

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4623

IN THE MATTER OF:

Served June 27, 1995

Application to Transfer Certificate)  
of Authority No. 201 from MILDRED )  
DAVIS ROOPNARAINÉ, Trading as MDR )  
TRANSPORTING SERVICE, to MDR )  
TRANSPORTING SERVICE, INCORPORATED )

Case No. AP-95-28

By application filed May 2, 1995, Mildred Davis Roopnaraine, a sole proprietor trading as MDR Transporting Service (transferor), and MDR Transporting Service, Incorporated, a District of Columbia corporation (transferee), (collectively applicants), seek Commission approval to transfer assets, including Certificate of Authority No. 201, from the former to the latter. Ms. Roopnaraine is the sole shareholder of transferee.

Notice of this application was served on May 10, 1995, in Order No. 4591, and applicants were directed to publish further notice in a newspaper and file an affidavit of publication and a copy of the transfer agreement. Applicants complied. The application is unopposed.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, transferee's corporate status, carrier affiliations, facilities, proposed tariff, finances, and regulatory compliance record. Also included is the transfer agreement.

Transferee proposes conducting operations with three vans, each seating fewer than seven persons. Transferee proposes offering the same service at the same rates as transferor.

Transferee filed a balance sheet as of December 31, 1994, showing assets of \$83,430; liabilities of \$69,950; and equity of \$13,480. Transferee's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income of \$171,940; expenses of \$135,755; and net income of \$36,185.

Transferee 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.

## DISCUSSION AND CONCLUSION

Article XI, Section 11(a), of the Compact governs the transfer of assets, including a certificate of authority, by an unincorporated WMATC carrier in exchange for a controlling interest in a newly formed corporation.<sup>1</sup> Under Section 11(a), the transfer may be approved if it is found consistent with the public interest.

Prior to the 1990 Compact amendment, effective 1991, the public interest analysis in such a transfer focused on the transferee's fitness, the fairness of the purchase price, the resulting competitive balance, the dormancy of operating rights, and the benefits to the riding public.<sup>2</sup> Today, a transfer of this nature raises fitness issues only.<sup>3</sup>

Based on the evidence in this record, the Commission finds transferee 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 transfer of assets, including Certificate No. 201, to MDR Transporting Service, Incorporated, is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That the transfer of assets, including Certificate of Authority No. 201, from transferor to transferee is hereby conditionally approved, contingent upon transferee's timely compliance with the requirements of this order.

2. That transferee 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) 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;

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<sup>1</sup> In re V.I.P. Tours & V.I.P. Tours, Inc., No. AP-94-35, Order No. 4392 (Sept. 28, 1994); In re Ernest J. Keller, Jr., & Keller Transp., Inc., No. AP-92-23, Order No. 3990 (Aug. 10, 1992); In re William C. Dye, t/a W&D Transp., & W&D Transp., Inc., No. AP-92-14, Order No. 3965 (July 8, 1992).

<sup>2</sup> Order No. 4392.

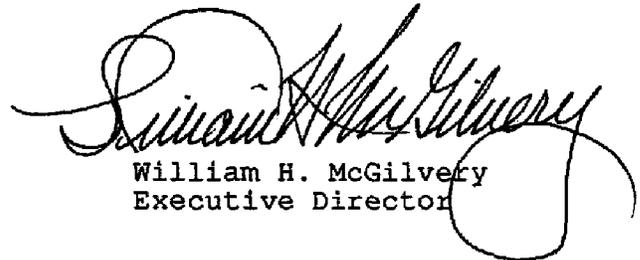
<sup>3</sup> Dormancy and purchase price are no longer relevant, and because transferee is merely stepping into the shoes of transferor, there should be no adverse impact on the competitive balance. Order No. 4392. The public benefits are self-evident and were established when transferor acquired the certificate. Id.

and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 201 is hereby reassigned.

3. That upon timely compliance with the requirements of the preceding paragraphs and acceptance of the documents required by the Commission, Certificate of Authority No. 201 shall be reissued to MDR Transporting Service, Incorporated, 754 Hobart Place, N.W., Washington, DC 20001.

4. That unless transferee 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 approval of transfer 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