

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8546

IN THE MATTER OF:

Served February 10, 2005

Application of EMK SERVICES INC.)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2005-05

By application accepted for filing January 10, 2005, EMK Services Inc., a Maryland 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.

Applicant held WMATC Certificate of Authority No. 855 from January 22, 2004 to November 29, 2004, when it was revoked for applicant's knowing and willful violation of Article XI, Section 6(a) of the Compact and Order No. 8254.¹

When an applicant has a record of violations, the Commission considers the following factors in assessing the likelihood of future compliance: (1) the nature and extent of the violations, (2) any mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether applicant has made sincere efforts to correct its past mistakes, and (5) whether applicant has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.²

Applicant will be directed to file a notarized statement explaining why the Commission should find applicant fit as to regulatory compliance given the history of regulatory violations under Certificate No. 855.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is consistent with the public interest.

¹ See In re EMK Servs. Inc., No. MP-04-153, Order No. 8440 (Nov. 29, 2004) (carrier operated while suspended and uninsured).

² In re VGA Enters., Inc., No. AP-02-34, Order No. 6736 (July 22, 2002).

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than February 24, 2005, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than March 10, 2005, 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 February 24, 2005, an original and four copies of a notarized statement explaining why the Commission should find applicant fit as to regulatory compliance given the history of regulatory violations under Certificate No. 855.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is March 10, 2005, and that copies must be served on applicant's manager, Mohamed I. Fofana, 1012 Chillum Road, Hyattsville, MD 20782.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director