

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2494

IN THE MATTER OF:

Served November 10, 1983

Application of McKINLEY BATTLE to)
Transfer Certificate No. 62 to)
Battle's Transportation, Inc.)

Case No. AP-83-56

By application filed November 3, 1983, McKinley Battle trading as Battle's Transportation seeks authority to transfer to Battle's Transportation, Inc., Certificate of Public Convenience and Necessity No. 62, issued to Mr. Battle pursuant to Order No. 2065, served December 5, 1979. The latter is a District of Columbia Corporation established on March 16, 1983, wholly controlled by Mr. Battle and his family. Its corporate balance sheet shows assets of \$10,434 including revenue vehicles valued at \$7,171, equipment notes payable of \$1,344 and equity of \$9,102 as of June 30, 1983. An appropriate certificate of insurance showing the corporation as the insured was not filed with the application.

Certificate No. 62 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. Battle now proposes to provide this service as a corporation rather than as a sole proprietor.

Inasmuch as Battle's Transportation, 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 Battle's Transportation, Inc., shall be directed to file an appropriate certificate of insurance showing the corporation as the named insured. Applicant also will be assessed an amount preliminarily estimated to cover the expenses of the hearing. In the event that no protests are filed by the date established therefore, applicant may file no later than Tuesday, December 6, 1983, 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.

THEREFORE, IT IS ORDERED:

1. That the above-captioned matter is hereby scheduled for public hearing to commence at 1:30 p.m. on Thursday, December 8, 1983, 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 Friday, November 25, 1983.

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 Friday, November 25, 1983.

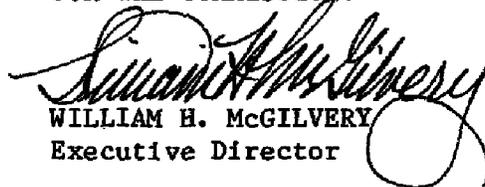
4. That applicant shall file with the Commission an affidavit attesting such publication and posting, no later than 12 noon Tuesday, December 6, 1983.

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 Monday, December 5, 1983, and shall mail a copy of such protest or notice to counsel for Battle's, William M. Thornton, Esquire, 1101 - 14th Street, N. W., Suite 1100, Washington, D. C. 20005.

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 Tuesday, December 6, 1983.

7. That applicant is hereby directed to file with the Commission an appropriate certificate of insurance showing Battle's Transportation, Inc. as the named insured, no later than 12 noon on Tuesday, December 6, 1983.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director