

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5617

IN THE MATTER OF:

Served May 26, 1999

Application to Transfer)
Certificate No. 206 from SAFAI) Case No. AP-99-30
MANAGEMENT COMPANY, INC., Trading)
as PARA-MED WHEELCHAIR)
TRANSPORTATION, to PARAMED MEDICAL)
TRANSPORTATION, INC.)

By application accepted for filing March 31, 1999, Safai Management Company, Inc., trading as Para-Med Wheelchair Transportation, Carrier No. 206, ("SMCI"), and Paramed Medical Transportation, Inc., a Maryland corporation, ("PMTI"), seek Commission approval to transfer a substantial part of SMCI's assets, including Certificate No. 206, to PMTI. The application indicates that SMCI and PMTI share the same officers and shareholders.

Under Article XI, Section 11(a), and Article XII, Section 3(a)(ii), of the Compact, the Commission may approve the transfer of assets from a WMATC carrier to another carrier, including a WMATC certificate of authority, if the Commission finds the transfer to be in the public interest. The public interest analysis focuses on the PMTI's fitness, the resulting competitive balance and the interests of affected employees.¹

In this case, competition is not an issue inasmuch as transferring assets from one member of a commonly controlled group to another member of the same group will not increase the controlling parties' market share, which is the primary concern when assessing the effect of common control on competition.² That leaves PMTI's fitness and the transfer's effect on employees as the only issues.

PMTI proposes to commence operations with nine vans. PMTI's tariff contains wheelchair, ambulatory, and stretcher rates.

PMTI filed a balance sheet as of January 1, 1999, showing assets of \$30,000; liabilities of \$5,000; and equity of \$25,000. PMTI's projected operating statement for the first twelve months of WMATC operations shows WMATC revenue of \$390,000; expenses of \$355,000; and a net profit of \$35,000.

PMTI indicates it will retain all employees previously employed by SMCI in its WMATC operations.

¹ 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).

² In re Coach One, Inc., t/a Exec. Coach, No. AP-98-06, Order No. 5295 (Mar. 19, 1998).

PMTI certifies it has access to, is familiar with, and will comply with the Compact and the Commission's rules and regulations thereunder.

Based on the evidence in this record, the Commission finds PMTI to be fit, willing, and able to perform the proposed transportation properly and conform with applicable regulatory requirements, finds there likely will be no adverse impact on affected employees and, therefore, finds that the transfer of assets, including Certificate No. 206, to PMTI is consistent with the public interest.

THEREFORE, IT IS ORDERED:

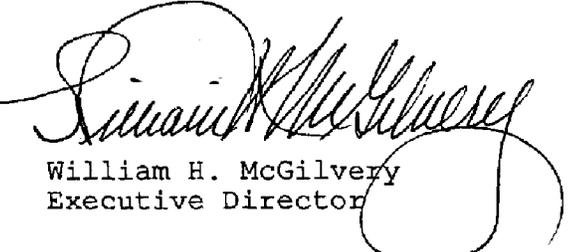
1. That upon PMTI's timely compliance with the requirements of this order, Certificate of Authority No. 206 shall be reissued to Paramed Medical Transportation, Inc., 23230 Ridge Road, Germantown, MD 20876.

2. That PMTI may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 206 has been reissued in accordance with the preceding paragraph.

3. That PMTI is hereby directed to file the following documents within thirty days: (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) a vehicle list stating the year, make, model, serial number, fleet 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.

4. That the approval of transfer herein shall be void and the application shall stand denied upon PMTI's failure to timely satisfy the conditions of reissuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:


William H. McGilvery
Executive Director