

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7710

IN THE MATTER OF:

Served January 29, 2004

Application of EXPRESS)
TRANSPORTATION SERVICES, INC., to) Case No. AP-2003-149
Acquire Certificate No. 602 from)
ATEMNKENG BENEDICT FORETIA, Trading)
as EXPRESS TRANSPORTATION SERVICES)

By application accepted for filing November 7, 2003, applicant, Express Transportation Services, Inc., a Maryland corporation, seeks Commission approval to acquire Certificate No. 602 from Atemnkeng Benedict Foretia, trading as Express Transportation Services. Foretia has agreed to transfer Certificate No. 602 and other assets in exchange for a controlling interest in Express Transportation Services, Inc., a new carrier.

Article XI, Section 11(a), of the Compact governs the transfer of a certificate of authority in exchange for a controlling interest in a new carrier.¹ A transfer of this nature raises fitness issues only.²

Applicant proposes commencing operations with two vans. Applicant's proposed tariff contains rates for transportation under the DC Medicaid program.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Based on the evidence in this record, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements and, therefore, that the transfer of Certificate No. 602 to applicant is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 602 shall be reissued to Express Transportation Services, Inc., 7320 Longbranch Drive, New Carrollton, MD 20784.

¹ In re Elias Keros Kebede, t/a Eagle Connection, & Queek Pick, Inc., No. AP-99-81, Order No. 5822 (Mar. 3, 2000).

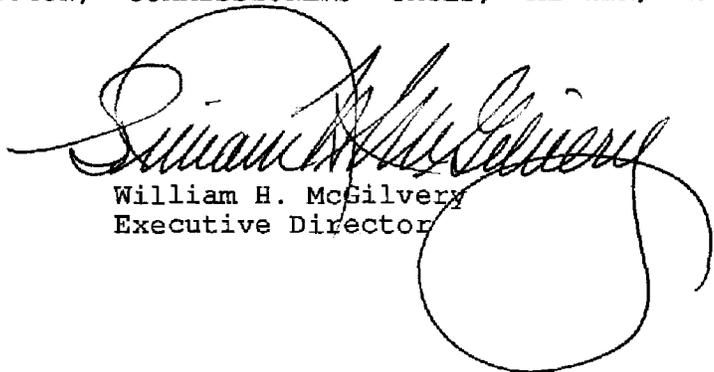
² Id.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 602 has been reissued in accordance with the preceding paragraph.

3. That applicant is hereby directed to file the following documents within the 180-day maximum permitted in Commission Regulation No. 66: (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 for-hire 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 applicant's failure to timely satisfy the conditions of reissuance prescribed herein.

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



William H. McGilvery
Executive Director