

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6691

IN THE MATTER OF:

Served June 14, 2002

Application of EAGLE EXPRESS)
SHUTTLE & TRANSPORTATION SERVICE,)
INC., for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-2002-38

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, 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. If an applicant does not make the required showing, the application must be denied under Section 7(b).

An applicant bears the burden of establishing financial fitness, operational fitness, and regulatory compliance fitness.¹ To establish financial fitness, an applicant must show the present ability to sustain operations during the first year under WMATC authority.²

Applicant's statement of net worth shows \$3,200 in cash as of December 31, 2001, but the check submitted by applicant March 15, 2002, in payment of the \$100 application fee was returned for insufficient funds on March 27, 2002. In addition, the record indicates applicant has no revenue vehicle at this time, and applicant's commercial auto insurance has been cancelled effective June 14, 2002. Under the circumstances, we are unable to find applicant financially fit at this time.³

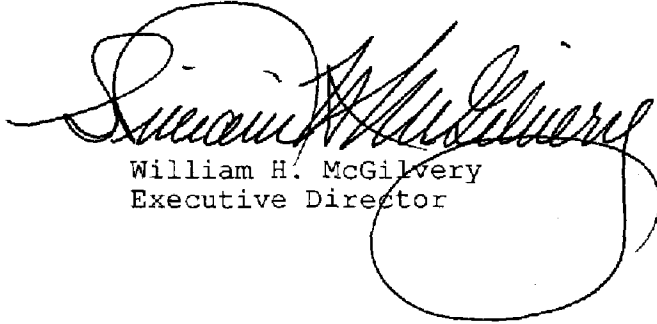
¹ In re Salwa Seedahmed, t/a Control Transp., No. AP-98-28, Order No. 5434 (Oct. 19, 1998); Marylou's Janitorial Serv., Inc., t/a Marylou's Transp. Serv., No. AP-96-23, Order No. 4874 (June 20, 1996).

² In re Adventures By Dawn L.L.C., No. AP-00-89, Order No. 6087 (Jan. 16, 2001).

³ See In re Regional Nursing Servs. L.P., No. AP-01-14, Order No. 6231 (May 22, 2001) (application denied for insufficient initial working capital: \$2,649 cash, 3 vans, no insurance); In re Hall "N" All Co., No. AP-00-33, Order No. 5903 (June 7, 2000) (same: \$5,000 cash, no vehicle, no insurance); Order No. 5434 (same: \$3,000 working

THEREFORE, IT IS ORDERED that the application of Eagle Express Shuttle & Transportation Service, INC., for a certificate of authority, irregular route operations, is hereby denied without prejudice.

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



William H. McGilvery
Executive Director

capital, no vehicle, some insurance); Order No. 4874 (same: \$5,000 cash, one vehicle, no insurance).