

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6283

IN THE MATTER OF:

Served July 13, 2001

Application of METRO DAY TREATMENT)
CENTER, INC., for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-2001-65

By application accepted for filing July 3, 2001, Metro Day Treatment Center, 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 one van. Applicant's proposed tariff contains rates for transportation under the DC Medicaid program. Pursuant to the Compact, Article XI, Section 8(c), and Commission Regulation No. 54-04(c), applicant will be directed to file a statement from the Medical Assistance Administration that payment will be made in accordance with the rates applicant has proposed.

Maxwell Asenso, applicant's president and principal stockholder, is president and sole stockholder of Metro Homes, Inc., which has applied for a certificate of authority in Case No. AP-2001-64.

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 another carrier that operates in the Metropolitan District through ownership of its stock or other means.¹ Approval may be granted if the Commission finds the acquisition is consistent with the public interest.² The public interest analysis focuses on the fitness of the acquiring party, the resulting competitive balance, and the interest of affected employees.³

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.

¹ Compact, tit. II, art. XII, § 3(a)(iii).

² Compact, tit. II, art. XII, § 3(c).

³ Act of Sept. 15, 1960, Pub. L. No. 86-794, § 3, 74 Stat. 1031, 1050 (1960) (codified at DC Code Ann. § 1-2414 (1999)); 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).

THEREFORE, IT IS ORDERED:

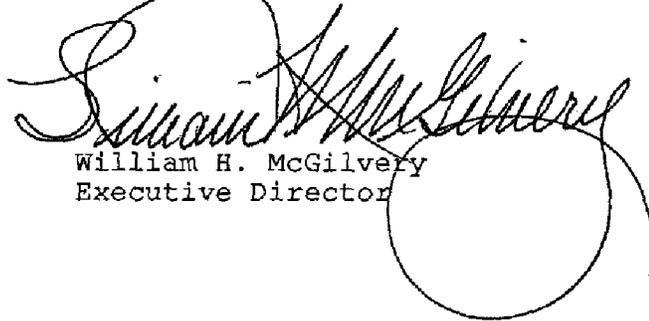
1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than July 27, 2001, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than August 17, 2001, 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 July 27, 2001, an original and four copies of a statement from the Medical Assistance Administration that applicant will be paid in accordance with the rates proposed in the application.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is August 17, 2001, and that copies must be served on applicant's attorney, Jeremy Kahn, Esquire, 1730 Rhode Island Avenue, N.W., Suite 810, Washington, DC 20036.

FOR THE COMMISSION:



William H. McGilvery
Executive Director