

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9796

IN THE MATTER OF:

Served August 4, 2006

Application of CAPITAL CARE, INC.,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2006-134

By application accepted for filing July 25, 2006, Capital Care, Inc., a Maryland entity, seeks a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver.

Applicant's president, Paul T. Atang, is also a partner of Capital Care, LLP, a Maryland limited liability partnership, which filed a similar application for operating authority last year. The application was granted, but the issuance of a certificate of authority was expressly made contingent on Capital Care, LLP, filing additional documents.¹ Capital Care, LLP, failed to file the necessary documents in a timely manner, thereby voiding the Commission's approval.²

Due to the similarity of the name of Capital Care, LLP, with name of the current applicant, applicant will be directed to file proof of dissolution of the limited liability partnership or a statement explaining why not requiring dissolution would be consistent with the public interest.³

In addition, Capital Care, LLP, is registered to conduct business under the trade name "Capital Care", which also bears similarity to applicant's name. To avoid confusion among the public, applicant will be directed to submit proof that the trade name "Capital Care" has been inactivated or transferred to applicant.⁴

¹ See *In re Capital Care, LLP*, No. AP-05-99, Order No. 9016 (Sept. 27, 2005) (conditionally granting Certificate No. 1119).

² See *id.* (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

³ See *In re Pacific Health and Transportation Services, Inc.*, No. AP-05-06, Order No. 8547 (Feb. 10, 2005) (applicant ordered to file proof of dissolution of similarly named entity under common control with applicant or explain why not requiring dissolution was consistent with the public interest).

⁴ *Cf.*, *In re Caring Transport Services, LLC*, No. AP-06-033, Order No. 9439 (Mar. 31, 2006) (to avoid confusion among the public, applicant required to file proof that trade name similar to its own name and registered to applicant's executive director was transferred to applicant or inactivated).

Applicant proposes commencing operations with two vans. Applicant proposes operating under a tariff containing rates for Medicaid transportation and private pay rates for similar service.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is 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 August 18, 2006, notice in the form prescribed by the staff of the Commission.

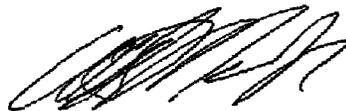
2. That applicant shall file with the Commission, no later than September 1, 2006, an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than September 1, 2006, proof of dissolution of Capital Care, LLP, from the Maryland Department of Assessments and Taxation or a statement explaining why not requiring dissolution would be consistent with the public interest.

4. That applicant shall file with the Commission, no later than September 1, 2006, proof that the trade name "Capital Care" has been inactivated or transferred to applicant.

5. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing is September 1, 2006, and that copies must be served on applicant's administrator, Paul T. Atang, 12416 Denley Road, Silver Spring, MD 20906.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director