

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6303

IN THE MATTER OF:

Served July 30, 2001

Application to Transfer Certificate )  
No. 228 from SINNAR CARE, INC., to )  
MASH, INC. )

Case No. AP-2001-45

Sinnar Care, Inc., WMATC Carrier No. 228, and Mash, Inc., a Maryland corporation (collectively applicants), seek Commission approval to transfer a substantial part of Sinnar Care's property to Mash, including six vans, office furniture and equipment, a customer list and Certificate No. 228.

The application was accepted for filing on May 23, 2001. Notice of the application was published by the Commission in Order No. 6239 on June 6, 2001, and by applicants in a newspaper of general circulation in the Metropolitan District on June 15, 2001. The application is unopposed.

Under Article XI, Section 11(a), and Article XII, Section 3, Subsections (a)(ii) and (c), 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 acquiring party's fitness, the resulting competitive balance and the interests of affected employees.<sup>1</sup> Competition is not an issue where, as here, transferee has no preexisting operations in the Metropolitan District and is unaffiliated with any WMATC carrier.<sup>2</sup>

Mash proposes to commence operations with the six vans acquired from Sinnar Care. Mash's tariff contains rates for transportation under the DC Medicaid program.

Mash filed a balance sheet as of April 1, 2001, showing assets of \$90,000 and no liabilities. Mash's projected operating statement for the first twelve months of WMATC operations shows WMATC revenue of \$305,880; expenses of \$276,651; and net profit of \$29,229.

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

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<sup>1</sup> 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).

<sup>2</sup> In re Rainbow Luxury Lines, Inc. & Rainbow Bus Co., No. AP-97-21, Order No. 5091 (June 2, 1997).

The application states that Sinnar Care employees will be offered employment with Mash.

Based on the evidence in the record, the Commission finds that the transfer of assets, including Certificate No. 228, from Sinnar Care to Mash is consistent with the public interest.

THEREFORE, IT IS ORDERED:

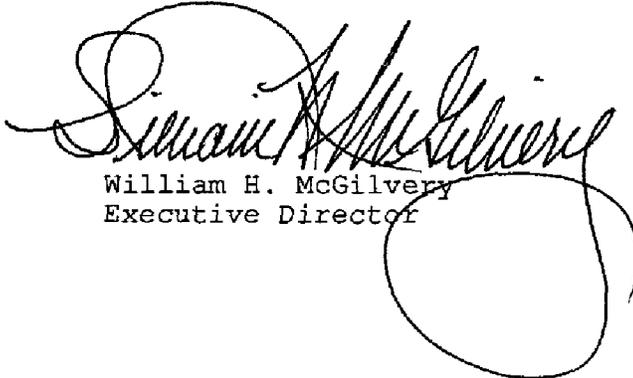
1. That upon Mash's timely compliance with the requirements of this order, Certificate of Authority No. 228 shall be reissued to Mash, Inc., 801 Malibu Drive, Silver Spring, MD 20901.

2. That Mash may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 228 has been reissued in accordance with the preceding paragraph.

3. That Mash 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) a copy of the vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, 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 Mash's failure to timely satisfy the conditions of reissuance prescribed herein.

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



William H. McGilver  
Executive Director