

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,000

IN THE MATTER OF:

Served October 25, 2006

Application of ARIA - TRANS. INC. )  
for a Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-2006-184

By application accepted for filing October 3, 2006, Aria - Trans. 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 general manager, Mark Mohebi, is also the president of Alterna-Trans Inc., which held WMATC Certificate of Authority No. 810 from February 2, 2004, until April 13, 2006, when it was voluntarily terminated.<sup>1</sup>

Applicant proposes transporting passengers under the Montgomery County, Maryland, Medicaid program. Applicant's proposed Medicaid contract tariff specifies that service shall be provided in one or more of the following types of vehicles: wheelchair vans, ambulances, and taxicabs.

Taxicabs are exempt from certification under the Compact,<sup>2</sup> and ambulance service is not "transportation for hire" within the meaning of the Compact.<sup>3</sup> This leaves transportation in wheelchair vans as the only service described in applicant's proposed Medicaid contract tariff within the Commission's licensing jurisdiction. Applicant, however, proposes commencing operations with one sedan. Applicant will be directed to explain how the Commission can issue a certificate of authority on this record.<sup>4</sup>

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 November 8, 2006, notice in the form prescribed by the staff of the Commission.

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<sup>1</sup> *In re Alterna-Trans Inc.*, No. AP-06-64, Order No. 9477 (Apr. 13, 2006).

<sup>2</sup> *In re Diversity Frontier, Inc.*, No. AP-06-52, Order No. 9691 (June 28, 2006).

<sup>3</sup> *In re Therese T. Sime, t/a Exact Enterprise*, No. AP-06-37, Order No. 9690 (June 28, 2006).

<sup>4</sup> See *In re Joan Murrell Thomas*, No. AP-06-105, Order No. 9817 (Aug. 10, 2006) (application denied where applicant proposed operating sedan under rates for Medicaid van transportation).

2. That applicant shall file with the Commission, no later than November 22, 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 November 22, 2006, a statement explaining how the Commission can approve applicant's proposal to provide wheelchair van service using a sedan.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing is November 22, 2006, and that copies must be served on applicant's general manager, Mark Mohebi, 13519 Hunting Hill Way, North Potomac, MD 20878.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director