

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5589

IN THE MATTER OF:

Served April 26, 1999

Application of ALL EVENTS SHUTTLE)
SERVICE, INC., for a Certificate)
of Authority -- Irregular Route)
Operations)

Case No. AP-99-17

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District. Applicant is under common control with EZS, Incorporated, a Virginia corporation trading as Majestic Limousine. EZS operates under a limousine and executive sedan permit from the Virginia Department of Motor Vehicles. The application is unopposed.

This case is governed by the Compact, Title II, Article XI, Section 7, regarding applications for certificates of authority, and Article XII, Section 3, regarding applications for approval of common control.

Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the 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.

Article XII, Section 3(a)(iii) & (c), authorizes the Commission to approve common control of two or more carriers, through ownership of stock or other means, if the Commission finds the acquisition is consistent with the public interest. The public interest analysis focuses on the fitness of the controlling party, the resulting competitive balance, and the interest of affected employees.¹

Applicant proposes commencing operations with three minibuses. Applicant's proposed tariff contains an hourly charter rate with a minimum charge.

Applicant filed a balance sheet as of February 28, 1999, showing assets and equity of \$48,000, each. Applicant's projected operating statement for the first twelve months of WMATC operations shows gross revenue of \$190,000; expenses and costs of \$168,600; and net profit of \$21,400.

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

¹ DC Code Ann. § 1-2414 (1992); In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd., & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

Based on the evidence in this record, the Commission finds that the proposed transportation is consistent with the public interest and 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 also finds the proposed common control is consistent with the public interest for the following reasons. First, our current finding of applicant's fitness permits an inference of the controlling parties' fitness.² Second, there should be no adverse effect on competition since neither carrier intends to serve the same submarket, each carrier will be operated independently of the other, and the Commission's records show that many other carriers operate in the submarkets to be served by applicant and its affiliate.³ Finally, applicant will hire its own drivers.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 468 shall be issued to All Events Shuttle Service, Inc., 4588 Eisenhower Avenue, Alexandria, VA 22304.

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

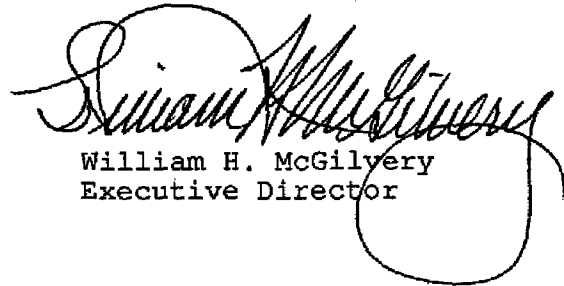
3. That applicant is hereby directed to file the following documents within thirty days: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating 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.

² In re Washington Shuttle, Inc., t/a Supershuttle, No. AP-96-13, Order No. 4966 at 10 (Nov. 8, 1996).

³ See In re All America Bus & Limo. Serv., Inc., No. AP-97-14, Order No. 5074 (May 5, 1997) (common control with Virginia limousine & sedan service approved where carriers operated independently and many other carriers offering identical services).

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

