimated to cover the hearing expenses to be borne by applicant pursuant to the Compact, Title II, Article XII, Section 19.

The filing of March 20, 1989, also contains an application for temporary authority, designated Case No. AP-89-13. The standards for temporary authority are set forth in the Compact, Title II, Article XII, Section 4(d)(3). The essential elements are (1) an immediate and urgent need for service, (2) no other carrier capable of meeting such need, and (3) fitness of the applicant. The application for temporary authority, as filed, is ungrantable because it contains no evidence in support of AAT's allegation that there is an immediate and urgent need for the proposed service. However, rather than dismiss this application as defective or deny it as deficient, it will be consolidated with Case No. AP-89-14 and scheduled for public hearing. This will provide AAT an opportunity to address properly the criteria for temporary authority at hearing if it chooses to do so.

The materials filed March 20, 1989, also contain a request by applicant that public hearing be waived pursuant to Commission Regulation No. 22-01. We interpret this request to pertain to both captioned applications, and the request will be denied. To waive public hearing and dispose of these matters on the basis of the record would necessarily lead to denial of both applications for lack of evidence required by the Compact, Title II, Article XII, Sections 4(b) and 4(d)(3).

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 131

ALL ABOUT TOWN, INC.

WASHINGTON, D.C.

By Order No. 2950 of the Washington Metropolitan Area Transit Commission issued December 17, 1986;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order No. 2950;

THEREFORE, IT IS ORDERED that the said carrier is hereby granted this certificate of public convenience and necessity as evidence of the authority of the holder thereof to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter be, attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, transporting passengers from 519 Sixth Street, N.W., Washington, D.C., and the Washington Convention Center, 11th and H Streets, N.W., Washington, D.C., to Rosecroft Raceway, Prince George's County, Md., and return.

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure to do so shall constitute sufficient grounds for suspension, change or revocation of the certificate.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:

THEREFORE, IT IS ORDERED:

1. That the request of All About Town, Inc., for waiver of public hearing pursuant to Regulation No. 22-01 is hereby denied.

2. That Case Nos. AP-89-13 and AP-89-14 are hereby consolidated for hearing.

3. That a public hearing in Case Nos. AP-89-13 and AP-89-14 is hereby scheduled to commence Tuesday, August 22, 1989, at 9:30 a.m. in the Hearing Room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

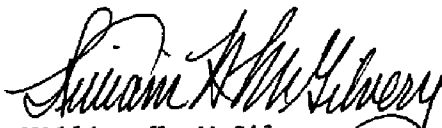
4. That All About Town, Inc., shall publish once in a newspaper of general circulation in the Metropolitan District and post continuously and conspicuously in each of its vehicles through the date of public hearing, notice of these applications and the hearing thereon in the form prescribed by the staff of the Commission, no later than Friday, July 21, 1989, and shall present at the hearing affidavits of publication and posting.

5. That any person desiring to protest either of these applications shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard shall so notify the Commission, in writing, no later than Friday, August 11, 1989, and shall simultaneously serve a copy of such protest or notice on applicant, All About Town, Inc., 519 - 6th Street, N.W., Washington, DC 20001.

6. That All About Town, Inc., is hereby assessed \$750 pursuant to Title II, Article XII, Section 19 of the Compact, and is directed to deliver said amount to the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Friday, August 11, 1989.

7. That All About Town, Inc., shall file with the Commission no later than Friday, August 11, 1989, an original and four copies of a proposed tariff revised in accordance with the discussion at footnote 2 hereinbefore.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director