

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4944

IN THE MATTER OF:

Served September 26, 1996

Application of COMPREHENSIVE )  
CARE II, INC., for a Certificate ) Case No. AP-96-55  
of Authority -- Irregular Route )  
Operations )

By application accepted for filing September 24, 1996, Comprehensive Care II, 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 seven vans. Applicant proposes six contract tariffs for transportation provided to residents of six group homes operated by applicant under the DC Medicaid program.

An applicant must show the present ability to sustain operations during its first year under WMATC authority.<sup>1</sup> Applicant's balance sheet, Exhibit E, shows negative working capital of \$536,905.<sup>2</sup> Applicant will be directed to file a cash flow statement for the first year of WMATC operations.

Two of applicant's officers also control Elrod Transportation Service, Inc., WMATC Carrier No. 50. Because applicant is under common control with Carrier No. 50, this case is governed in part by Title II, Article XII, Section 3(a)(iii),<sup>3</sup> which provides that a "carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to . . . acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means." The Commission may approve such a transaction if it is consistent with the public interest.<sup>4</sup> The public interest analysis under Article XII, Section 3, focuses on the acquiring party's fitness, the resulting

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<sup>1</sup> In re District of Columbia Family Servs., Inc., No. AP-96-20, Order No. 4868 (June 10, 1996).

<sup>2</sup> Working capital is defined as current assets minus current liabilities.

<sup>3</sup> In re Executive Sedan Mgmt. Servs., Inc., t/a Washington Car & Driver, No. AP-94-26, Order No. 4354 (Aug. 1, 1994).

<sup>4</sup> Compact, tit. II, art. XII, § 3(c).

competitive balance and the interests of affected employees.<sup>5</sup> A presumption of fitness obtains where the acquiring party controls another WMATC carrier previously found fit.<sup>6</sup> Applicant will be directed to file a statement describing the effects of common control on competition and on the interests of affected employees.

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 October 10, 1996, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than October 31, 1996, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

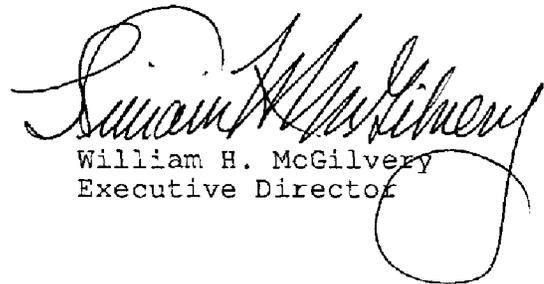
3. That applicant shall file with the Commission, no later than October 10, 1996, an original and four copies of:

a. a cash flow statement for the first year of WMATC operations; and

b. a statement describing the effects of common control on competition and on the interests of affected employees.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is October 31, 1996, and that copies must be served on applicant's president, Dr. Rodwell Buckley, 337 Delafield Place, N.W., Washington, DC 20011.

FOR THE COMMISSION:



William H. McGilvery  
Executive Director

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<sup>5</sup> In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd., & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

<sup>6</sup> In re Capital Tours & Transp. (Virginia), Inc., No. AP-95-48, Order No. 4714 (Dec. 5, 1995); Order No. 4354.