

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5439

IN THE MATTER OF:

Served November 3, 1998

Application to Transfer Certificate)
No. 254 from SHIRLEY L. NELSON,)
Trading as L&N TRANSPORTATION, to)
L&N TRANSPORTATION COMPANY, INC.)

Case No. AP-98-46

By application filed October 30, 1998, Shirley L. Nelson, trading as L&N Transportation (Nelson), WMATC Carrier No. 254, and L&N Transportation Company, Inc., (LNTCI), a Maryland corporation, (collectively applicants), seek Commission approval to transfer Certificate of Authority No. 254 from Nelson to LNTCI. Nelson is an officer and 100-percent shareholder of LNTCI.

LNTCI proposes to refile Nelson's current tariff as its own and commence operations with five vehicles.

Article XI, Section 11(a), of the Compact governs the transfer of a certificate of authority to a corporation in which the certificate holder has a controlling interest.¹ A transfer of this nature raises fitness issues only.²

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

THEREFORE, IT IS ORDERED:

1. That applicants shall publish once in a newspaper of general circulation in the Metropolitan District, no later than November 13, 1998, notice in the form prescribed by the staff of the Commission.

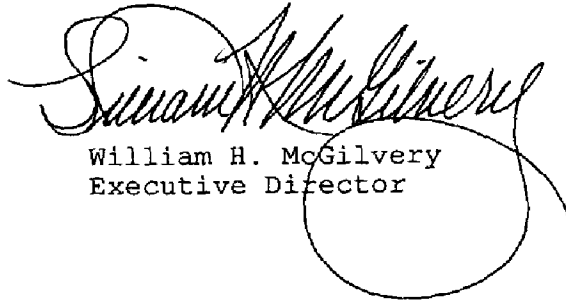
2. That applicants shall file with the Commission, no later than December 4, 1998, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

¹ In re Ira A. Austin, Sr., t/a Ira's Transp. Serv., & Ira's Transp. Serv., Inc., No. AP-97-42, Order No. 5193 (September 9, 1997).

² Id.

3. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is December 4 1998, and that copies must be served on transferee's president, Shirley L. Nelson, 4708 Mann Street, Capitol Heights, MD 20743.

FOR THE COMMISSION:

A handwritten signature in cursive script, appearing to read "William H. McGilvery". The signature is written in black ink and is positioned above the printed name and title. A large, circular flourish or loop is visible at the end of the signature, extending downwards and to the right.

William H. McGilvery
Executive Director