

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3760

IN THE MATTER OF:

Served May 21, 1991

THE AIRPORT CONNECTION, INC.,)
Suspension and Investigation of)
Revocation of Certificate No. 111)

Case No. MP-90-02

By Order No. 3513, served June 7, 1990, the Commission granted reconsideration of its Order No. 3486, served April 10, 1990. Order No. 3486 revoked Certificate of Public Convenience and Necessity No. 111 issued to The Airport Connection, Inc. (TAC), for TAC's failure to comply with the Commission's regulation 1/ pertaining to security for the protection of the public enacted pursuant to the Washington Metropolitan Area Transit Regulation Compact (Compact) providing for such regulation 2/ and Order No. 3462, served February 21, 1990, directing compliance therewith. Reconsideration was granted for the purpose of considering certain assertions made by the Trustee of the Bankruptcy Estate of TAC (Trustee) and by the Metropolitan Washington Airports Authority (MWAA).

Trustee stated that a purchaser willing to pay a substantial sum of money for the transfer to itself of WMATC Certificate No. 111 had been secured. Trustee stated he had been informed that the purchaser would meet all Commission requirements, rules, and regulations. Should the revocation of TAC's certificate be rescinded, Trustee asserted that WMATC Certificate No. 111 would be transferred and Commission approval of the transfer would be sought. Trustee stated that he believed the Commission would find the transfer to be consistent with the public interest. MWAA supported the Commission's position as put forth in Order No. 3486. In addition MWAA noted that

1/ See Commission Regulation No. 62, since revised and reissued as Commission Regulation No. 58.

2/ See Compact, Title II, Article XII, Section 9(a), since amended in form as to this matter (but not in substance), and renumbered as Title II, Article XI, Sections 7(f) and (g).

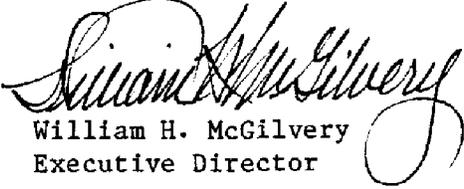
TAC no longer holds a contract authorizing it to provide regularly-scheduled airport service under "The Washington Flyer" logo. 3/4/

The Commission has reconsidered this matter and the points brought forward by Trustee and MWAA, and the Commission finds no error either legal or factual in its Order No. 3486. By revoking WMATC Certificate No. 111, the Commission is neither taking possession of nor exercising control over the certificate. Rather TAC, by its inaction, has caused the extinguishment of that certificate by acting adversely to the Commission's statutory authority in matters relating to the Commission's police power, an exception expressly provided for in 11 U.S.C. Section 362.

Thus, the Commission hereby affirms Order No. 3486. In taking this action the Commission notes that TAC has filed no transfer application as proffered by Trustee; no insurance certificate of any type; no affidavit regarding its United States Department of Transportation safety rating as required by Order Nos. 3602 and 3652; and, by virtue of its failure to provide transportation, is in violation of the terms of its Certificate of Public Convenience and Necessity No. 111. Order No. 3486 is hereby affirmed and reinstated effective immediately.

IT IS SO ORDERED.

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


William H. McGilvery
Executive Director

3/ Certificate of Public Convenience and Necessity No. 111 authorizes the following transportation:

IRREGULAR ROUTES

SPECIAL OPERATIONS, transporting passengers and their baggage, in the same vehicle with passengers, between Washington National Airport, Arlington County, VA, and Washington Dulles International Airport, Loudoun County, VA, on the one hand, and, on the other, points in the Metropolitan District.

RESTRICTED against transportation solely within the Commonwealth of Virginia.

4/ MWAA grants carriers that are authorized to trade under the name "Washington Flyer" certain privileges including free advertising and dedicated curb space.