

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7825

IN THE MATTER OF:

Served March 10, 2004

Application of Q.T. TRANSPORT, )  
INC., for a Certificate of ) Case No. AP-2004-27  
Authority -- Irregular Route )  
Operations )

By application accepted for filing February 4, 2004, Q.T. Transport, Inc., a Virginia corporation, seeks a certificate of authority for irregular route operations between points in the Metropolitan District.

Applicant proposes commencing operations with nine motorcoaches. Applicant's proposed tariff contains transfer rates, and hourly charter rates, with minimum charges.

According to applicant's articles of incorporation obtained from the Maryland Department of Assessments and Taxation website, one of applicant's directors is Lillian Helou. Ms. Helou is also the president of Quality Tour Transport, Inc., WMATC No. 192.

The Compact states that a carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means,<sup>1</sup> which includes control exercised by a corporate director.<sup>2</sup> Approval may be granted if the Commission finds the acquisition is consistent with the public interest.<sup>3</sup> The public interest analysis focuses on the fitness of the acquiring party, the resulting competitive balance, and the interest of affected employees.<sup>4</sup> Applicant will be directed to file a statement addressing the effect approval of this application will have on competition and employees.

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<sup>1</sup> Compact, tit. II, art. XII, § 3(a)(iii).

<sup>2</sup> See In re Peter Pan Bus Lines, Inc., No. AP-93-19, Order No. 4130 (July 12, 1993) (directorships and veto power over extraordinary transactions are indicia of control).

<sup>3</sup> Compact, tit. II, art. XII, § 3(c).

<sup>4</sup> Act of Sept. 15, 1960, Pub. L. No. 86-794, § 3, 74 Stat. 1031, 1050 (1960) (codified at DC CODE ANN. § 9-1103.04 (2004)); 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).

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation and common control are consistent with the public interest.

THEREFORE, IT IS ORDERED:

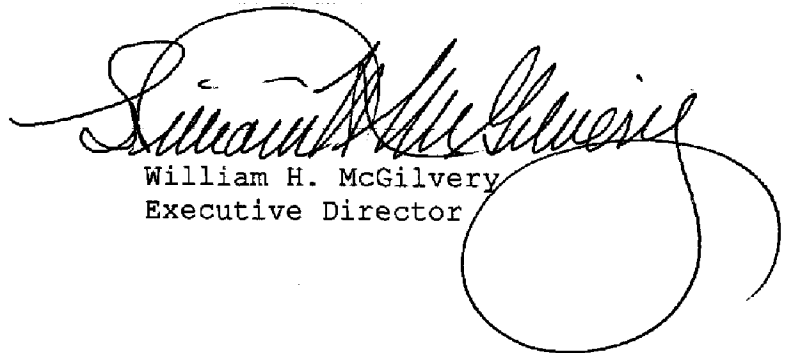
1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than March 23, 2004, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than April 13, 2004, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than March 23, 2004, an original and four copies of a statement addressing the effect approval of this application will have on competition and employees.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is April 13, 2004, and that copies must be served on applicant's president, Jean Agbey, 5659 Columbia Pike, #201, Falls Church, VA 22041.

FOR THE COMMISSION:



William H. McGilvery  
Executive Director