

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6585

IN THE MATTER OF:

Served March 22, 2002

Application of DEPENDABLE MEDICAL)
TRANSPORT, INC., a Virginia)
Corporation, to Acquire Certificate)
of Authority No. 533 from)
DEPENDABLE MEDICAL TRANSPORT INC.,)
a Maryland Corporation)

Case No. AP-2002-36

By application accepted for filing March 12, 2002, Dependable Medical Transport, Inc., seeks Commission approval to acquire Certificate of Authority No. 533.

Applicant is a newly created Virginia corporation controlled by Lawrence Ambam. Mr. Ambam is applicant's president. He is also the controlling shareholder and president of WMATC Carrier No. 533, a Maryland corporation with the same name as applicant. The application requests approval to transfer Certificate No. 533 from the Maryland corporation to the Virginia corporation.

Applicant proposes commencing operations with six vans. Applicant's proposed tariff contains rates for transportation under the Medicaid programs of the District of Columbia and Montgomery County, Maryland, and wheelchair van rates for non-Medicaid transportation.

Under Title II of the Compact, Article XI, Section 11(a), a person may not transfer a certificate of authority unless the Commission approves the transfer as consistent with the public interest. The transfer of a certificate of authority to a newly created affiliate raises fitness issues only.¹

This proceeding is hereby initiated to determine whether applicant is fit.

¹ Cf., In re Madhu Sudan, t/a Capital City Sights, & Capitol City Sights, Inc., No. AP-01-71, Order No. 6363 (Sept. 28, 2001) (fitness is only issue in transfer of assets, including certificate, by sole proprietor for interest in newly created corporation); see also In re V.I.P. Tours & V.I.P. Tours, Inc., No. AP-94-35, Order No. 4392 (Sept. 28, 1994) (fitness and competition are potential issues in transfer from partnership to partners' new corporation, but competition not an issue because transferee merely stepping into shoes of transferor). Order No. 4392 identifies a third issue, benefits to the riding public, but that is no longer relevant under Article XI, Section 11(a). 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).

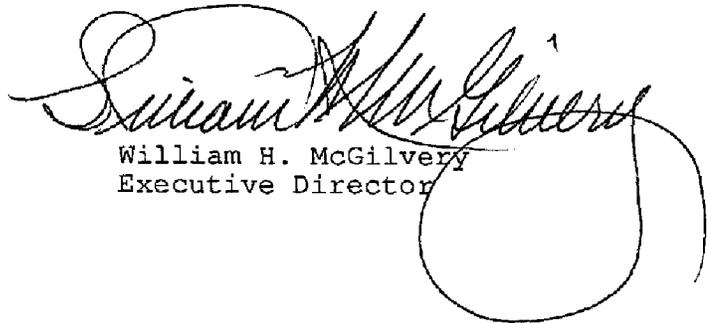
THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than April 8, 2002, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than April 29, 2002, 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 April 29, 2002, and that copies must be served on applicant's president, Lawrence Ambam, 7245 Arlington Blvd., #217, Falls Church, VA 22042.

FOR THE COMMISSION:



William H. McGilver
Executive Director