

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,255

IN THE MATTER OF:

Served October 1, 2013

Application of GEM AMBULANCE, LLC,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2013-167

This matter is before the Commission on applicant's response to Order No. 14,133, served August 7, 2013, which approved this application for WMATC operating authority on the condition, among others, that applicant propose a non-ambulance trade name for use in WMATC operations.

Applicant initially proposed operating a wheelchair van under its legal name, Gem Ambulance, LLC. Under WMATC Regulation No. 63-05, however: "No [WMATC] carrier may hold itself out to the public as being capable of rendering life support service." Furthermore, ambulance service is not "transportation for hire" within the meaning of the Compact.¹ Any passenger requiring, requesting or expecting transportation in a vehicle outfitted with life support equipment or operated by persons with training in life support procedures should be transported in an ambulance.² Finally, under Regulation No. 55-09: "No [WMATC] tariff may contain a rate, rule or regulation for life support service. Such service may not be provided under a WMATC tariff."

We concluded in Order No. 14,133 that the potential confusion that would result from approving applicant's use of its legal name in WMATC operations was obvious. Accordingly, Order No. 14,133 directed applicant to propose a non-ambulance trade name for WMATC operations, as supported by proof of registration of said trade name with the Maryland Department of Assessments and Taxation, as a condition of approving this application.

On August 27, 2013, the Commission received a letter from applicant that states applicant is proposing the WMATC trade name of "Gem Medical Transportation". The letter further states that proof of registration of the trade name is attached. But the attachment is not proof of trade name registration; rather, it is proof of formation of

¹ *In re Freestate Transp., L.L.C.*, No. AP-10-085, Order No. 12,483 at 2 (July 19, 2010); *In re Aria - Trans. Inc.*, No. AP-06-184, Order No. 10,000 (Oct. 25, 2006); *In re Therese T. Sime, t/a Exact Enterprise*, No. AP-06-037, Order No. 9690 (June 28, 2006).

² *In re Rules of Prac. & Proc. & Regs.*, Nos. 51, 55 & 63, No. MP-96-21, Order No. 4786 at 4 (Mar. 12, 1996).

a new limited liability company named "Gem Medical Transportation LLC".

If applicant now intends to conduct operations through "Gem Medical Transportation LLC", then applicant should withdraw this application and file a new one in the name of and on behalf of "Gem Medical Transportation LLC".³ Alternatively, within the time permitted by Order No. 14,133, applicant shall submit proof of registration of the trade name "Gem Medical Transportation", not proof of formation of a new legal entity.

THEREFORE, IT IS ORDERED: that applicant's proposal to adopt the trade name "Gem Medical Transportation" is denied for applicant's failure to submit proof of registration of that name as a trade name.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND BELLAMY:



William S. Morrow, Jr.
Executive Director

³ See *In re Rafiu Olayiwola Alabi, t/a Auto Pilot Transp. Co.*, No. AP-12-263, Order No. 13,693 (Jan. 23, 2013) (same); *In re Khaled Ismael, t/a Black Beauty Limo Servs., Inc*, No. AP-12-072, Order No. 13,360 (July 25, 2012) (same).