

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4903

IN THE MATTER OF:

Served July 29, 1996

Application of A.S.K.)
ENTERPRISES, INC., for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-96-43

By application accepted for filing July 22, 1996, A.S.K. Enterprises, Inc., a District of Columbia corporation, seeks a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver. Applicant proposes commencing operations with four vans.

Applicant proposes a contract tariff for nonemergency transportation of passengers to and from a specified "Intermediate Health Care Facility." The contract requires applicant to provide emergency transportation, as well. "[T]he Commission historically has not asserted jurisdiction over ambulance service because the primary purpose of such service is not transportation of passengers but, rather, the provision of life support service -- 'the movement of passengers [being] a mere adjunct to the emergency medical diagnosis and/or treatment administered.'"¹ Under Commission Regulation No. 63-05, no carrier may hold itself out to the public as being capable of rendering life support service. Applicant will be directed to file an amended proposed contract tariff omitting any reference to emergency transportation.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

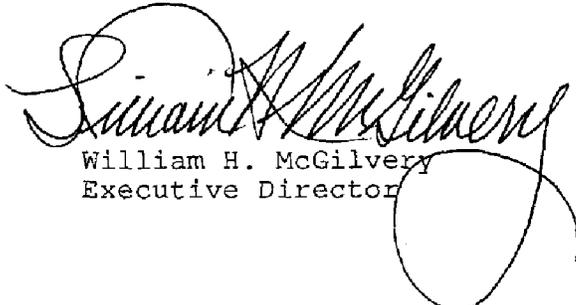
1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than August 9, 1996, notice in the form prescribed by the staff of the Commission.
2. That applicant shall file with the Commission, no later than August 30, 1996, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

¹ In re Rules of Prac. & Proc. & Regs., Nos. 51, 55 & 63, No. MP-96-21, Order No. 4856 (May 22, 1996) (quoting In re Rodwell Buckley t/a Elrod Transp. Serv., No. 337, Order No. 1749 (Sept. 16, 1977), remanded in part on other grounds, sub nom., D.C. Medicaid Transp., Inc. v. WMATC, No. 78-1021 (D.C. Cir. June 15, 1978)).

3. That applicant shall file with the Commission, no later than August 9, 1996, an original and four copies of an amended proposed contract tariff omitting any reference to emergency transportation.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is August 30, 1996, and that copies must be served on applicant's attorney, H.L. Taylor, Esquire, 5113 Upshur Street, Bladensburg, MD 20710-1327.

FOR THE COMMISSION:



William H. McGilvery
Executive Director