

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3990

IN THE MATTER OF:

Served August 10, 1992

Application of ERNEST J. KELLER, )  
JR., to Transfer Certificate of )  
Authority No. 15 to KELLER )  
TRANSPORTATION, INC. )

Case No. AP-92-23

By application filed June 15, 1992, Ernest J. Keller, Jr., a sole proprietor, seeks to transfer Certificate of Authority No. 15 to Keller Transportation, Inc. (KTI or transferee), a Maryland corporation. Mr. Keller is a controlling shareholder of KTI.

We served notice of this application on June 18, 1992, in Order No. 3958 and directed applicant to publish further notice in a newspaper and file an affidavit of publication. Applicant complied. This application is unopposed.

SUMMARY OF EVIDENCE

The application contains information regarding, among other things, transferee's corporate status, vehicle maintenance program, minimum requirements for drivers, facilities, finances, and regulatory compliance record.

KTI proposes to conduct the same operations using the same equipment as Mr. Keller, upon Commission approval of the transfer. KTI's proposed tariff contains hourly rates for charter service.

KTI's USDOT number is C-032700. The application states that KTI received a USDOT safety rating of "satisfactory" on April 20, 1990.

Mr. Keller and his wife are the sole shareholders of KTI. They also own shares in Caldwell Transportation Corp., an Idaho corporation holding certificates from the ICC and Idaho PSC.

KTI filed a balance sheet as of December 31, 1991, showing current assets of \$184,476; net depreciable assets of \$604,037; current liabilities of \$130,730; long-term liabilities of \$293,995, and equity of \$363,788. KTI's operating statement for the twelve months ended December 31, 1991, shows total operating income of \$1,969,417; operating expenses of \$1,900,218; other net gains of \$107,374, and net income of \$176,573. KTI's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income of \$14,515; other operating income of \$2,053,370; operating expenses of \$1,982,190; other gains of \$3,650, and net income of \$89,346.

KTI's president certifies on its behalf that it has access to, is familiar with, and will comply with the Compact and the Commission's rules and regulations.

## DISCUSSION AND CONCLUSION

The Compact, Title II, Article XI, Section 11(a), provides that a carrier "may not transfer a Certificate of Authority unless the Commission approves the transfer as consistent with the public interest." The fitness of the transferee also is at issue.<sup>1</sup>

Certificate of Authority No. 15 authorizes Mr. Keller to transport passengers, together with baggage and express in the same vehicles as passengers, between points in the Metropolitan District. According to the application, transfer of this certificate would improve access to funding and provide for continuity of service to the public.

Based on the evidence in this record, the Commission finds KTI fit to perform the proposed transportation properly and conform with applicable regulatory requirements. It is further found that applicant's proposed transfer of Certificate of Authority No. 15 to KTI is consistent with the public interest.

THEREFORE, IT IS ORDERED:

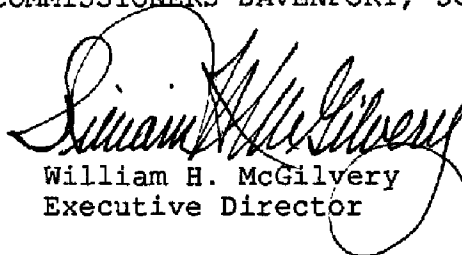
1. That Ernest J. Keller, Jr., is hereby conditionally granted approval to transfer Certificate of Authority No. 15 to Keller Transportation, Inc., contingent upon the latter's timely compliance with the requirements of this order.

2. That Keller Transportation, Inc., is hereby directed to file the following documents with the Commission within 30 days of the date of this order or such additional time as the Commission may direct or allow: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) four copies of a tariff or tariffs in accordance with Regulation No. 55, and (c) an affidavit of identification pursuant to Regulation No. 61.

3. That upon timely compliance by Keller Transportation, Inc., with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 15 shall be reissued to Keller Transportation, Inc., Box 188-C Gallant Green Road, Waldorf, MD 20601.

4. That unless Keller Transportation, Inc., complies with the requirements of this order within 30 days from the date of issuance, or such additional time as the Commission may direct or allow, the grant of approval herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

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

  
William H. McGilvery  
Executive Director

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<sup>1</sup> In re Application of William C. Dye, No. AP-92-14, Order No. 3965 (July 8, 1992); In re Application of Atwood's Transport Lines, Inc., No. AP-78-30, Order No. 1912 (Nov. 6, 1978).