

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3495

IN THE MATTER OF:

Served May 2, 1990

Application of WILLIAM C. DYE )  
Trading as W&D TRANSPORTATION for )  
Temporary Authority to Conduct )  
Charter Operations for the Account )  
of D.C. CHARTERED HEALTH PLAN, INC.)  
Case No. AP-90-14

By application filed April 30, 1990, William C. Dye trading as W&D Transportation (Mr. Dye or applicant) seeks temporary authority to transport passengers in charter operations \*/ between health care facilities in Washington, DC, on the one hand, and, on the other, points in Washington, DC, restricted to the account of D.C. Chartered Health Plan, Inc. (Chartered), and further restricted to transportation in vehicles having a manufacturer's designed seating capacity of 15 persons or less (including the driver).

Mr. Dye holds WMATC Certificate No. 61 which authorizes the transportation of non-ambulatory participants in the Medicaid program of the District of Columbia in special operations between medical treatment facilities in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District, restricted to transportation in vehicles specially-equipped with certain devices for wheelchair use. Chartered's members are primarily women and children who are ambulatory. If this application is granted, Mr. Dye would provide non-emergency transportation 24-hours a day for members of Chartered who are participants in the District of Columbia Medicaid program. Pursuant to an agreement between applicant and Chartered, applicant would be compensated on a monthly basis at the rate of \$1.00 per each of Chartered's members covered by contract with the District of Columbia's Medicaid program of the Department of Human Services. Mr. Dye would dedicate two vehicles to the proposed service.

With his application Mr. Dye submitted a balance sheet as of January 31, 1990, showing current assets of \$17,000 and no fixed assets. The balance sheet lists current liabilities of \$15,852 and proprietor's equity of \$1,148. It is noted that Mr. Dye is a sole proprietor who owns four revenue vehicles. Applicant is hereby ordered to submit a recent and detailed statement of net worth reflecting these

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\*/ Mr. Dye's application requests authority to transport passengers in special operations. A review of the entire application, however, indicates that Mr. Dye seeks to perform charter operations. Applicant's tariff cover sheet for the proposed temporary authority must be revised to delete references to special operations and existing operations performed under WMATC Certificate No. 61.

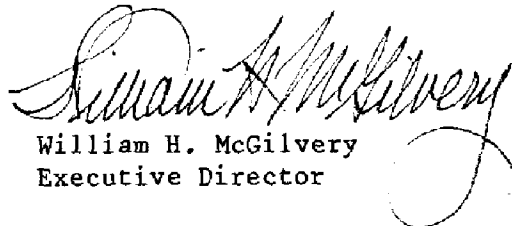
facts. Applicant's operating statement for the 12 months ended December 31, 1989, shows \$134,000 in WMATC income with concomitant expenses of \$122,238. If this application is granted, Mr. Dye projects revenues from the proposed service of \$83,000 during 1990, with expenses during the same period attributable to the proposed service of \$74,462.

Ms. Zandra White submitted a letter, dated March 19, 1990, on Chartered's behalf in support of the application. Ms. White is Chartered's Assistant Chief Executive of Health Service Administration. Chartered is under a contractual obligation to provide transportation for its members. Chartered required service to meet this obligation effective March 19, 1990. Applicant has been selected as Chartered's carrier of choice based upon his experience as a provider of passenger transportation and his willingness to render transportation on a 24-hour basis.

The standards for temporary authority are set forth in the Compact, Title II, Article XII, Section 4(d)(3). The essential elements are (1) an immediate and urgent need for service, (2) no other carrier capable of meeting such need, and (3) fitness of the applicant. This order will provide notice of Mr. Dye's application, and a brief period will be established for the filing of protests, if any. Each protest should contain all evidence and argument upon which protestant would rely. No extension of time will be granted.

THEREFORE, IT IS ORDERED that any person desiring to protest this application shall file a notarized protest in conformance with this order and Commission Rule No. 14, at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Friday, May 11, 1990, and shall simultaneously serve a copy of such protest on applicant's counsel, Vernon A. Williams, Esquire, 2041 Martin Luther King Jr. Avenue, S.E., Suite 301, Washington, DC 20020.

FOR THE COMMISSION:

  
William H. McGilvery  
Executive Director