

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6638

IN THE MATTER OF:

Served May 2, 2002

Application of CHARLENE BONITA)
GANT, Trading as CHARLENE AREA) Case No. AP-2002-22
TRANSIT (C.A.T.), for a Certificate)
of Authority -- Irregular Route)
Operations)

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission. If an applicant does not make the required showing, the application must be denied under Section 7(b).

An applicant bears the burden of establishing financial fitness, operational fitness, and regulatory compliance fitness.¹ To establish financial fitness, an applicant must show the present ability to sustain operations during the first year under WMATC authority.²

Applicant's statement of net worth shows \$4,000 in cash, a 14-year-old van and no insurance. We are not convinced that applicant can obtain the necessary insurance, place a road-worthy vehicle into operation and establish an adequate reserve for contingencies (such as vehicle maintenance and repairs beyond the \$500 budgeted) on such little initial capital. Accordingly, we are unable to find applicant financially fit on this record.

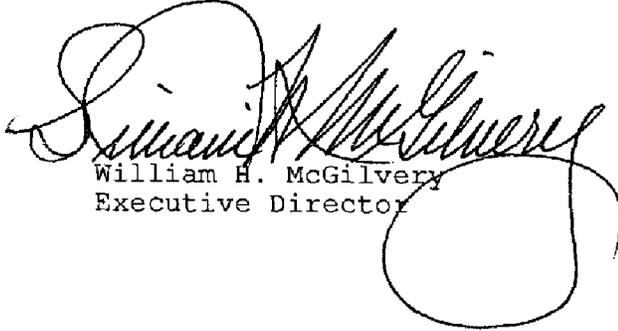
¹ In re Salwa Seedahmed, t/a Control Transp., No. AP-98-28, Order No. 5434 (Oct. 19, 1998); Marylou's Janitorial Serv., Inc., t/a Marylou's Transp. Serv., No. AP-96-23, Order No. 4874 (June 20, 1996).

² In re Adventures By Dawn L.L.C., No. AP-00-89, Order No. 6087 (Jan. 16, 2001).

³ See In re Regional Nursing Servs. L.P., No. AP-01-14, Order No. 6231 (May 22, 2001) (application denied for insufficient initial working capital: \$2,649 cash, 3 vans, no insurance); In re Hall "N" All Co., No. AP-00-33, Order No. 5903 (June 7, 2000) (same: \$5,000 cash, no vehicle, no insurance); Order No. 5434 (same: \$3,000 working capital, no vehicle, some insurance); Order No. 4874 (same: \$5,000 cash, one vehicle, no insurance).

THEREFORE, IT IS ORDERED that the application of Charlene Bonita Gant, trading as Charlene Area Transit (C.A.T.), for a certificate of authority, irregular route operations, is hereby denied without prejudice.

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



William H. McGilver
Executive Director