

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2099

IN THE MATTER OF:

Served April 11, 1980

Application of RODWELL BUCKLEY to )  
Transfer Certificate No. 50 to )  
Elrod Transportation Service, Inc. )

Case No. AP-80-08

By application filed March 28, 1980, Rodwell Buckley trading as Elrod Transportation Service seeks authority to transfer to Elrod Transportation Service, Inc., Certificate of Public Convenience and Necessity No. 50, issued to Mr. Buckley on October 3, 1977. The latter is a District of Columbia Corporation established on October 16, 1979, wholly controlled by Mr. Buckley and his family. Its corporate balance sheet shows assets of \$28,970 including revenue vehicles valued at \$26,440, current liabilities of \$3,550, equipment notes payable of \$23,757 and a surplus of \$1,663 as of December 31, 1979. An appropriate certificate of insurance showing the corporation as the insured was filed with the application.

Certificate No. 50 authorizes the following transportation:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, round-trip or one-way, transporting persons confined to wheelchairs:

Between medical treatment facilities located in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District.

RESTRICTIONS: The service authorized herein is restricted to the transportation of non-ambulatory participants in the Medicaid program of the District of Columbia, and is further restricted to transportation in van-type vehicles specially equipped with ramps and mechanical devices for securing wheelchairs in transit.

Simply put, Mr. Buckley now proposes to provide this service as a corporation rather than as a sole proprietor.

Inasmuch as Elrod Transportation Service, Inc., is not a carrier, Title II, Article XII, Section 12 is inapplicable. The application, therefore, is susceptible to handling under Title II, Article XII, Section 4(h) of the Compact which provides that

No certificate under this section may be transferred unless such transfer is approved by the Commission as being consistent with the public interest.

The matter will be scheduled for a public hearing and Elrod shall be directed to file a statement listing its current stockholders, officers and directors. Applicant also will be assessed an amount preliminarily estimated to cover the expenses of the hearing and will also be directed to file an annual projected statement of revenue and revenue deductions. In the event that no protests are filed by the date established therefore, applicant may file no later than May 28, 1980, with the Commission a motion (a) waiving its right to a public hearing, (b) seeking relief from the assessment to cover the costs of that hearing and (c) requesting a decision based on the pleadings of record. All affidavits and statements required to be produced at or before the hearing should accompany applicant's motion.

THEREFORE, IT IS ORDERED:

1. That the above-captioned matter is hereby scheduled for public hearing to commence at 9:30 a.m. on Wednesday, June 18, 1980, in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That applicant is directed to publish once, in a newspaper of general circulation in the Metropolitan District, notice of the application and hearing, in the form prescribed by the staff of the Commission, no later than Tuesday, April 22, 1980.

3. That applicant is directed to post in its vehicles continuously through the date of the public hearing, notice of said application and hearing, in the form prescribed by the staff of the Commission, no later than Tuesday April 22, 1980.

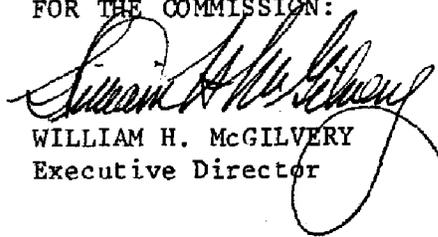
4. That applicant produce at the public hearing affidavits attesting such publication and posting.

5. That any person desiring to protest this application shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard on this matter shall so notify the Commission in writing, no later than Tuesday, May 6, 1980, and shall mail a copy of such protest or notice to Rodwell Buckley, 216 Rittenhouse Street, N. W., Washington, D. C. 20011.

6. That applicant is hereby assessed \$200 pursuant to Title II, Article XII, Section 19 of the Compact, and is directed to deliver said sum to the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 12 noon on Friday, June 13, 1980.

7. That applicant is hereby directed to file with the Commission five copies of a statement showing (a) the stockholders in Elrod Transportation Service, Inc., (b) the number of shares owned by each stockholder and (c) the names, addresses and titles of each officer and director of the Corporation, no later than Wednesday, May 28, 1980.

FOR THE COMMISSION:

A handwritten signature in cursive script, appearing to read "William H. McGilvery", written in black ink. The signature is positioned above the printed name and title.

WILLIAM H. MCGILVERY  
Executive Director

11