

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4608

IN THE MATTER OF:

Served June 6, 1995

Application to Transfer Certificate)  
of Authority No. 100 from SHAW BUS )  
SERVICE, INC., to NATIONAL SCHOOL )  
BUS SERVICE, INC., and for )  
Temporary Approval )

Case No. AP-95-32

By application filed June 1, 1995, Shaw Bus Service, Inc., WMATC Carrier No. 100 (Shaw or transferor), and National School Bus Service, Inc., a Delaware corporation (National or transferee), (collectively applicants), seek Commission approval of National's purchase of a substantial portion of the assets of Shaw, including Shaw's certificate of authority. National also seeks temporary approval to operate those assets pending approval of the transfer.

The application includes information regarding, among other things, transferee's corporate status, carrier affiliations, facilities, proposed tariff, finances, and regulatory compliance record. Also included is a copy of the asset purchase agreement. The application is available for inspection at the office of the Commission during its regular business hours.

Transferee proposes conducting operations with 42 school buses acquired from transferor. Transferee's proposed tariff contains a single hourly charter rate for service in the Metropolitan District.

Item No. 11 on page 5 of the application has not been completed. Applicants will be directed to file an amended page 5 with Item No. 11 completed.

Under Article XI, Section 11(a), and Article XII, Section 3(a)(ii), of the Compact, the Commission may approve the transfer of assets from Shaw to National, including Certificate of Authority No. 100, if the Commission finds said transfer to be in the public interest.<sup>1</sup> Temporary approval requires a finding of transferee's fitness and usually entails an assessment of potential injury to the property being transferred, or potential interference with its usefulness, which might arise from denial of temporary approval.<sup>2</sup>

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<sup>1</sup> The public interest analysis focuses on the transferee's fitness, the resulting competitive balance, the benefits to the riding public and the interests of affected employees. In re Franklin Charter Bus, Inc., & Franklin Motorcoach, Inc., No. AP-95-02, Order No. 4474 (Jan. 11, 1995).

<sup>2</sup> Id.

The application does not address the temporary approval criteria, except transferee's fitness. Applicants will be directed to file a statement addressing the potential injury to the property being transferred, or potential interference with its usefulness, which might arise from denial of temporary approval.

Pursuant to Commission Rule No. 6, this order and fulfillment of its requirements will provide notice of the application.

THEREFORE, IT IS ORDERED:

1. That applicants shall publish once in a newspaper of general circulation in the Metropolitan District, no later than June 19, 1995, notice in the form prescribed by the staff of the Commission.

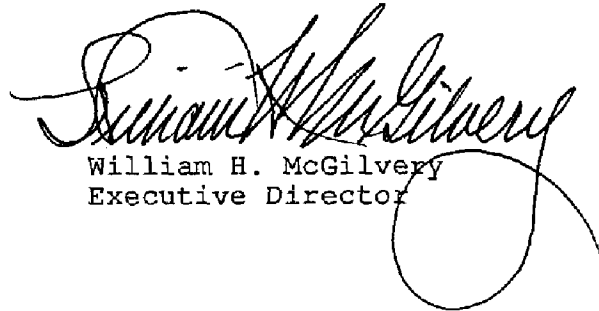
2. That applicants shall file with the Commission, no later than July 10, 1995, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicants shall file with the Commission, no later than June 19, 1995, a notarized original and four copies of an amended page 5 with Item No. 11 completed.

4. That applicants shall file with the Commission, no later than June 19, 1995, an original and four copies of a statement addressing the potential injury to the property being transferred, or potential interference with its usefulness, which might arise from denial of temporary approval.

5. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing is July 10, 1995, and that copies must be served on applicants' attorney, David J. Murray, Esquire, Phillips, Lytle, et al., 3400 Marine Midland Center, Buffalo, NY 14203.

FOR THE COMMISSION:



William H. McGilvery  
Executive Director