

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3440

IN THE MATTER OF:

Served December 7, 1989

Application of NORAL HARVEY Trading)
as HARVEY'S MEDIVAN SERVICES to)
Amend Tariff)

Case No. AP-89-49

By application filed October 13, 1989, Mr. Noral Harvey trading as Harvey's Medivan Services seeks to increase his WMATC tariff as the rates in that tariff pertain to non-ambulatory participants in the Medicaid program of the District of Columbia Department of Human Services (DHS service) as authorized by WMATC Certificate No. 52. As grounds for this request, Mr. Harvey relies on Commission Order No. 3415, served September 26, 1989, which order prescribed uniform rates for 15 carriers providing DHS service.

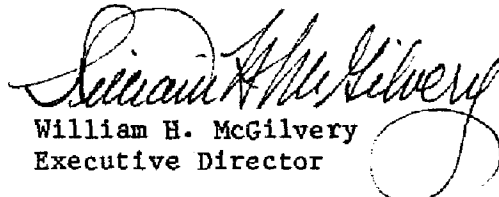
With his application Mr. Harvey filed one copy of a tariff containing rates similar to those prescribed by the Commission in Order No. 3415 and an affidavit containing some of the vehicle information directed to be filed by the Commission in Order No. 3415.

Mr. Harvey's application will be granted upon his filing (1) two copies of WMATC Tariff No. 2 containing all rates charged by Mr. Harvey and revised to reflect the rates prescribed in Order No. 3415 and (2) an affidavit of identification as directed by Order No. 3415 in conformance with Commission Rule No. 4-03 and stating with specificity the place where Mr. Harvey's vehicles are garaged and the exact modifications and accessories, including number of each, for the safe transportation of persons.

It is noted that at the time the consolidated cases that resulted in Order No. 3415 were instituted, Mr. Harvey was not a WMATC carrier. Inasmuch as Mr. Harvey did not become a WMATC certificated carrier until after August 24, 1989, by which time the cases stood submitted for decision, he was never made a party to that proceeding. Had he been made a party, the rate increase for DHS service would have applied to Mr. Harvey. For this reason, Mr. Harvey's application shall be granted effective upon his compliance with the requirements discussed in the body of this order.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director