

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8943

IN THE MATTER OF:

Served September 2, 2005

| | | |
|-----------------------------------|---|----------------------|
| Application of CLARK |) | Case No. AP-2005-127 |
| TRANSPORTATION, LLC, to Acquire |) | |
| Certificate No. 1012 from TOXI M. |) | |
| CLARK, Trading as CLARK |) | |
| TRANSPORTATION |) | |

By application accepted for filing August 8, 2005, applicant, Clark Transportation, LLC, a District of Columbia limited liability company, seeks Commission approval to acquire Certificate No. 1012 from Toxi M. Clark, trading as Clark Transportation. Clark has agreed to transfer Certificate No. 1012 and other assets in exchange for a controlling interest in Clark Transportation, LLC, a new carrier.

Applicant proposes commencing operations with one van. Applicant's proposed tariff contains contains rates for transportation under the District of Columbia Medicaid program and private-pay rates for similar service.

The application submitted in this proceeding omitted page 3, which requires responses regarding common control, federal and state operating authority, agency fitness findings, and bankruptcy filings. Applicant will be directed to file a signed, complete application form which includes the responses required on page 3.

Applicant's mandatory Exhibit C, a certificate of good standing from the District of Columbia Department of Consumer and Regulatory Affairs is dated April 1, 2005. Applicant will be directed to file one that is current.

Under Article XI, Section 11(a), of the Compact, a person may not transfer a certificate of authority unless the Commission approves the transfer as consistent with the public interest. The public interest analysis focuses on the acquiring party's fitness.¹

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

¹ In re Quality Med. Supplies LLC, t/a F & J Healthcare Servs., & Tingem Health Care Servs. Inc., No. AP-04-25, Order No. 8033 (May 27, 2004).

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than September 16, 2005, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than September 30, 2005, an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than September 30, 2005, a signed, complete application form which includes the responses required on page 3.

4. That applicant shall file with the Commission, no later than September 30, 2005, a certificate of good standing from the District of Columbia Department of Consumer and Regulatory Affairs dated after April 15, 2005.

5. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is September 30, 2005, and that copies must be served on applicant's resident agent, Gregory Clark, 1209 Trinidad Avenue, N.E., Washington, DC 20002.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director