

Application Petition for Certificate of Public Convenience and Necessity (CPCN)

GENERAL INSTRUCTIONS:

In order to apply for a CPCN, you must file an original and one copy of a Petition with this office. There is no application form to fill in, and the Petition does not require a particular format, but it must contain a caption and provide all of the required information. The caption should read as follows:

In the matter of the Petition for a Certificate of Public Convenience and Necessity for
Conducting _____ (a) _____ by _____ (b) _____.

- (a) Insert the type of operation for which you are seeking authority.
- (b) Insert the legal name of the person or entity that will operate the service; if the service will be conducted under a trade name, please indicate that by listing the legal name “d/b/a” the trade name.

The body of the petition must contain the following information, preferably in numbered paragraphs for ease and speed of processing. Information that consists of copies of documents or that is too voluminous to be contained in a paragraph should be attached to the petition as an exhibit. Each exhibit should be designated with a separate letter and the petition should contain a statement, preferably in a numbered paragraph, that describes the exhibit:

1. Why is this petition being filed? What kind of service do you intend to operate? If it is a regular route, special operation or casino route, the following citations should be added N.J.S.A. 48:4-1 et seq.; N.J.A.C. 16:51-3.1;
2. What kind of equipment will you be using? List the type and the passenger capacity of each vehicle by make, model, year and vehicle identification number (“VIN”), the name of the owner, if other than the petitioner, and terms of any lease.
3. What are your qualifications for operating this service?
4. Attach a copy of your Certificate of Incorporation stamped by the New Jersey Department of the Treasury, Certificate of Good Standing with Treasury Department stamp and name and address of agent for service of process, Certificate of Formation of a Limited Liability Company, or Trade Name Certificate, whichever is applicable; if the operation will be conducted by a legal entity other than a natural person, corporation or limited liability company, attach a copy of all documents that form the basis of the existence of that entity.
5. The total number of shares issued and outstanding, if applicable, and the names and addresses of all persons or entities with more than 5% voting control of the applicant, along with the names and addresses of all officers, directors, members, and partners of the petitioner, whichever is applicable;

6. A copy of your current income statement, if applicable, and of your current balance sheet; even if you are not in operation and so would therefore have no income, your initial balance sheet should show the assets and liabilities with which you intend to embark on autobus operations; the format should follow the format in the enclosure with this letter;
7. Copies of your projected (*pro forma*) balance sheets and income statements for the first two years of your operation; please be sure these projections are as accurate as possible; since tariffs and adjustments to tariffs are based on a fair return on investment, the projections will affect your ability to operate your service; if too low, you will not be able to afford to operate and will become insolvent; if too high, you will not be competitive and will lose the ridership you need to be profitable; the format should follow the format in the enclosure with this letter;
8. Your proposed tariff and schedule of fares;
9. The mailing address, street address and telephone number of your principal place of business;
10. Any restrictions to be imposed on your operations according to the type of service you will operate.

REGULAR ROUTE OR CASINO OPERATIONS:

If you are applying for regular route or casino authority, the following information is also required:

11. An accurate street-by-street description of the route for which authority is sought;
12. A map of the route (*it should agree with the street-by-street description*);
13. A list of all proposed passenger pick-up and drop-off locations along with proof that all locations are state or municipally approved pick-up and drop-off points and proof that you have written permission from the property owners for all pick-up and drop-off locations on private property;
14. A clear and concise statement as to how the proposed service will serve the public convenience and necessity in the municipalities in which you intend to operate;
15. A copy of your proposed schedule;
16. A list of all other passenger carriers operating a similar service and applicants seeking to operate a similar service in your proposed service area.

EMERGENCY AUTHORITY:

If the public interest would be irreparably harmed if immediate approval of your petition is not granted, you may apply for emergency authority by including with your petition an affidavit or affidavits attesting to facts that demonstrate the harm that would be caused by delay and an affidavit certifying that all passenger carriers in the proposed service area have been served with copies of the petition by certified mail.

ALL APPLICANTS:

Your petition must be accompanied by the petition filing fee and the tariff filing fee payable to "MVC", as prescribed by statute [*N.J.S.A.* 48:2-56E(2)], which totals \$50.00 (\$25.00 *petition filing fee* **and** \$25.00 *basic tariff filing fee*) **plus** one-tenth of one percent of your projected revenues for your first year of operations, which in no event shall be less than \$25.00 (*that amount will be adjusted at the end of the year when you file your annual report -- do not be tempted to provide too low an estimate*).

When we receive your petition and fees, we shall assign you a Docket Number. At that time, you must Publish Notice in the newspaper that we indicate. The Notice should read as follows:

PLEASE TAKE NOTICE _____ (1) _____ has filed with the New Jersey Motor Vehicle Commission a petition for a Certificate of Public Convenience and Necessity for _____ (2) _____ operations using _____ (3) _____. Pick-up and drop-off service will be provided in _____ (4) _____. Objections and other comments may be submitted within thirty days to the Commercial Bus Unit, P.O. Box 177, Trenton, NJ 08666-0177 and to this petitioner at _____ (5) _____, under Docket No. _____ (6) _____.

- (1) Your name as it appears in the caption of your petition;
- (2) The type of operations for which you are seeking authority;
- (3) The types of equipment you will use;
- (4) The names of the municipalities in which you intend to provide pick-up and drop-off service, if you are applying for regular route or casino route authority; the names of the counties in which you are applying for special bus operations authority;
- (5) Your mailing address;
- (6) The docket number assigned by this office.