

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1717

IN THE MATTER OF:

Served June 23, 1977

Application of REHAB TRANSPORTATION, )  
INC., to Transfer Certificate No. 30 ) Application No. 1005  
to CONVAL PORT MEDIVAN, INC., and ) Docket No. 385  
for Approval of Temporary Control )

By Application No. 1005, filed June 16, 1977, Rehab Transportation, Inc. (Rehab), seeks approval pursuant to Title II, Article XII, Section 12(b) of the Compact to transfer by sale its Certificate of Public Convenience and Necessity No. 30, issued March 30, 1976, to Conval Port Medivan, Inc. (Conval), of Baltimore, Md. In support of the application, the parties have submitted a bilateral contract of sale, a statement of the transferee's financial condition, a copy of transferee's articles of incorporation, a list of current officers and directors, an appropriate certificate of insurance, and several letters attesting to transferee's operational and financial fitness. In addition, Conval filed a notice, pursuant to Commission Rule 5-04 that it has appointed Joseph A. Cannon, 10654 Connecticut Avenue, Kensington, Md., as resident agent for the corporation. As mandated by the Compact, Title II, Article XII, Section 12(b) a public hearing will be scheduled, and pursuant to the provisions of Title II, Article XII, Section 19 of the Compact, applicant will be assessed an amount preliminarily estimated to cover the expense of said hearing.

Temporary approval for Conval to operate Rehab's certificate is also sought. The Compact, Title II, Article XII, Section 12(d) authorizes the Commission to grant such temporary approval for a period not exceeding 180 days, if it shall appear that failure to grant such approval may result in destruction of or injury to the property sought to be acquired or interfere substantially with its future usefulness in the performance of adequate and continuous service to the public. Rehab alleges that its certificate would be destroyed should this temporary approval be denied, and in this connection it is noted that, by Order No. 1691, Rehab's certificate was suspended and a proceeding was instituted to revoke same for failure to maintain adequate security for the protection of the public. It appears that Rehab lacks the financial resources to reinstate its insurance and to continue rendering adequate service to the public. Accordingly, the Commission concludes that the statutory criterion has been met, and the temporary approval shall be granted.

THEREFORE, IT IS ORDERED:

1. That Application No. 1005 of Rehab Transportation, Inc., be, and it is hereby, scheduled for public hearing to commence Monday, August 22, 1977, at 9:30 a.m., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That Conval Port Medivan, Inc., be, and it is hereby, designated co-applicant and made a party to this proceeding.

3. That Rehab Transportation, Inc., and Conval Port Medivan, Inc., post notice in the form prescribed by the staff of the Commission in all of their vehicles no later than Friday, July 22, 1977, the said notice to remain continually posted through the date of the hearing.

4. That Conval Port Medivan, Inc., publish once in a newspaper of general circulation within the Metropolitan District, notice of said application and hearing in the form prescribed by the staff of the Commission no later than Friday, July 22, 1977.

5. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before 12 noon, Friday, August 12, 1977, and mail a copy of such protest or notice to both Joseph Cannon, Agent, Conval Port Medivan, Inc., 10654 Connecticut Avenue, Kensington, Md. 20795, and, Eric Mohn, President, Rehab Transportation, Inc., 201 Upton Street, Rockville, Md. 20850.

6. That Conval Port Medivan, Inc., be, and it is hereby assessed \$250 pursuant to the provisions of the Compact, Title II, Article XII, Section 19, and directed to deliver said amount to the office of the Commission no later than 12 noon, Monday, August 15, 1977.

7. That Conval Port Medivan, Inc., file with the Commission a statement of projected revenue and revenue deductions for a one-year period, no later than 12 noon, Monday, August 15, 1977.

8. That Certificate No. 30 of Rehab Transportation, Inc., be, and it is hereby, reinstated, subject to the condition that all operations thereunder be conducted pursuant to the temporary approval granted herein unless otherwise ordered by the Commission.

9. That Conval Port Medivan, Inc., be, and it is hereby, granted temporary approval to operate Certificate No. 30 of Rehab Transportation, Inc., subject to the terms, conditions and restrictions of said Certificate, said temporary approval to be effective on the date of service hereof and to continue in effect until December 19, 1977, unless otherwise ordered by the Commission.

10. That Conval Port Medivan, Inc., file WMATC Temporary Approval Tariff No. 1 no later than Thursday, June 30, 1977, said tariff to be effective upon acceptance by the Executive Director.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in cursive script, appearing to read "Gregory P. Barth".

GREGORY P. BARTH  
Acting Executive Director