

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4620

IN THE MATTER OF:

Served June 26, 1995

Application of HUNTEMANN AMBULANCE)
SERVICE, INCORPORATED, for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-95-29

By application accepted for filing May 4, 1995, Huntemann Ambulance Service, Incorporated, a District of Columbia corporation, seeks a certificate of 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.

Notice of this application was served on May 10, 1995, in Order No. 4592, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication and amended Exhibits D and G. Applicant complied.

The District of Columbia Department of Human Services, Commission on Health Care Finance (CHCF), filed comments on May 19, 1995. Applicant filed a reply on June 5, 1995.

SUMMARY OF EVIDENCE

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

Applicant proposes commencing operations with two vans owned by applicant. Applicant's proposed tariff contains flat rates for transportation of the handicapped, including rates for transportation under the DC Medicaid program.

Applicant filed a balance sheet as of April 11, 1995, showing assets of \$605,681; liabilities of \$561,617; and equity of \$44,064. Applicant's profit and loss statement for the twenty-three months ended April 30, 1995, shows income of \$2,335,587; expenses of 2,253,081; and net income of \$82,506. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC operating revenue of \$100,000; operating expenses of \$77,392; and net income of \$22,608.

Applicant certifies it 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.

CHCF alleges that applicant billed CHCF for wheelchair van service at a time when applicant was not authorized to provide such service. Applicant denies that it billed for such service and defends on the ground that the "Provider No." identified in CHCF's comments is not applicant's number. CHCF has not challenged applicant's denial, and CHCF's comments are not verified in accordance with Commission Rule No. 4-06. Accordingly, the Commission will disregard CHCF's comments. The Commission will, however, entertain a petition for reconsideration from CHCF if accompanied by competent evidence contradicting applicant's denial.

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 Huntemann Ambulance Service, Inc., 5732 Georgia Avenue, N.W., Washington, DC 20011, 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

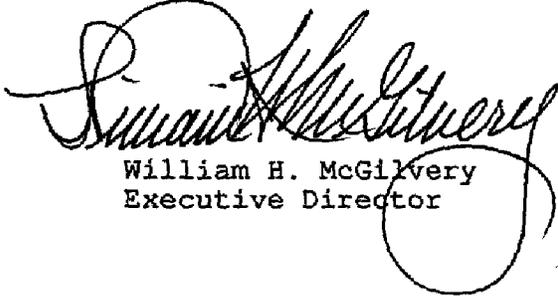
State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 310 is hereby assigned.

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. 310 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. McGilvery
Executive Director

