

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5587

IN THE MATTER OF:

Served April 26, 1999

Application of BIG TIME LIMOS,)
INC., for Temporary Authority --)
Irregular Route Operations)

Case No. AP-99-25

Applicant seeks temporary authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed. Applicant also has applied for a certificate of authority in Case No. AP-99-26.

Under Title II of the Compact, Article XI, Section 13(a), the Commission may grant temporary authority if there is an immediate need for service that is not available. Under Regulation No. 54-06(a), a temporary authority applicant must demonstrate fitness.

Applicant proposes commencing operations with one 12-passenger limousine. Applicant's proposed tariff contains a charter rate of \$95.00 per hour.

Applicant filed a balance sheet as of February 17, 1999, showing assets of \$773,000; liabilities of \$288,000; and equity of \$485,000. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC revenue of \$250,000; other revenue of \$250,000; expenses of \$407,500; and net income of \$92,500.

The application is supported by an affidavit from Terrence Fullum, M.D., attesting to an immediate need for service.

Applicant certifies it has access to, is familiar with, and will comply with the Compact and the Commission's rules and regulations thereunder.

Based on the evidence in this record, the Commission finds that applicant is 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.

The Commission further finds that applicant has demonstrated there exists an immediate need for transportation of passengers in a 12-passenger limousine between points in the Metropolitan District. The absence of any protest from an authorized carrier establishes that such service is not available on the terms offered by applicant.¹

¹ In re Frank Warner, t/a F&C Transp. Servs., No. AP-96-24, Order No. 4869 (June 10, 1996).

THEREFORE, IT IS ORDERED:

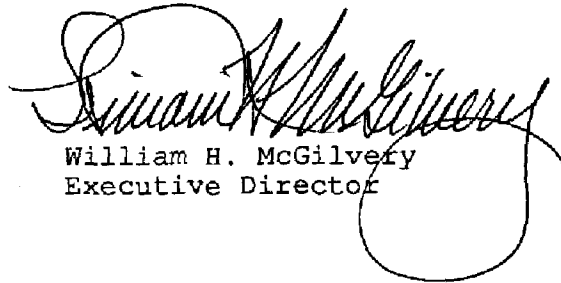
1. That upon applicant's timely compliance with the requirements of this order, notice of temporary authority shall be issued to applicant authorizing applicant to commence transporting passengers for hire in a 12-passenger limousine between points in the Metropolitan District, at the rate of \$95.00 per hour, for a period not to exceed 180 days.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until notice of temporary authority has been issued in accordance with the preceding paragraph.

3. That applicant 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 temporary tariff no. AP-98-48 in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet 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, for which purpose WMATC No. AP-99-25 is hereby assigned.

4. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

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



William H. McGilvery
Executive Director