

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3913

IN THE MATTER OF:

Served March 25, 1992

Application of MILDRED DAVIS )  
ROOPNARAINA, Trading as MDR )  
TRANSPORTING SERVICE, for )  
Temporary Authority -- Irregular )  
Route Operations )

Case No. AP-92-03

By application accepted for filing February 5, 1992, Mildred Davis Roopnaraine, trading as MDR Transporting Service (MDR or applicant), seeks temporary authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Protests to the application were timely filed by Battle's Transportation, Inc.; Ellis B. Harrison, trading as Area Transportation; J&B Transportation Company, Inc.; Metro Medicab, Inc.; and Wheelchair Express, Inc., all WMATC certificated carries. MDR timely filed a reply.

DISCUSSION AND CONCLUSION

This proceeding is governed by the Compact, Title II, Article XI, Section 13(a), which provides:

When the Commission finds that there is an immediate need for service that is not available, the Commission may grant temporary authority for that service without a hearing or other proceeding up to a maximum of 180 consecutive days, unless suspended or revoked for good cause.

An applicant for temporary authority must also establish its fitness.<sup>1</sup>

The affidavit supporting MDR's application establishes immediate need for service. There is no challenge to MDR's fitness and ability to transport affiant's passengers who are not dependent on Medicaid. The evidence of availability of service in the absence of MDR's entry into the market, however, is ambiguous. The Commission

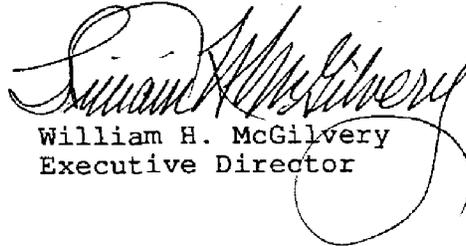
---

<sup>1</sup> Commission Regulation No 54-06 (a); In re Application of Wheelchair Express, No. AP-91-28, Order No. 3834 (Oct. 23, 1991).

need not resolve this issue because MDR's application for temporary authority has been mooted by the Commission's grant today of MDR's application for a Certificate of Authority.<sup>2</sup>

THEREFORE, IT IS ORDERED that the application of Mildred Davis Roopnaraine, trading as MDR Transporting Service, for temporary authority is dismissed as moot.

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



William H. McGilvery  
Executive Director

---

<sup>2</sup> See In re Application of Mildred Davis Roopnaraine, No. AP-92-02, Order No. 3912 (Mar. 25, 1992).