

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7370

IN THE MATTER OF:

Served August 27, 2003

Application of PRECIS CORPORATION )  
for a Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-2003-71

Application of PRECIS CORPORATION )  
for Temporary Authority -- )  
Irregular Route Operations )

Case No. AP-2003-72

Applicant seeks temporary authority and a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District. The applications are being consolidated on the ground that the issue of applicant's fitness is common to both proceedings and that both applications are ripe for decision.<sup>1</sup> The applications are unopposed.

**I. TEMPORARY AUTHORITY**

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. As discussed below, applicant has demonstrated fitness. Applicant, however, has not demonstrated an immediate need for service that is not available.

The Commission's application form requires that the evidence of an immediate need for service that is not available be furnished in the form of one or more third-party affidavits. No such affidavit has been filed in this proceeding. In addition, the sole tariff proposed by applicant consists of a Department of Defense contract that is currently being performed by LCG, Inc., trading as Laurel Consulting Group, WMATC Carrier No. 375, pursuant to a subcontract with applicant, which LCG has duly filed with the Commission as a contract tariff. Therefore, it appears applicant would be unable to demonstrate by third-party affidavit that the service in question is not available, in any event.<sup>2</sup>

---

<sup>1</sup> See Commission Rule No. 20-02 (providing for consolidation of proceedings involving common question of law or fact where no prejudice to applicant will result). See also In re Megaheds, Inc., t/a Megaheds Transp., No. AP-97-24, Order No. 5113 (June 26, 1997) (consolidating applications for permanent and temporary authority).

<sup>2</sup> See In re Ruchman & Assocs., Inc., t/a RAI, Inc., No. AP-91-31, Order No. 3839 (Nov. 4, 1991) (denying temporary authority where government contract was being performed under subcontract with applicant), aff'd, No. AP-91-32, Order No. 3844 (Nov. 13, 1991).

We conclude that applicant has failed to carry the burden of showing an immediate need for service that is not available. Accordingly, the application for temporary authority shall be denied.

## II. CERTIFICATE OF AUTHORITY

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.

Applicant proposes commencing operations with eight 25-passenger buses and two forty-passenger buses. The latter two will be leased. Applicant's proposed tariff contains rates for shuttle service under a Department of Defense contract.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

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.

THEREFORE, IT IS ORDERED:

1. That Case No. AP-2003-71 and Case No. AP-2003-72 are hereby consolidated.

2. That the application for temporary authority is denied.

3. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 833 shall be issued to Precis Corporation, 1400 Mercantile Lane, Suite 160, Largo, MD 20774.

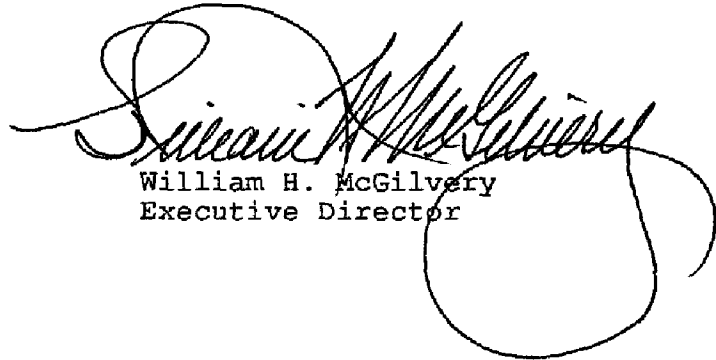
4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

5. 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) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, 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.

6. 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 YATES, MILLER, AND MCDONALD:



William H. McGilvery  
Executive Director