

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5532

IN THE MATTER OF:

Served February 23, 1999

Application of MALEK INVESTMENT )  
OF VIRGINIA, INC., Trading as )  
MONTGOMERY AIRPORT SHUTTLE, for )  
a Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-99-11

By application accepted for filing February 11, 1999, Malek Investment of Virginia, Inc., a Virginia corporation trading as Montgomery Airport Shuttle, 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 twelve vans. Applicant's proposed tariff contains per capita fares for transportation to and from Ronald Reagan National and Washington-Dulles International Airports.

Applicant's president and sole shareholder, Assadollah Malekzadeh, is the president and sole shareholder of Malek Investment, Inc., a Maryland corporation trading as Montgomery Airport Shuttle, WMATC Carrier No. 202. The Compact states that a carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to acquire control of a carrier that operates in the Metropolitan District, through ownership of its stock or other means.<sup>1</sup> Approval may be granted if the Commission finds the acquisition is consistent with the public interest.<sup>2</sup> The public interest analysis focuses on the fitness of the acquiring party, the resulting competitive balance, and the interest of affected employees.<sup>3</sup> Applicant currently is under investigation in Case No. MP-98-53 for possible violation of this provision of the Compact.<sup>4</sup>

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

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<sup>1</sup> Compact, tit. II, art. XII, § 3(a)(iii).

<sup>2</sup> Compact, tit. II, art. XII, § 3(c).

<sup>3</sup> DC Code Ann. § 1-2414 (1992); 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>4</sup> In re Malek Investment, Inc., t/a Montgomery Airport Shuttle, WMATC No. 202, & Malek Investment of Virginia, Inc., & Assadollah Malekzadeh, No. MP-98-53, Order No. 5419 (Sept. 25, 1998).

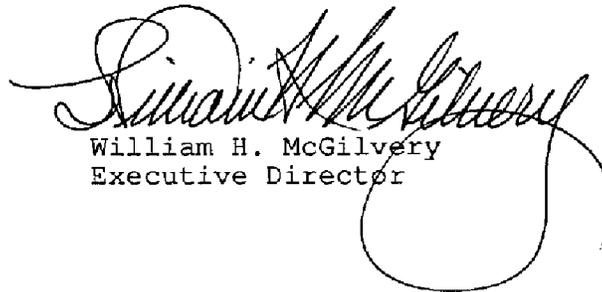
THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than March 5, 1999, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than March 26, 1999, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is March 26, 1999, and that copies must be served on applicant's president, Assadollah Malekzadeh, 18 Fort Evans Road, N.E., Leesburg, VA 20176.

FOR THE COMMISSION:



William H. McGilvery  
Executive Director