

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5091

IN THE MATTER OF:

Served June 2, 1997

Application to Transfer)	Case No. AP-97-21
Certificate No. 214 from RAINBOW)	
LUXURY LINES, INC., to RAINBOW)	
BUS COMPANY)	

By application accepted for filing April 10, 1997, Rainbow Luxury Lines, Inc., (RLL), WMATC Carrier No. 214, and Rainbow Bus Company, (RBC), a Delaware corporation, (collectively applicants), seek Commission approval to transfer the assets of RLL, including Certificate of Authority No. 214, to RBC. RBC is not affiliated with any other carrier. This application is unopposed.

RBC proposes commencing operations with one motorcoach. RBC's proposed tariff contains hourly rates and transfer rates.

Under Article XI, Section 11(a), and Article XII, Section 3(a)(ii) & (c), of the Compact, the Commission may approve the transfer of assets from RLL to RBC, including Certificate No. 214, if the Commission finds said transfer to be in the public interest. The public interest analysis focuses on the acquiring party's fitness, the resulting competitive balance and the interests of affected employees.¹

No adverse effect on competition is likely where, as here, the transferee is unaffiliated with any other carrier and is merely taking the place of the transferor.² RBC states there will be no effect on any employees. This leaves only the issue of RBC's fitness.

RBC filed a balance sheet as of February 28, 1997, showing assets of \$115,395; liabilities of \$95,474; and equity of \$19,921. RBC's projected income statement for the year ending December 31, 1997, shows income of \$237,626; expenses of \$174,793; and net income of \$62,833. RBC certifies it has access to, is familiar with, and will comply with the Compact and the Commission's rules and regulations thereunder. Subject to the condition that RBC comply with the requirements stated below, we find RBC fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

¹ In re Laidlaw Transit (Virginia) Inc., & Williams Bus Lines, Inc., No. AP-96-46, Order No. 4957 (Oct. 24, 1996).

² Order No. 4957.

Upon consideration of the relevant factors, the Commission finds that the proposed transfer of assets, including Certificate No. 214, is consistent with the public interest.

THEREFORE, IT IS ORDERED:

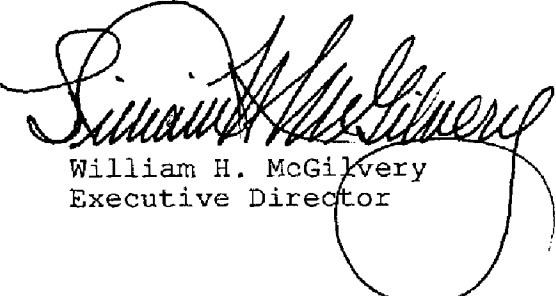
1. That upon RBC's timely compliance with the requirements of this order, Certificate of Authority No. 214 shall be reissued to Rainbow Bus Company, 8046 Lakecrest Drive, Greenbelt, MD 20770.

2. That RBC may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 214 has been reissued in accordance with the preceding paragraph.

3. That RBC is hereby directed to file the following documents within thirty days: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61.

4. That the approval of transfer herein shall be void and the application shall stand denied upon RBC's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilverey
Executive Director