

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4604

IN THE MATTER OF:

Served May 25, 1995

Application of ROBERT E. GRAHAM, )  
Trading as FASTIDIOUS )  
TRANSPORTATION SERVICE, for a )  
Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-95-18

By application accepted for filing March 28, 1995, Robert E. Graham, a sole proprietor trading as Fastidious Transportation Service, seeks a certificate of authority for irregular route operations in the Metropolitan District in vehicles with a seating capacity of less than 16 persons only, including the driver. Applicant previously applied for a certificate of public convenience and necessity in 1977. The application was denied for failure to demonstrate a need for the proposed service.<sup>1</sup>

Notice of this application was served on March 30, 1995, in Order No. 4550, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication. Applicant complied. The application is unopposed.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, applicant's facilities, proposed tariff, finances, and regulatory compliance record.

Applicant proposes commencing operations with one van. Applicant plans to serve senior citizens and handicapped individuals in the District of Columbia. Applicant's proposed tariff contains per capita rates for individuals and groups, including rates for service under the DC Medicaid program, plus hourly group charter rates.

Applicant filed a balance sheet as of May 5, 1995, showing assets of \$333,742; liabilities of \$43,102; and equity of \$290,640. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income of \$75,275; other operating income of \$15,000; expenses of \$79,390; and net income of \$10,885.

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<sup>1</sup> In re Robert Earl Graham, No. 370, Order No. 1749 (Sept. 16, 1977), aff'd on reconsideration, Order No. 1769 (Nov. 16, 1977). Order Nos. 1749 and 1769 were set aside on appeal, D.C. Medicaid Transp., Inc. v. WMATC, No. 78-1021, slip op. (D.C. Cir. June 15, 1978), but applicant was not one of the appellants and, thus, did not participate in the proceedings after remand. Now, of course, an applicant need only demonstrate fitness and consistency with the public interest.

Applicant certifies he has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire. Applicant further certifies that neither applicant nor any person controlling, controlled by, or under common control with applicant has any control relationship with a carrier other than applicant.

#### DISCUSSION AND CONCLUSION

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that --  
(i) the applicant is fit, willing, and able to perform [the] transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and  
(ii) that the transportation is consistent with the public interest.

Based on the evidence in this record, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission further finds that the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That Robert E. Graham, trading as Fastidious Transportation Service, 923 Hill Road, Landover, MD 20785, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

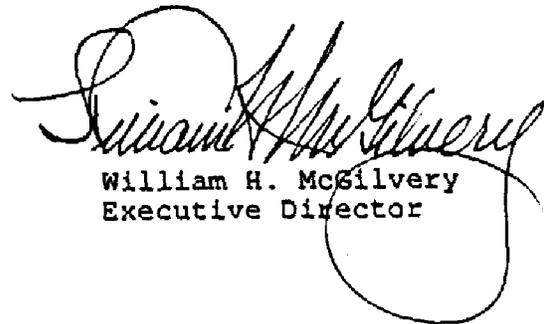
2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 307 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 307 shall be issued to applicant.

4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

5. That unless applicant complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND SHANNON:



William H. McSilvery  
Executive Director

